



EB-2011-0394

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S. O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by McLean's
Mountain Wind LP for an Order granting leave to construct
a new transmission line and associated facilities.

PROCEDURAL ORDER NO. 2

McLean's Mountain Wind LP ("the "Applicant" or "McLean") filed an application with the Ontario Energy Board (the "Board") dated November 22, 2011 under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B ("the Act"). McLean is seeking an order of the Board granting leave to construct a transmission line and associated facilities (the "Project") to connect the McLean Mountain Wind Farm to the IESO-controlled Grid. McLean also seeks an order approving the form of easement agreement provided in the application. The Board assigned File No. EB-2011-0394 to the application.

Notice of Application

The Board issued a Notice of Application and Hearing on December 9, 2011. McLean served and published the Notice as directed by the Board. The Board issued Procedural Order No.1 in which it accepted all intervenors who had applied at that point, and established dates for dealing with an issue of confidentiality, and for interrogatories and evidence.

In a letter dated January 31, 2012 McLean advised that "CP Rail" had been omitted in the service of Notice. Subsequently, a letter was received from Canadian Pacific Railway Company ("CP") on February 6, 2012 indicating that they had not been served and that they intended to intervene. They further requested that timelines set in

Procedural Order No.1 be extended to accommodate their interest. A formal request for intervenor status was received on Friday February 10, 2012. The Board grants CP intervenor status.

An e-mail request for intervenor status was received from the Manitoulin Nature Club on February 9, 2012. The Board has concerns that the request does not identify issues which fall within the jurisdiction of the Board's mandate, and that the same caution about relevance of evidence included in Procedural Order No. 1 is applicable. The Board also received a February 10, 2012 request for late intervenor status from North American Platform Against Windpower. In both these applications, the Board takes into account that no costs are requested, that the record as it stands will be accepted, and that there is an intention to coordinate with Manitoulin Coalition for Safe Energy Alternatives.

The Board grants Manitoulin Nature Club and North American Platform Against Windpower intervenor status.

The revised list of Intervenor status is amended as per Appendix A.

Given the late notice to CP Rail, the Board has determined that it is appropriate to extend the schedule as proposed by CP Rail. The new dates for submissions and responses are indicated below.

Request for Confidentiality for Certain Documents

The Applicant had requested in its application that certain documents be declared confidential, and therefore kept off of the public record, pursuant to the Board's *Practice Direction on Confidential Filings*. These documents were listed in Procedural Order No.1. Submissions were received on February 3, 2012 from Mr. Tom Adams (representing Manitoulin Coalition for Safe Energy Alternatives, Lake Superior Action Research Community, Bayniche Conservancy, Wikwemikong Elders, Community and Youth, and Manitoulin Nature Club) and from Board staff.

In a letter of February 9, 2012, McLean advised that following discussions with its consultant, it would produce and provide to all parties, the drawings and specifications described as items a) through d) which were the subject of its claim for confidentiality in Procedural Order No.1. Therefore the only outstanding confidentiality issue is item e),

“Table of Lands Required for Transmission Facilities”. CP has indicated that it may make a submission in regard to confidentiality and McLean proposes a single comprehensive response thereafter. The Board makes provision for this in its order below.

Procedural Steps

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. CP shall file any submission related to McLean’s request for confidential status for the document titled “Table of Lands Required for Transmission Facilities” with the Board, and file same with all other parties, by **February 17, 2012**.
2. If McLean wishes to make reply submissions on its request for confidential status for certain documents, it shall file same with the Board, and serve on all other parties, by **February 24, 2012**.
3. If Intervenors and Board staff require information from McLean that is in addition to the evidence pre-filed with the Board and that is relevant to the hearing they shall request the information by means of written interrogatories filed with the Board and delivered to McLean on or before **March 2, 2012**. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based. In preparing their interrogatories, parties are reminded of the limits on the Board’s jurisdiction in a section 92 application, which was discussed in more detail in Procedural Order No. 1.
4. McLean shall, no later than **March 21, 2012** file with the Board and deliver to all intervenors, a complete response to each of the interrogatories.

