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Neil M. Smiley
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February 6, 2012
File No.: 200015.03506

VIA EMAIL: boardsec@ontarioenergyboard.ca

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Madam:

Re: Board File No. EB-2011-0394 – McLean’s Mountain Wind LP Application for Leave to Construct

We are the solicitors for Canadian Pacific Railway Company (“CP”), the registered owner of Goat Island, which is the site proposed by McLean’s Mountain Wind LP (“McLean”) for a substation and electrical transmission line in the above-noted application (the “Project”).

We are writing to inform the Board that CP did not receive notice of McLean’s application for Leave to Construct Transmission Facilities (the “Application”) until February 1, 2012, when CP received a letter (at its Calgary offices) from Northland Power (“Northland”) that enclosed a copy of the notice of McLean’s Application, which was dated December 22, 2011 (the “Notice”). A copy of Northland’s letter, and the Notice, are attached hereto. Northland’s letter confirmed that “McLean’s has determined that it inadvertently neglected to deliver this material to CP Rail.”

In light of Northland’s failure to provide CP with the Notice in a timely way, the period for filing a letter of intervention, as well as other procedural time limits, has passed.

As the owner of lands that will be directly affected by the Project, and based on CP’s initial review of the materials, CP has concluded that it has a substantial interest in McLean’s Application and it intends to participate actively and responsibly in the

proceeding. Accordingly, CP will be seeking intervener status and respectfully requests additional time to prepare and file a formal letter of intervention.

As a preliminary matter, we note that paragraph 8 of Exhibit B of McLean's Application states that the "Applicant (through NPI) currently holds land lease "options" for the private properties where project components are to be located." Furthermore, the last paragraph of Exhibit G states that "Negotiations with the owner of Goat Island are at an advanced stage and a resolution is expected by the end of December 2011." To clarify, CP and the Applicant have not agreed upon a form of lease or license with respect to CP's lands, and we understand that a resolution is not imminent.

Given that CP received the Notice on February 1, 2012, it has not had sufficient time to fully review and consider the materials enclosed therewith. We respectfully request that the timelines that have been identified in the Board's Procedural Order No. 1 dated January 27, 2012, be extended.

In particular, we note that the Board has directed that any objections to McLean's request for confidential status for certain documents be filed by February 3, 2012. Given the late service of documents on CP, CP has not had sufficient time to review McLean's request or to determine if an objection will be necessary. As such, CP requires additional time to consider the confidentiality request, and to determine whether CP needs to make submissions to the Board on any other procedural items that may have been dealt with before CP was served with the Notice.

If it is of assistance to the Board, we respectfully suggest the following timetable for CP's initial submissions:

Filing of CP's Letter of Intervention: **February 10, 2012**

Filing of CP's Objections, if any, to McLean's Request for certain documents to be kept confidential and providing any comments with respect to the form of hearing: **February 17, 2012**

Filing of CP's Request by way of interrogatories for additional relevant documentation from Mclean: **March 2, 2012**

We look forward to receiving the Board's directions on the matters described above, and respectfully request that the Board confirm the date by which CP may submit its letter of intervention. We also request that if any additional matters were addressed prior to CP

receiving notice of the Application, that CP be afforded the opportunity to consider and respond to those matters in a reasonable amount of time.

Yours truly,



Neil Smiley

NS/sjt

Attachment

cc: McLean's Mountain Wind LP
James Sidlofsky (Borden Ladner Gervais LLP)
Edik Swarenstein (Project Advisor, OEB)
Colin Goldie (CP)
Anne Dragicevic (CP)
Kevin Paul (CP)
Della Berwanger (CP)



NORTHLAND POWER

McLean's Mountain Wind Limited Partnership
C/O Northland Power Inc.
30 St. Clair Avenue West, Suite 1200
Toronto, Ontario
M4V 3A1

Tuesday, January 31, 2012

Delivered by Courier

Canadian Pacific
Paul Guthrie, Vice-President Law & Risk Management
Gulf Canada Square
401 9 Ave SW - Ste 500
Calgary, AB T2P 4Z4
Canada

Dear Mr. Guthrie,

Re: McLean's Mountain Wind LP
Application for Leave to Construct Transmission Facilities
Board File No. EB-2011-0394

McLean's Mountain Wind Limited Partnership ("McLean's") has applied to the Ontario Energy Board for leave to construct transmission facilities to connect the McLean's Mountain Wind Farm (referred to in the Ontario Energy Board's Notice of this Application as "MMWF" or the "Wind Farm"), to be located south of Little Current on Manitoulin Island, to the IESO-controlled grid on Goat Island, together with the other relief set out in the Application.

In its Letter of Direction dated December 19, 2011, the Board directed McLean's to deliver copies of the Notice of Application and Hearing, and the Application, to persons identified in the Letter of Direction. On Friday, January 27, 2012, the Board issued Procedural Order No.1 in this proceeding, in which the Board made its determination with respect to (among other matters) various requests for intervenor status and the next steps in the proceeding. Copies of the Notice; the Application; and Procedural Order No.1 accompany this letter.

