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**By Email**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto ON M4P 1E4

**Attention: James Sidlofsky & Michael  
Lesychyn**

**Re: wpd White Pines Wind Incorporated  
Application to establish the location of distribution and collector lines and  
associated facilities within road allowances in Prince Edward County  
EB-2018-0004**

In respect of the forced roads identified by the County in Schedule "A" to its first responses to interrogatories (the "Forced Roads"), White Pines completed the following work to satisfy itself that no persons have a possessory interest in the portions of the Forced Roads through which the Distribution System will run under/over. (Capitalized terms used below but not defined have the meaning given to them in White Pines' s. 41(9) application.)

First, before determining the proposed route for the Distribution System, White Pines pulled road maps and parcel registers for the lands within the Wind Project's boundaries – which included all property within 500m of the electrical infrastructure, and which included all private parcels adjacent to the Forced Roads. White Pines used this initial work to identify the location of public highways, and to confirm that the County or Public Authority Having Jurisdiction was the apparent registered owner of these public highways according to the parcel register for each PIN. White Pines intention was to route the Distribution System along public highways. At that time, White Pines was unaware of the potential issue of possessory interests in the Forced Roads (which it understood, correctly, to be public highways), so it did not conduct title searches of lands adjacent to the public highways it was considering for potential routes.

Second, as part of determining the precise location of the Distribution System, White Pines purchased parcel maps for the lands within the Wind Project's boundaries – which included all property within 500m of the electrical infrastructure, and which included all private parcels adjacent to the Forced Roads – to identify the location of lands adjacent to public highways it was considering for the route.

Third, White Pines retained surveyors – IBW – to vet the boundaries of the public highways identified by the parcel maps by (to the best of White Pines' understanding) pulling any historical records and registered surveys, and then conducting a field evaluation to locate the monuments referenced in those documents and surveys. (White Pines does not have the historical record/survey work done by IBW.) IBW's work produced coordinates that White Pines compared against the existing boundaries of the parcel fabric (as shown on the parcel maps), and which were used to create the CAD drawings upon which White Pines' design team set out the proposed route for the Distribution System.

Fourth, as part of an appeal of a REA to the Environmental Review Tribunal, O. Reg 359/09, subsections 15 (6) 5i.1 and i.2, respectively, require that “every assessed owner of land within 550 metres of the project location [which includes all project infrastructure], if the project is in respect of a Class 3, 4 or 5 wind facility” and “every assessed owner of land abutting a parcel of land on which the project location is situated, other than an owner described in subparagraph i or i.1” be given notice of:

(a) notice of the proposal to engage in the project; and

(b) notices of the location and time of at least two public meetings to be held for the purpose of conducting consultations in respect of the project.

As described in the affidavit of service of Jaclyn D’Angelo (enclosed as Schedule “A”), White Pines arranged for Canada Post to mail drop the required notice for the six postal codes that cover Prince Edward County (which covers a total of 10,200 addresses). Please note that page 2 of the “Notice to Owners of Nearby Lands and Interested Persons” (pg. 13 of enclosed affidavit) identifies that a project map (which included the location of the Distribution System) could be found on the Wind Project’s website.

Enclosed as Schedule “B” is an image of the parcel fabric of the County overlaid with (i) the parcels purchased by White Pines for the Wind Project, (ii) the Wind Project turbines, (iii) the Wind Project boundary and (ii) the 34.5 kV collector line and the 44 kV interconnection line. All persons within 550 meters of any of Wind Project infrastructure would have been served with every notice in connection with White Pines REA application and the ERT appeal of same.

Furthermore, the newspaper notices referenced in White Pines’ second responses to interrogatories included a map illustrating the proposed location of the “interconnection line”. These notices are enclosed as Schedule “C”. The currently proposed location of the Distribution System is entirely captured by the “interconnection line” included in these newspaper notices. These notices were also mail dropped within the six postal codes that cover the County (as referenced in the interconnection line consultation report, enclosed with White Pines’ second responses to interrogatories).

Fifth, in connection with the financing of the Project and in connection with the finalization of design drawings, White Pines did further title work, including subsearches of the parcel registers comprising the distribution line lands to confirm the apparent registered ownership, and any encumbrances that were registered on title. Copies of the subsearches are enclosed as Schedule “D”.