All filings to the Board must quote file number EB-2011-0394, be made through the Board’s web portal at www.erro.ontarioenergyboard.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly

state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All filings should be directed to the attention of the Board Secretary, and be received no later than 4:45 p.m. on the required date. Parties must also include the Case Manager, Edik Zwarenstein at edik.zwarenstein@ontarioenergyboard.ca and Board Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca in all electronic correspondence related to this case.

DATED at Toronto, February 14, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX 'A'

TO

PROCEDURAL ORDER NO. 2

Applicant and List of Intervenors

Board File No: EB-2011-0394

Revised February 14, 2012

**McLean's Mountain Wind Limited
EB-2011-0394**

APPLICANT & LIST OF INTERVENORS

February 14, 2012

APPLICANT	Rep. and Address for Service
McLean's Mountain Wind Limited	Gordon Potts Director, Business Development McLean's Mountain Wind Limited 30 St. Clair Ave. W. Suite 1700 Toronto, ON M4V 3A1 Tel: 647-288-1223 Fax: 416-926-6266 Email: gpotts@northlandpower.ca
APPLICANT	Rep. and Address for Service
Mnidoo Mnsing Power Limited Partnership	Art Jacko Mnidoo Mnsing Power Limited Partnership c/o United Chiefs & Council of Mnidoo Mnsing P.O. Box 275 M'Chigeeng ON P0P 1G0 Tel: 705-377-5307 Fax: 705-377-5309 Email: ajacko@uccm.ca
APPLICANT COUNSEL	James Sidlofsky Partner Borden Ladner Gervais LLP 40 King Street West Suite 4100, Scotia Plaza Toronto ON M5H 3Y4 Tel: 416-367-6277 Fax: 416-361-2751 Email: jsidlofsky@blg.com

**McLean's Mountain Wind Limited
EB-2011-0394**

APPLICANT & LIST OF INTERVENORS

February 14, 2012

INTERVENORS

Rep. and Address for Service

BayNiche Conservancy

Catherine Bayne

BayNiche Conservancy

General Delivery

Montreal River Harbour ON P0S 1H0

Tel: 416-834-7442

Fax: Not Provided

Email: cbayne@bayniche-conservancy.ca

**Canadian Pacific Railway
Company**

Sarah Jane Turney

Canadian Pacific Railway Company

333 Bay Street

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Bay Adelaide Centre Box 20

Toronto ON M5H 2T6

Tel: 416-366-8381

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Neil Smiley

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Bay Adelaide Centre Box 20

Toronto ON M5H 2T6

Tel: 416-366-8381

Fax: 416-364-7813

Email: nsmiley@fasken.com

**Lake Superior Action-Research
Conservation George Browne**

Lake Superior Action-Research-Conservation

P.O. Box 1

Montreal River Harbour ON P0S 1H0

Tel: 705-542-3482

Fax: Not Provided

Email: action@lsarc.ca

**McLean's Mountain Wind Limited
EB-2011-0394**

APPLICANT & LIST OF INTERVENORS

February 14, 2012

**Manitoulin Coalition for Safe
Energy Alternatives**

Raymond Beaudry

Manitoulin Coalition for Safe Energy Alternatives
342 Morphets Sideroad, RR1
Little Current ON P0P 1K0
Tel: 705-368-3328
Fax: Not Provided
Email: wrf@manitoulin.net

Manitoulin Nature Club

John Smith

Manitoulin Nature Club
334 Maple Pt., Rd.
Kagawong ON P0P 1J0
Tel: 705-282-0030
Fax: Not Provided
Email: [Not Provided](#)

**North American Platform
Against Windpower**

Sherri Lange

North American Platform Against Windpower
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**Wikwemikong Elders,
Community Members and
Youth**

Rosemary Wakegijig

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Youth
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**McLean's Mountain Wind Limited
EB-2011-0394**

APPLICANT & LIST OF INTERVENORS

February 14, 2012

Wind Concerns Ontario

Jane Wilson

President
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