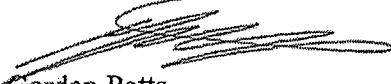
Since the issuance of Procedural Order No.1, McLean's has determined that it inadvertently neglected to deliver this material to CP Rail. As a property owner with

lands directly affected by the proposed transmission line and facilities, you should have received notice of this proceeding, and we apologize for this omission.

Please note the deadlines for requests for intervenor or observer status and for letters of comment in the Board's Notice, and the deadlines for submissions on confidentiality and written interrogatories in Procedural Order No.1.

Once again, McLean's apologizes for omitting CP Rail from the initial circulation of notice of this proceeding. Should you have any questions or require further information in this regard, please do not hesitate to contact me.

Yours truly,



Gordon Potts
Director, Business Development
McLean's Mountain Wind Limited Partnership

Encls.

Copy to: Canadian Pacific, Kevin Paul, Sales & Acquisitions Real Estate Ontario
Manitoulin Coalition for Safe Energy Alternatives
BayNiche Conservancy
Lake Superior Action-Research-Conservation
Wind Concerns Ontario
Rosemary Wakegijig
T. Adams
A. Jacko, Mnidoo Mnising Power Limited Partnership
J. Sidlofsky, Borden Ladner Gervais LLP



December 22, 2011

To Whom it May Concern:

Re: McLean's Mountain Wind LP – Application to the Ontario Energy Board under Section 92 of the *Ontario Energy Board Act, 1998* – Board file no. EB-2011-0394

I am writing to you on behalf of McLean's Mountain Wind LP (referred to here as "McLean"), a Limited Partnership equally owned by Northland Power Inc. and Mnidoo Mnising Power Limited Partnership.

McLean has filed an application with the Ontario Energy Board (the "Board") under Section 92 of the *Ontario Energy Board Act, 1998* for an order of the Board granting leave to construct transmission facilities to connect the McLean's Mountain Wind Farm ("MMWF" or "Wind Farm"), to be located south of Little Current on Manitoulin Island, to the IESO-controlled grid on Goat Island, and an order approving the form of easement agreement provided in the application.

Further to the directions of the Board in this regard, please find accompanying this letter a copy of the Notice of Application and Hearing and a copy of the application.

A copy of the application and the pre-filed evidence can be viewed at the following locations:

- 1) The Northeastern Manitoulin and the Islands's Public Library, 50 Meredith Street West, Little Current, Ontario.
- 2) Northland Power's local office located at 13 Worthington S.E., Little Current, Ontario and
- 3) Northland Power's head office located at 30 St. Clair Ave. West, Suite 1200, Toronto, Ontario.

A copy of the application and the pre-filed evidence in pdf format can be downloaded from our website which is
<http://mcleansmountain.northlandpower.ca>.

Should you have any questions or require further information with respect to this matter, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "Gordon Potts". The signature is fluid and cursive, with the first name "Gordon" written in a larger, more prominent script than the last name "Potts".

Gordon Potts
Director, Business Development
gpotts@northlandpower.ca
(647) 288 1223



EB-2011-0394

NOTICE OF APPLICATION AND HEARING

APPLICATION FOR LEAVE TO CONSTRUCT TRANSMISSION FACILITIES FOR McLEAN'S MOUNTAIN WIND LP

McLean's Mountain Wind LP (the "Applicant" or "McLean") has filed an application with the Ontario Energy Board, (the "Board") dated November 22, 2011 under sections 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act"). The Applicant has applied for an order of the Board granting leave to construct transmission facilities to connect the McLean's Mountain Wind Farm ("MMWF" or "Wind Farm"), to be located south of Little Current on Manitoulin Island, to the IESO-controlled grid on Goat Island, and an order approving the form of easement agreement provided in the application. McLean's is a Limited Partnership, and is equally owned by Northland Power Inc. and Mnidoo Mnising Power Limited Partnership.

McLean's Mountain Wind LP entered into two feed-in-tariff ("FIT") contracts (10 MW plus 50 MW) with the Ontario Power Authority on April 12, 2010 in respect of the sale of 60 MW total of electricity from the Wind Farm. The work which is the subject of this application involves constructing a new 115 kV single circuit transmission line, consisting of an overhead line of approximately 9 km and submarine/buried cable of approximately 1 km, and associated facilities to connect the Wind Farm to the existing Hydro One Networks Inc. transmission line S2B. The associated facilities include a substation at the Wind Farm end, and a switchyard at the transmission grid end. The switchyard will be owned and operated by Hydro One Networks Inc. The construction of the Wind Farm is not a part of this application.

A map showing the location of the proposed facilities is included with this Notice.

