

November 25, 2009

**CANADIAN NIAGARA POWER INC.
APPLICATION FOR LEAVE TO CONSTRUCT
TRANSMISSION FACILITIES IN THE
NIAGARA FALLS / FORT ERIE AREA
BOARD FILE NO. EB-2009-0283**

**OEB STAFF SUPPLEMENTAL INTERROGATORIES FOR
CANADIAN NIAGARA POWER INC. ("CNP")
(ADDENDUM TO NOVEMBER 24, 2009 ISSUE)**

OTHER REGULATORY APPROVALS

References: (1) Exh. B, Tab 7, Sch. 1, Pages 1

Preamble

The following is an excerpt from Reference (1):

CNP currently holds an electricity permit (EP-137) from the National Energy Board ("NEB"), issued in May 1999 under 58.11 of the *National Energy Board Act (NEB Act)*. Permit EP-137 authorized CNP to rehabilitate and to subsequently operate the international power line at Fort Erie. In addition, permit EP-137 revoked and replaced a Certificate of Public Service and Necessity (EC-22), which had been issued in 1959. Section 9 of permit EP-137 requires that CNP obtain prior approval from the NEB for any change to the international power line. Given that the Project includes the removal and replacement of conductors along the international portion of the system that spans the Niagara River between Fort Erie and Buffalo, CNP is therefore required to obtain prior approval for the project from the NEB. Such approval to change the international power line will need to be sought under section 21 of the NEB Act, under which the NEB has authority to vary a permit issued under that Act.

Questions / Requests

SI-26 Please provide a copy of NEB Permit EP-137.

SI-27 What portion of the Project does CNP consider to be an “international power line”¹, as defined in the *National Energy Board Act*? Please identify terminal points, distance, cost and scope of work associated with that portion of the Project.

SI-28 When was the “international power line” first constructed? Did the NEB approve the “international power line” when it was first constructed? Did the Ontario Energy Board have any role with regard to this approval? Please provide copies of the approvals if available.

¹ “international power line” means facilities constructed or operated for the purpose of transmitting electricity from or to a place in Canada to or from a place outside Canada.