Sixth, White Pines has and will continue to investigate every claim of possessory interest in land though which Wind Project infrastructure will run over/under. Nine PINS are associated with the Forced Roads, as follows:

- Mowbray Rd, between County Rd 10 and Miller Rd./PIN: 55075-0104 (LT), 55074-0196 (LT), 55075-0103 (LT)
- Miller Rd, between Mowbray Rd and Crowes Rd./PIN: 55075-0117 (LT)
- Crowes Rd, between Miller Rd and County Rd 10/PIN: 55083-0051 (LT), 55083-0081 (LT), 55083-0153 (LT)
- County Rd 10, between Crowes Rd and Johnston Rd./PIN: 55082-0169 (LT)
- Maypul Layn Rd, between Bond Rd and Royal Rd/PIN 55089-0051 (LT)

White Pines has received or been advised of four claims of a possessory interest in only three of the nine PINS: 55083-081 (Crowes Rd); 55083-0153 (Crowes Rd) and 55089-0051 (Maypul Layn). One claim was made regarding PIN 55083-081; one claim was made regarding PIN 55083-0153 (Crowes Rd) and two claims were made regarding PIN 55089-0051. Due to its obligation to protect the personal information of the claimants, White Pines cannot provide the name of the claimants or any documents from which their identities may be derived. However, White Pines can provide the following details about each claim:

#### 55083-081 (Crowes Rd) Claims

1. Claimant "A" -- Owns a property located adjacent to the interconnection line on Crowes Road. The landowner contacted wpd on October 17, 2017 and alleged that he had ownership over the entire Forced Road that runs adjacent to his property. White Pines reviewed the applicable PIN and Reference Plans associated with his property, and determined that the Distribution System is located outside the borders of his property (in fact, it is located on the opposite side of the travelled portion of the Forced Road adjacent to his property) and that sale documents associated with his property did not show an interest in the Forced Road. Claimant "A" was advised of White Pines' findings on November 2, 2017. No response was received.

#### 55083-0153 (Crowes Rd) Claims

2. Claimant "B" -- Owns a property located adjacent to the interconnection line on Crowes Road. His legal counsel contacted wpd on March 9, 2018 to advise that according to his records, Claimant "B"'s property boundary extended into the Forced Road. On Mar 21, 2018, White Pines responded to the letter with a request for further information and supporting documentation. On April 16, 2018, Claimant "B" responded with a PIN description and parcel map that showed an irregular property boundary consistent with survey records of White Pines. It was determined that Claimant "B" did not have an interest in the Forced Road through adverse possession; instead it was determined Claimant "B"'s property boundary had an irregular line. On May 1, 2018, White Pines advised Claimant "B" that Distribution System did not cross his property line. No response was received.

#### 55089-0051 (Maypul Layn) Claims

3. Claimant "C" -- Owns a property near to the intersection on Maypul Layn. Claimant "C" asserted that White Pines' construction crews were trespassing onto her property when they used the adjacent Forced Road. White Pines requested further information and supporting documentation from legal counsel for Claimant "C". White Pines and Claimant "C" each also hired surveyors, and both sets of surveyors determined that White Pines' work was proceeding outside of any property in which Claimant "C" had an interest. No further allegations of a possessory interest in a Forced Road have been received from Claimant "C".
4. Claimant "D" -- Owns a property located adjacent to the interconnection line on Maypul Layn. Claimant "D" raised concerns with access to the Forced Road in connection with his business, and concerns about his property boundaries. On May 1, 2018, White Pines spoke with legal counsel for Claimant "D" and requested further information regarding his need to access the Forced Road, and for information regarding any possessory interest claims. No further information has been received from Claimant "D"'s legal counsel. White Pines' construction crews have adjusted their schedules to provide Claimant "D" the access he requires to the Forced Road. No allegations of a possessory interest in a Forced Road have been received from Claimant "D".

White Pines submits that its process for ensuring that the Distribution System runs over/through only the municipally-owned portions of the Forced Roads was robust and defensible. The Distribution System was designed to follow the travelled portion of the Forced Roads and the location of the Distribution System was repeatedly noticed to all landowners who could have a possessory interest in a Forced Road. To date, which is now over five years since the location of the Distribution System was first published, White Pines has received no evidence of a possessory interest in a Forced Road -- only unsubstantiated allegations. There is no basis to conclude that the location of the Distribution System involves any section 41(9) "owner", other than the County. White Pines reiterates that it will proceed with the construction of the Distribution System at its own risk, and without warranty from the County or the Board, regarding title

to the forced roads at issue. For certainty, White Pines will not use an Order of this Board under section 41(9) as a defence to any civil claim against it in trespass, or any other cause of action arising from an established interest in a forced road through which the Distribution System will run over/through.

Yours truly,

/S/ Patrick Corney

Encl.