If this application is approved, McLean's will construct, own and operate the facilities, except for the Hydro One switching station. The scheduled in-service date is December 2012, and in any event no later than January 2013.

The Board has assigned File No. EB-2011-0394 to this application.

Board Jurisdiction

For any leave to construct application under section 92 of the Act, section 96(2) of the Act provides that when determining if a proposed work is in the public interest, the Board jurisdiction is limited to consideration of:

- the interests of consumers with respect to prices and the reliability and quality of electricity service, and
- where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.

The Wind Farm itself is not part of this application, and does not fall within the scope of this proceeding. Environmental issues with respect to this project are considered through the separate Renewable Energy Approval ("REA") process, which is not a part of this Board proceeding.

How to see McLean's Mountain Wind LP's Application

Copies of the application and the pre-filed evidence in support of the application will be available for public inspection at the Board's offices and at the Applicant's offices and website.

Written Hearing

The Board intends to proceed with this matter by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to the applicant within **10 days** of the publication or service date of this notice.

How to Participate

You may participate in this proceeding by requesting either intervenor or observer status, or by submitting a letter of comment:

1. **Intervenors** participate actively in the proceeding (i.e., submit written questions, evidence, and arguments, and cross-examine witnesses at an oral hearing). You may request intervenor status by sending a letter of intervention to the Board and copying McLean's Mountain Wind LP no later than **10 days** from the publication or service date of this notice. The letter of intervention must include:
 - a. A description of how you are, or may be, affected by the outcome of this proceeding;
 - b. If you represent a group, a description of the group and its membership; and
 - c. Whether you intend to seek an award of costs and the grounds for your cost award eligibility.
2. **Observers** do not participate actively in the proceeding but receive documents issued by the Board in the proceeding. (There is no fee for observers to receive documents issued by the Board.) You may request observer status by sending a request to the Board no later than **10 days** from the publication or service date of this notice.
3. **Letters of Comment** are to be sent to the Board no later than **30 days** from the publication or service date of this notice. All letters of comment will be placed on the public record, subject to the privacy terms for personal information stated below. This means that the letters will be available for viewing at the Board's offices and will be placed on the Board's website.

YOUR PERSONAL INFORMATION IS TREATED DIFFERENTLY DEPENDING ON HOW YOU CHOOSE TO PARTICIPATE IN THE HEARING:

- **Intervenors** - everything you file with the Board, including your name and contact information, will be placed on the public record (i.e., the public file and the Board's website).

- **Letters of comment or observers** - the Board removes any personal (i.e., not business) contact information from the letter of comment or the request for observer status (i.e., address, fax number, phone number, and e-mail address of the individual), however, your name and the content of the letter of comment or of the request for observer status will become part of the public record.

Filing Information for Intervenor

If you already have a user ID, please submit your intervention request through the Board's web portal at <https://www.errr.ontarioenergyboard.ca>. Additionally, two paper copies must be submitted to the address set out below.

If you do not have a user ID, visit the Board's website under e-Filing Services and complete a user ID/password request form. For instructions on how to submit documents and naming conventions please refer to the RESS Document Guidelines found at <http://www.ontarioenergyboard.ca/OEB/Industry>, e-Filing Services.

The Board also accepts interventions by e-mail, at the address below. Additionally, two paper copies must be submitted to the address set out below. Those who do not have internet access are required to submit their intervention request on a CD in PDF format, along with two paper copies.

How to Contact Us

In responding to this Notice, please reference Board file number EB-2011-0394 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. All communications should be directed to the attention of the Board Secretary at the address below, and be received **no later than 4:45 p.m.** on the required date.

Need more information?

For more information on how to participate please click on "Get Involved" under the "OEB and You" menu on the Consumer page of the Board's website, or call the Board at 1-888-632-6273 (toll free).

IMPORTANT

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

ADDRESSES

The Board:

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Kirsten Walli
Board Secretary
Filings:
<https://www.errr.ontarioenergyboard.ca/>
E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

The Applicant:

McLean's Mountain Wind LP
30 St. Clair Ave West, Suite 1700
Toronto, Ontario M4V 3A1

Attention: Gordon Potts
Director, Business Development
E-mail: gpotts@northlandpower.ca
Tel: 647-288-1223
Fax: 416-962-6266

Mnidoo Mnising Power Limited
Partnership
c/o United Chiefs & Councils of Mnidoo
Mnising
P.O. Box 275
M'Chigeeng, ON P0P 1G0

Attention: Art Jacko
Email: ajacko@uccm.ca
Tel: 705-377-5307
Fax: 705-377-5309

Counsel of the Applicant:

Borden Ladner Gervais LLP
Scotia Plaza
40 King Street West
Toronto ON M5H 3Y4
Attention : James Sidlofsky
Email: jsidlofsky@blg.com
Tel: 416-367-6277
Fax: 416-361-2751

DATED at Toronto, December 19, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

