

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.

**MCLEAN'S MOUNTAIN WIND LIMITED PARTNERSHIP
RESPONSES TO MCSEA, LSARC, BAYNICHE CONSERVANCY,
WIKWEMIKONG ELDERS, COMMUNITY AND YOUTH, AND
MANITOULIN NATURE CLUB INTERROGATORIES**

DELIVERED MARCH 30, 2012

INTRODUCTION:

In Procedural Order No.1 in this matter, issued on January 27, 2012, the Board made the following comments (at pages 4-5) with respect to the scope of its jurisdiction in a Leave to Construct Application under Section 92 of the *Ontario Energy Board Act, 1998*, as amended:

"Scope of the Board's Jurisdiction in a Section 92 Leave to Construct Application"

The Board's jurisdiction to consider issues in a section 92 leave to construct case is limited by subsection 96(2) of the OEB Act which states:

(2) In an application under section 92, the Board shall only consider the following when, under subsection (1), it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public interest:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.
2. Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources. 2009, c. 12, Sched. D, s. 16.

The Board does not have the power to consider any issues other than those identified in subsection 96(2). Parties requesting intervenor status have indicated a broad range of interests in this proceeding. The Board notes that as a general matter, the following issues are not within the scope of a section 92 leave to construct application: environmental issues, any issues relating to the wind farm itself, the Ontario Power Authority's feed in tariff program, and social policy issues. And while the Government's policies in respect of renewable energy form part of the criteria in section 96(2), the Board does not have the power to enquire into the appropriateness of that policy. The Board has further held in previous proceedings that it is not empowered to consider issues relating to the Crown's duty to consult with Aboriginal peoples in a section 92 leave to construct application.¹ Parties are reminded that any interrogatories and submissions to the Board must relate to the issues identified in subsection 96(2). Furthermore, the Board will not award costs in this proceeding for time spent on matters which are outside the scope of this proceeding.

The Board does not have the jurisdiction to determine issues related to environmental and social concerns outside of the scope of section 96(2), and it is important to note that the Project is subject to a separate Renewable Energy Approval ("REA") process. Generally speaking, environmental issues are considered in that process, and parties with an interest in these issues are encouraged to participate in the REA process if they have any concerns. Although the Board has no role in the REA process, any approval of the leave to construct application would ordinarily be conditional on all necessary permits and authorizations being acquired, including a completed REA.

1 Yellow Falls Power Limited Partnership, *Decision on Questions of Jurisdiction and Procedural Order 4*, EB-2009-0210, November 18, 2009. See also, Northgate Minerals, *Procedural Order 2*, EB-2010-0150, July 29, 2010."

Notwithstanding this explanation and caution from the Board, which were repeated in Procedural Order No. 2 when the Board granted intervenor status to the Manitoulin Nature Club and NA-PAW, McLean's has received over 80 questions from MCSEA, many of which are irrelevant to this proceeding or beyond its scope. McLean's has also received correspondence from NA-PAW with what is held out to be a series of interrogatories but which, for the most part, is a group of comments on matters that are beyond the scope of this proceeding.

In the pages that follow, McLean's Mountain Wind Limited Partnership ("McLean's") has provided responses to those MCSEA questions that appear to be relevant and within the scope of this proceeding. The NA-PAW correspondence is addressed in a separate document. Reasons have been provided where McLean's has refused to provide a response to a question.

Reference: Exhibit B, Tab 1, Schedule 1

Question 1

The application package pages are not numbered as per standard filing practices. Please explain why pagination was not provided for the prefile.

Response:

The paragraphs of the text of the Application are numbered sequentially, and can be followed by the reader.

Question 2

The application states that the Application is a limited partnership between Northland Power Inc. (NPI) and with Mnidoo Mnising Power Limited Partnership (MMP). Please explain this relationship including date the partnership was established, the roles of the respective partners.

Response:

Please see Exhibit B, Tab 2, Schedule 1 – Question 1.2 “Relationship between Parties to the Transaction or Project”.

Question 3

We understand that should the transmission line, easement request and REA be approved, that approximately \$90 million funding is required to complete this project. Is this correct and would the partnership dissolve should the funding not be available? Assuming this application is approved, would Northland Power be allowed to continue with the transmission line and project without it's partner?

Response:

Should the project receive its approvals and at a later date MMP ceases to be both a limited partner in MMWLP and a shareholder of McLean's Mountain Wind GP Inc., Northland Power will continue as the sole limited partner in MMWLP and sole shareholder of McLean's Mountain Wind GP Inc. MMWLP will therefore continue as the proponent of this Project and will be capable of proceeding with the transmission line and project. However, it should be noted that the terms and conditions of the REA and other approvals obtained would need to be complied with including any conditions that relate to the nature of the proponentcy.

Question 4

Please clarify the role of MMP in all the components of the transmission line project, including but not limited to land acquisition; approvals; construction of switching, transformer stations, submarine cable and all other elements; maintenance; and, decommissioning.

Response:

Exhibit B, Tab 1, Schedule 1 provides details on the ownership structure of the Applicant which is a 50/50 partnership between NPI and MMP.

