



SIX NATIONS LANDS & RESOURCES

P.O. Box 5000
PHONE: 519-753-0665

OHSWEKEN, ONTARIO

CANADA N0A 1M0
FAX: 519-753-3449

December 12, 2011

**Via EMAIL: boardsec@ontarioenergyboard.ca
and RESS**

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Application by Grand Renewable Wind LP for
Leave to Construct Transmission Facilities (the Project)
(EB-2011-0063)**

Introduction

I am writing concerning the Decision and Order made by the Board on December 8, 2011.

The Board rendered a Decision and made an Order granting leave to construct the Transmission Facilities (the "Project") subject to conditions. The Board said in its Decision that "the Board finds it necessary to apply certain conditions to the Order granting the leave to construct". At page 12 (last paragraph) the Board determined a specific condition of its approval for leave to construct but the Board failed to incorporate this condition into its formal Order.

Request

Six Nations Council asks the Board to exercise its powers pursuant to *Rule 43* of the *Ontario Energy Board Rules of Practice and Procedure* to vary its Order to incorporate the condition the Board indicated on page 12 (last paragraph) of its Decision that it was imposing but inadvertently did not actually carry through to its formal Order.

PARTICULARS

The Condition the Board Intended to Impose

On page 12 of the Decision, the Board reviewed the issue of project need, referring to both the wind project and the solar project (the two generation projects). The Board then concluded in the last paragraph of that page as follows:

“The Board accepts that the Project is needed in order to transmit the electricity generated by the two generation facilities. The Board’s approval will be conditioned, however, on the two generation projects receiving the REA and any other approvals necessary for their construction.”

The Actual Order made by the Board

The Conditions of Approval for the leave to construct order made by the Board are attached as Appendix A to the Order (see paragraph 1(a) of the Order).

Appendix A, however, did not include either specifically or even within another general condition the above-noted condition that the Board intended to impose as expressed at page 12 of its Decision.

A general condition such as section 1.6 of Appendix A does not incorporate the intended condition because the general condition refers to the “Project”. Page 2 of the Decision defined the Project as the transmission facilities, as distinct from the two generation facilities (the wind project and the solar project) at the GREP (Grand Renewable Energy Park) to be connected to the Transmission Facilities (the “Project”) under consideration by the Board.

Conclusion

Six Nations Council asks that the Board incorporate the specific condition it decided upon as set out at page 12 (last paragraph) of the Decision in an amended Order.

Yours truly,



Lonny Bomberry
Director, Lands & Resources
for the Six Nations Council