

1 **1.0 THE APPLICANT**

2 **1.1 Canadian Renewable Energy Corporation**

3 The Applicant is Canadian Renewable Energy Corporation (“CREC”), a wholly owned
4 subsidiary of Canadian Hydro Developers, Inc. (“Canadian Hydro”).

5

6 **1.2 Authorized Representative of the Applicant**

7 The authorized representative and primary contact person for the Applicant is:

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

16

17 **2.0 THE WOLFE ISLAND WIND PROJECT**

18 **2.1 The Project**

19 CREC is proposing to build, own and operate a wind plant with a nameplate capacity of 197.8
20 megawatts (“MW”), which will generate an estimated 537,000 megawatt-hours (“MWh”) per
21 year of renewable energy (the “Project”). The Project is situated on Wolfe Island in the
22 Township of Frontenac Islands, County of Frontenac, Province of Ontario.

23 **2.2 Geographic Location of the Project**

24 Wolfe Island is located at the eastern end of Lake Ontario and is considered part of the

1 Thousand Islands area; the City of Kingston is located immediately north of the island on the
2 Canadian mainland. The wind turbines will be located on Wolfe Island, where CREC has
3 optioned a total of approximately 4,391 hectares (10,850 acres) of land for the proposed wind
4 plant.

5

6 **3.0 THE ORDER FOR LEAVE TO CONSTRUCT TRANSMISSION FACILITIES**

7 **3.1 Application for Leave to Construct**

8 In February of 2007, the Applicant applied to the Ontario Energy Board (the “Board”) pursuant
9 to section 92 of the *Ontario Energy Board Act, 1998* for leave to construct transmission
10 facilities, including an electricity transmission line (the “Transmission Line”), that will connect
11 the Project to Ontario’s transmission grid (the “Transmission Facilities”).

12

13 **3.2 Order of the Board, EB-2007-0034**

14 Following an oral hearing held in Kingston in July 2007, the Board issued a Decision and Order,
15 EB-2007-0034, dated October 12, 2007, in which the Board ruled that the Transmission
16 Facilities were in the public interest and granted the Applicant leave to construct the
17 Transmission Facilities (the “LTC Order”). A copy of the LTC Order is attached at Tab 3

18

19 **3.3 Approved Route**

20 As part of the LTC Order, the Board approved a route for the Transmission Line as set out in the
21 map at Tab 4.

1 Certain portions of the route for the Transmission Line as approved in the Board's LTC Order
2 run under lands owned variously by 1) Carylanne Martin in trust, 2) R. Paul Martin Construction
3 Co. Ltd. and 3) Globe Realty Holdings Ltd. (the "Landowners"). Attached at Tab 5 hereto is one
4 of the maps that was filed with Board as Figure 5.2.2 (at Tab 12 B) of the leave to construct
5 application (EB-2007-0034), showing the portions of the route that was approved by the Board
6 in the LTC Order that run under the lands owned by the Landowners.

7

8 It is possible that CREC will be seeking leave from the Board to amend that portion of the
9 approved route that crosses the lands owned by Invista south of Front Road, but that potential
10 change will not affect the portions of the route which are North of Bath Road and run under the
11 lands owned by the Landowners which are the subject of this Application.

12

13 **4.0 NEED FOR THE REQUESTED ORDER**

14 In order to construct the Transmission Line, the Applicant requires an easement over the lands
15 owned by the Landowners. A draft Reference Plan of Survey showing the location of the
16 proposed easements is attached at tab 6 hereto.

17

18 Despite negotiations with the affected Landowners, the Applicant has been unable to reach an
19 agreement with the Landowners with respect to the required easements.

20

21 In the circumstances, the Applicant needs an order of the Board under section 99(1) of the
22 *Ontario Energy Board Act, 1998* for authority to expropriate an easement over the lands owned

1 by the Landowners. In particular, the Applicant requests that the Board make an order granting
2 the Applicant authority to expropriate:

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

21 (the said Parts 10, 11 and 13 on the draft Reference Plan of Survey being jointly referred
22 to hereinafter as the “Easement Lands”) for the surveying, construction, installation,

1 operation, use, inspection, patrol, removal, replacement, alteration, reconstruction, repair,
2 renewal, movement and maintenance of underground cables and wires, conduits, conduit
3 structures, markers, manholes, fixtures, and equipment and all appurtenances thereto as
4 the Applicant may from time to time deem requisite for the purpose of electric
5 transmission services together with the free and unimpeded right of ingress and egress at
6 any time and at all times over, along, upon, under and through the Easement Lands and
7 over the other lands of the Landowners as are open for passage or not improved with
8 buildings and structures by the Applicant, its servants, agents, employees, those engaged
9 in its business, contractors, and subcontractors, on foot and/or with vehicles, supplies,
10 machinery and equipment necessary or incidental to the exercise and enjoyment of the
11 rights, privileges and easements transferred.

12
13 **5.0 CONSTRUCTION TIMELINE**

14 The Applicant has a Renewable Energy Supply II contract with the Ontario Power Authority
15 under which it is contracted to begin delivering electrical power into the Ontario grid as early as
16 October 2008. CREC is planning to commence construction of the Transmission Line in the
17 Spring of 2008.

18
19 Currently, the schedule for the Wolfe Island Wind Project is as follows:

- 20 • fully complete Environmental Screening Process – March 2008
- 21 • secure remaining permits and approvals – March/ April/ May 2008
- 22 • start road work: May 2008
- 23 • start foundations: June 2008

1 • start power line & substation works: June 2008

2 • start O&M building: June 2008

3 • start tower erection: July 2008

4 The submarine cable is coming from Europe on a specialized ship that is only available for
5 delivery and installation in September 2008. As such, the supporting infrastructures need to be
6 fully in place by then to receive the cable. If this particular construction window is missed, the
7 ship is not available again until the summer of 2010. There are also fisheries timing and
8 recreation windows contributing to the timing of the September 2008 installation window.

9

10 The Applicant requests that the Board proceed by way of written hearing, pursuant to Section
11 34.01 of the Board's *Rules of Practice and Procedure*.