A management agreement between the Applicant and NPI obliges NPI to take responsibility for all aspects of the development, design, construction, operation and decommissioning of the MMWF. Accordingly, MMP has no role in the land acquisition; approvals; construction of switching, transformer stations, submarine cable and all other elements; maintenance; and, decommissioning.

Question 5

Please explain in detail the nature of MMP including its experience in managing large electrical projects, its financial and operating resources to complete the project, and its governance structure.

Response:

The composition of MMP is set out at Exhibit B, Tab 1, Schedule 1, page 1, para. 3. MMP's experience in managing large electrical projects, its financial and operating resources to complete the project as well as its governance structure is not relevant to this Application as it will have no active role in the management of this project.

Question 6

Who was the representative of each of the First Nations at the time MMP was created and who represented each First Nation at the time of the signing of the partnership agreement between MMP and NPI?

Response:

MMP was formed in the summer of 2010 and the partnership agreement between MMP and NPI was signed in December 2010. Band council resolutions permitting MMP to be formed and for MMP to partner with NPI on the Applicant were signed by each of the 6 communities prior to these events. As noted at Exhibit B, Tab 1, Schedule 1, page 1, para. 3 of the Application, MMP's general partner is Mnidoo Mnising Power General Partner Inc., and MMP has six (6) First Nations as limited partners, namely, Aundeck Omni Kaning First Nation, M'chigeeng First Nation, Sheguiandah First Nation, Sheshegwaning First Nation, Whitefish River First Nation, and Zhiibaahaasing First Nation. The authorization for the creation of the partnership with Northland by each of the First Nations was given by the signing of Band Council Resolutions. As such, the identities of the individuals who represented each of the Bands at the time is not relevant.

Question 7

Please confirm that the term of office for chief and council of the Whitefish River First Nation ended on January 7, 2011 and that the election of a new chief and council did not occur until February 12, 2011.

Please indicate the position of the person who committed the Whitefish River First Nation to MMP at the time this commitment was made.

Response:

The Applicant confirms that the term of office for chief and council of the Whitefish River First Nation ended on January 7, 2011 and that the election of a new chief and council did not occur until February 12, 2011.

Prior to the signing of the McLean partnership in December 2011, a Band Council Resolution was signed by the council of the Whitefish River First Nation which authorized the Chief to commit the Whitefish River Nation to MMP.

Question 8

Please clarify all relationships included in the statement "MMP'S general partner is Mnidoo Mnising Power General Partner Inc". We note that in paragraph one, MMP is referred to as Mnidoo Mnising Limited Partnership. Does MMP have any other partners than its General Partner?

Response:

Please see Exhibit B, Tab 1, Schedule 1, para 3 of the pre-filed evidence, in which McLean's advises as follows:

"MMP's general partner is Mnidoo Mnising Power General Partner Inc. MMP has six (6) First Nations as limited partners, namely, Aundeck Omni Kaning First Nation, M'chigeeng First Nation, Sheguiandah First Nation, Sheshegwaning First Nation, Whitefish River First Nation, and Zhiibaahaasing First Nation."

Question 9

Please confirm that Aundeck Omni Kaning (AOK) First Nation, is one of the named partners in MMP. Does the applicant acknowledge that AOK passed a Band Council Resolution that opposes this project and related transmission line? Does the applicant also acknowledge that AOK also requested and received a 60 day extension to the REA process in order for AOK to undertake more complete consultation with their community and that this REA comment period extends until March 27, 2012? Please explain in detail and document the relationship of AOK with MMP.

Response:

Please see McLean's response to Question 8, above. AOK is still a limited partner in MMP.

The Applicant is aware that Aundeck Omni Kaning ("AOK") passed a Band Council Resolution ("BCR") opposing the wind farm project. However, that BCR pre-dates a subsequent BCR supporting the project and authorizing the Chief to enter into the partnership.

Recently, AOK had their Band Council elections, which resulted in a change of leadership and some members of Council.

The Board has confirmed that the REA process is beyond the scope of this proceeding. However, the Applicant understands that the request by AOK for the REA extension was to allow time for the new Chief and Council to consider the project. A community session organized by the new Chief and Council was undertaken by both NPI and MMP. As a result, support continues from AOK.

The REA comment period was not extended an additional 60 days as a result of the AOK request and was completed at the end of January 27, 2012. It should be noted that all First Nations have the right to comment and discuss the project for the duration of the project life and as such the AOK did not require any extension of the Public Review Period to have their comments accepted and reviewed.

Question 10

Please explain why the applicant believes that the Board can consider the application before the REA is complete.

Response:

Please see pages 4-5 of Procedural Order No. 1, in which the Board states:

"The Board does not have the jurisdiction to determine issues related to environmental and social concerns outside of the scope of section 96(2), and it is important to note that the Project is subject to a separate Renewable Energy Approval ("REA") process. Generally speaking, environmental issues are considered in that process, and parties with an interest in these issues are encouraged to participate in the REA process if they have any concerns. Although the Board has no role in the REA process, any approval of the leave to construct application would ordinarily be conditional on all necessary permits and authorizations being acquired, including a completed REA."

