

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF an application by Canadian Renewable Energy Corporation ("CREC"), for an Order pursuant to section 99(1) of the *Ontario Energy Board Act, 1998* granting authority to expropriate land for the construction of transmission facilities that will connect CREC's planned Wolfe Island Wind Plant to Ontario's transmission grid.

AMENDED APPLICATION

1. The Applicant is Canadian Renewable Energy Corporation ("CREC"), a wholly owned subsidiary of Canadian Hydro Developers, Inc. The Applicant is constructing a wind plant with a nameplate capacity of 197.8 MW that will generate an estimated 537,000 MWh per year of renewable energy (the "Project"). The wind plant is situated on Wolfe Island in the Township of Frontenac Islands, County of Frontenac, Province of Ontario.
2. The Applicant applies to the Ontario Energy Board (the "Board") pursuant to section 99(1) of the *Ontario Energy Board Act, 1998* for authority to expropriate land for the construction of a transmission line that that will connect the Project to Ontario's transmission grid.
3. In February 2007, the Applicant applied to the Board pursuant to section 92 of the *Ontario Energy Board Act, 1998* for leave to construct transmission facilities (the "Transmission Facilities") that will connect the Project to Ontario's electricity transmission grid including an underground electricity transmission line (the "Transmission Line").
4. Following an oral hearing held in Kingston in July 2007, the Board issued a Decision and Order dated October 12, 2007, EB-2007-0034, in which the Board ruled that the Transmission Facilities were in the public interest and granted the Applicant leave to construct the Transmission Facilities (the "LTC Order").
5. Certain portions of the route for the Transmission Line as approved in the Board's LTC Order run under lands owned variously by 1) Carylanne Martin in trust, 2) R. Paul Martin Construction Co. Ltd. and 3) Globe Realty Holdings Ltd. (the "Landowners").

6. In order to construct the Transmission Line, the Applicant requires an easement over the lands owned by the Landowners. A draft Reference Plan of Survey showing the location of the proposed easements is attached as Schedule 1 hereto. In particular, the Applicant requests that the Board make an order granting the Applicant authority to expropriate:

- 1) a permanent easement through land owned by Carylanne Martin in trust, having an approximate area of 101 square meters, designated as Part 10 on the draft Reference Plan of Survey prepared by Leslie M. Higginson Surveying Limited bearing File No. KI'N2-10 LMH 27-1, being part of Lot 10, Concession 2, in the City of Kingston (formerly the Geographic Township of Kingston) in the County of Frontenac (attached at Tab 6 hereto);
- 2) a permanent easement through land owned by R. Paul Martin Construction Co. Ltd., having an approximate area of 104 square meters, designated as Part 11 on the draft Plan of Survey, prepared by Leslie M. Higginson Surveying Limited bearing File No. KI'N2-10 LMH 27-1, being part of Lot 10, Concession 2, in the City of Kingston (formerly the Geographic Township of Kingston) in the County of Frontenac (attached at Tab 6 hereto); and
- 3) a permanent easement through land owned by Globe Realty Holdings Ltd., having an approximate area of ~~745~~ 945 square meters, designated as Part 13 on the draft Plan of Survey, prepared by Leslie M. Higginson Surveying Limited bearing File No. KI'N2-10 LMH 27-1, being part of Lot 10, Concession 2, in the City of Kingston (formerly the Geographic Township of Kingston) in the County of Frontenac (attached at Tab 6 hereto).

(the said Parts 10, 11 and 13 on the draft Reference Plan of Survey being jointly referred to hereinafter as the "Easement Lands") for the surveying, construction, installation, operation, use, inspection, patrol, removal, replacement, alteration, reconstruction, repair, renewal, movement and maintenance of underground cables and wires, conduits, conduit structures, markers, manholes, fixtures, and equipment and all appurtenances thereto as the Applicant may from time to time deem requisite for the purpose of electric transmission services together with the free and unimpeded right of ingress and egress at any time and at all times over, along, upon, under and through the Easement Lands and over the other lands of the Landowners as are open for passage or not improved with buildings and structures by the Applicant, its servants, agents, employees, those engaged in its business, contractors, and subcontractors, on foot and/or with vehicles, supplies, machinery and equipment necessary or incidental to the exercise and enjoyment of the rights, privileges and easements transferred.

7. Despite negotiations with the affected Landowners, the Applicant has been unable to reach an agreement with the Landowners with respect to the required easements.
8. The Applicant has a Renewable Energy Supply II contract with the Ontario Power Authority ("OPA") under which it is contracted to begin delivering electrical power into the Ontario grid as early as October 2008. CREC is planning to commence construction of the Transmission Line in the Spring of 2008.

9. In the circumstances, the Applicant needs an order of the Board under section 99(1) of the *Ontario Energy Board Act, 1998* for authority to expropriate the Easement Lands in order to proceed with construction of the Transmission Line.
10. The Applicant requests that the Board proceed by way of written hearing, pursuant to Section 34.01 of the Board's *Rules of Practice and Procedure*.
11. CREC requests that a copy of all documents, filed with the Board by any party responding to the application be served on CREC, the Project Manager, and its counsel as set out below:

(a) Canadian Renewable Energy Corporation

c/o Mr. Rob Miller,
Project Engineer
Canadian Hydro Developers, Inc.
190 Collingwood Street
Kingston, ON, K7L 3X8
Tel: (613) 545-0215
Fax: (613) 545-0692
Email: rmiller@canhydro.com

(b) Counsel to Canadian Renewable Energy Corporation

Blake, Cassels & Graydon LLP
Barristers & Solicitors
Box 25, Commerce Court West
199 Bay Street, Suite 2800
Toronto, ON M5L 1A9

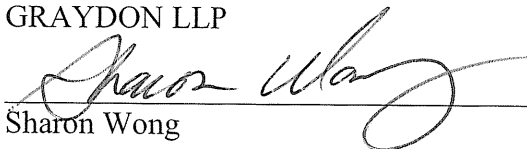
Attn: Sharon Wong
Tel: (416) 863-4178
Fax: (416) 863-2653

Email: sw@blakes.com

Dated at Toronto, Ontario this ~~20~~7th day of ~~February~~March, 2008.

Canadian Renewable Energy Corporation

BY ITS COUNSEL, BLAKE, CASSELS &
GRAYDON LLP


Sharon Wong