

Canadian Environmental Law Association  
L'Association canadienne du droit de l'environnement

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January 11, 1985

Yvonne Fernandes  
Deputy Hearings Register  
Office of Consolidated Hearings  
1 St. Clair Avenue West, 5th Floor.  
Toronto, Ontario  
M4V 1K6

Dear Ms. Fernandes:

Re: Eastern Ontario Transmission Line Hearings

This is to advise that the Hydro Consumers Association is withdrawing as a party to the above noted proceedings and also to advise that I will no longer be appearing on behalf of the No Towers Federation when the hearings reconvene before the Joint Board on Tuesday next. Accordingly, would you please remove my name from the record.

I also understand that at the preliminary hearing held on November 20th, 1984 my name was added to the list of full-time parties to the proceedings. Unfortunately, whoever volunteered my name did so without my knowledge and I would ask that you simply delete it.

In withdrawing from the proceedings the HCA does so in protest over the lack of resources available to it to retain the expert assistance necessary to allow an informed judgement upon the numerous technical matters that comprise the basis of the proponents' undertaking. Particularly discouraging has been the Board's response to the various requests that have been made of it for assistance in this regard. Quite apart from the fact that several of its applications have been denied, the lack of any, but the most cursory of explanations, has provided little guidance to a group dependent upon a future and speculative award of costs. I know that for many members of the HCA the manner in which the Board has responded to its applications has created the impression that the Joint Board is simply disinterested in the issues that it has wanted to raise.

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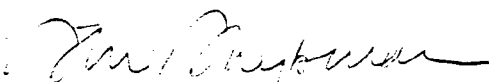
As you are aware, CELA is a community legal clinic charged with responsibility of providing subsidized legal services to individuals and groups who could not otherwise afford them. Both the HCA and the NTF have readily qualified for our assistance and as you are aware, in the case of the former, for a legal aid certificate with respect to the Plan Stage hearings. Even with subsidized legal services however, intervenors are still confronted with the task of raising substantial sums to acquire the expert assistance necessary to make public participation more than a formality. Efforts by the HCA to raise such resources, in the many and varied ways that have been tried, have fallen significantly short of the mark.

From CELA's perspective the availability of expert assistance is vital to effective participation, and an important factor that bears upon our association's decision to allocate its scarce resources. In this instance the lack of funds to retain expert consultants has discouraged CELA from undertaking the substantial commitment of staff time necessary to effectively represent the interests of the intervenors in our Eastern Ontario Hydro hearings.

Finally, one other matter deserves comment. From discussions with Linda Rothstein I understand, as of this moment, the Board has yet to decide whether to proceed in abeyance of having the Divisional Court's response to the case it has stated. I am disturbed that the matter is one of debate. The issues raised in the stated case go to the heart of the fairness of the procedures adopted by the Board and the rights of the residents of Eastern Ontario to be informed of and participate in the hearing process. A decision to proceed while these matters remain unresolved belies the seriousness with which the issues of due process and fairness should be taken.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Steven Shrybman  
Counsel

SS/gh