

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Sch. B, as amended* (the “**OEB Act**”);

AND IN THE MATTER of an application by Summerhaven Wind LP for an order under section 92 and subsection 96(2) of the OEB Act granting leave to construct an electricity transmission line and related facilities.

EB-2011-0027

APPLICANT RESPONSE TO UNDERTAKINGS FROM TECHNICAL CONFERENCE

Capitalized terms not defined herein have the meaning ascribed to them in the Application.

1. UNDERTAKING NO. TCK1.1: TO PROVIDE MAP OF THE LOTS CONCERNED, SHOWING WHERE LAND RIGHTS HAVE BEEN ACQUIRED VERSUS WHERE THEY HAVE NOT, AND TYPE OF AGREEMENT, SHOWING WHERE MUNICIPAL RIGHT OF WAY RUNS.

The response to this undertaking is being filed with the Board on a confidential basis, given the commercially sensitive nature of ongoing negotiations with landowners.

2. UNDERTAKING NO. TCK1.2: TO PROVIDE EXAMPLES OF CO-LOCATION IN RIGHTS OF WAY.

In regard to NextEra Energy Inc.'s (the Applicant's parent) subsidiary Florida Power & Light Company ("FPL"), the total number of transmission structures in the FPL system is approximately 67,000. Approximately 13% of their structures have distribution underbuild. Rough estimates for miles of line with underbuild are:

- 115kV - 100 miles of underbuild
- 138kV - 300 miles of underbuild
- 230kV - 50 miles of underbuild

Please see attached Exhibit 1 for a description of NextEra Energy's Crystal Lake Transmission Line, with related undercrossings.

3. UNDERTAKING NO. TCK1.3: TO PROVIDE AN UPDATE ON CROSSING AGREEMENTS WITH GAS PIPELINE OPERATORS.

Because the exact route of the transmission line has not yet been determined, the Applicant has not yet discussed the technical details of the crossing agreements with the gas pipeline operators. However, the Applicant has discussed the general need for crossing agreements with both gas pipeline operators. There are two gas pipeline operators that would be affected, Union Gas and Glenfred Gas Wells. With regard to Union Gas, the early discussions have focused mainly on collector crossings as the Applicant finalizes the route for the transmission line. The Applicant's most recent contact with Union Gas was on May 18, 2011. Union Gas is working on identifying collector crossing requirements in conjunction with Haldimand County. With regard to Glenfred Gas Wells, the Applicant continues to make efforts to discuss infrastructure location and technical concerns and requirements surrounding crossings, but has

not been able to find a time acceptable to Glenfred Gas Wells for such discussions. NextEra's most recent contact was on May 19, 2011. Glenfred is aware of the need to identify gas infrastructure locations.

4. UNDERTAKING NO. TCK1.4: TO CONFIRM WIDTH OF EASEMENTS TAKEN ON SOUTH SIDE OF 5TH CONCESSION.

The width of the easements taken on the south side of Concession 5 is 30 m.

5. UNDERTAKING NO. TCK1.5: TO PROVIDE INFORMATION ON ARRANGEMENT WITH OWNER OF MUNICIPAL RIGHT OF WAY IN THE EVENT OF AN OVERHANG.

Under section 41 of the *Electricity Act, 1998* the Applicant may enter and construct, install, or inspect all necessary structures, equipment and facilities, including "poles and lines" on any public street or highway, and is not required to provide compensation for these activities. The Applicant acknowledges that it would need to reach an agreement with the municipality on the location of such structures or, where such agreement could not be reached, seek a determination from the OEB. The Applicant understands that a use agreement is Haldimand County's preferred method of reaching and documenting such agreement, and would pursue such an agreement with Haldimand County for an overhang right.

6. UNDERTAKING NO. TCK1.6: TO PROVIDE RESPONSE TO HOW MUCH LAND IS UNDER OPTION TO PURCHASE AT THE CONNECTION POINT, HOW MUCH LAND IS UNDER LEASE, AND WHEN THE OPTION WAS ACQUIRED.

The Wind Farm Easement Option, which provided the Applicant, via its affiliate, with an option to lease up to 312 acres of land (the "Optioned Lands"), was executed on August 15th, 2008. Therefore the Applicant has had rights to lease any portion of the said Optioned Lands for wind farm development, including transmission infrastructure, since August 2008. The landowner in question has always been aware of and amenable to the Applicant's plans to place a portion of the Facility on the Optioned Lands. Furthermore, the landowner was prepared to provide as much land as would have been required for the Facility, including the Switchyard. Once HONI confirmed the general land requirements for the Switchyard, the Applicant, via its affiliate, proceeded to execute a purchase agreement for 5 acres of the Optioned Lands.

**NextEra Energy Resources Crystal Lake Wind Energy Center
161kV Transmission Line Underbuild Statistics**

Phase 1

NextEra Transmission (miles)	Underbuild Segments (miles)			
	Alliant Energy		Prairie Energy	
	1PH	3PH	1PH	3PH
	1.03	0.74	1.09	1.23
	0.27	1.16	0.48	2.12
	0.15	0.62	0.36	2.08
	0.37	2.62	0.65	
	1.02	2.98	0.40	
		0.95	1.94	
35.98	2.84	9.07	4.92	5.43

Phase 2

NextEra Transmission (miles)	Underbuild Segments (miles)		
	Alliant Energy	Prairie Energy	Heartland Power
	3PH	1PH	1PH
	1.08	0.26	1.87
4.7	1.08	0.26	1.87

Approximate length of Crystal Lake 161kV Transmission Line = 40.7 miles (65.5 km)

Approximate length of 1PH underbuild = 9.9 miles (15.9 km)

Approximate length of 3PH underbuild = 15.6 miles (25.1 km)

Percentage of Crystal Lake 161kV Transmission Line with underbuild = 63%