Question 11

Does the applicant acknowledge that the UCCMM Chiefs signed without the approval of council and members where many oppose this transmission line? Have all First Nation partner communities been allowed to fully consult with their members? Please provide documentation on the consultations that the applicant relies upon, including the dates, agendas and minutes when community meetings have taken place.

Response:

The Applicant rejects the suggestion that the UCCMM Chiefs signed without the approval of its councils and members. All First Nation partner communities passed BCRs to allow the formation of MMP and to further allow MMP to partner with NPI on the MMWLP.

The Applicant has conducted an extensive public consultation process. Please refer to Exhibit H, Tab 1, Schedule 2 of the Application for excerpts from REA material related to the consultation process that was undertaken as part of the REA approvals process.

Question 12

Please provide support for the statement at B/T1/S1 para. 3 on how MMP partnership would protect First Nations' rights, Heritage and to ensure the future for First Nations Youth. How is the transmission line fulfilling this statement. What are the benefits quantified or otherwise?

Response:

Far too often when development occurs within First Nation territory it does so without adequate involvement of the affected First Nations who have local knowledge of the land's historical and cultural importance. This oversight can cause unintentional damage to the land, water and air.

MPP as a co-owner and developer of the project, has been able to directly contribute valuable local knowledge to the project designers to enhance the protection of rights, heritage, land, water and air.

Both partners in McLean will receive financial benefit from their equity participation.

Question 13

The applicant makes this statement ,“The MMWF Project falls within the Traditional lands of the Anishinabe of Manitoulin.” We agree with this statement, though without clarification, this leaves one to believe that this project is on First Nation Land. Does the applicant acknowledge that the project is on Private land? Please clarify.

Response:

Please see Exhibit G, Tab 1, Schedule 1, in which McLean's states that “The MMWF Transmission Line is largely contained within municipal road rights-of-way (“RoW”), with some private property being crossed.” The Applicant acknowledges that the project is entirely on private, municipal or in the case of the North Channel Provincial land.

Question 14

Being the traditional lands of the Anishanabe, Wikwemikong has Anishanabe members. The elders, community members and youth group are opposed to this application with over 600 signatures from this community alone. There is also a possible unsettled shoreline marine allowance land claim for the submarine cable crossing. Please explain in detail how the applicant satisfied its onus to consult with Wikwemikong and address their concerns.

Response:

As confirmed by the Board in Procedural Order No. 1, the Board "is not empowered to consider issues relating to the Crown's duty to consult with Aboriginal peoples in a section 92 leave to construct application." This question is beyond the scope of this proceeding. The Applicant has described its public consultation process in the Application and related pre-filed evidence, at Exhibit H of the Application.

Question 15

The applicant makes this statement, "This application is in respect of the transmission facilities associated with the MMWF project". Where would one find the easement request as noted in the application? Is documentation required for affected lands? Please provide lands required for easements.

Response:

Please see Exhibit G, Tab 1, Schedules 1-3 of the pre-filed evidence for a discussion of Land Matters and the forms of documentation for affected lands. The Applicant has requested approval of these forms of documentation as part of the Application. The specific form of document applicable to each parcel of privately owned land is not relevant to this proceeding.

Question 16

Please file any road use agreements that the applicants have with all relevant authorities. Please provide details on all road use agreements applied for but not yet received.

Response:

The Applicant has entered into a road use agreement with municipality of North Eastern Manitoulin and the Islands. A copy of the form of agreement has been included in Exhibit G, Tab 1, Schedule 3 of the pre-filed evidence.

Question 17

reference: Exhibit E Tab 1 Sch 5

The included line drawings show poles 72 and 73 not on the road allowance. Please confirm. This is inconsistent with original drawings in this application and the statement in Ex B Tab 2 Sch 1 page 9, second paragraph. Please confirm and provide an explanation of the locations proposed for poles 72 and 73.

Response:

Poles 72 and 73 are on a part of Lot 21, Con 12. The Applicant has an appropriate agreement in place with the owner of that land, and the land is identified in Exhibit G, Tab 1, Schedule 2 as being among the properties in respect of which the Applicant has entered into an agreement.

Question 18

Reference: Exhibit E Tab 1 Sch 5, Please supply descriptions of dead end structures and any other framing that may not be included. What is the framing at transmission pole 62 to maintain clearances above the existing 44 kV line? Provide a complete drawing showing the position of the 44 kV line.

Response:

The detailed design of the dead end structures and of the framing of pole 62 will be undertaken as part of the final engineering which is not expected until the third quarter of 2012. The clearances above the 44 kV line will be shown in the final engineering package.

Question 19

Does the applicant acknowledge that the transmission line as proposed would cross key habitats, including ANSI and known species at risk, endangered, protected species habitat areas. Transmission lines are known to cause high mortality rates among some avian species.

Response:

As discussed above, in Procedural Order No. 1, the Board stated:

“The Board notes that as a general matter, the following issues are not within the scope of a section 92 leave to construct application: environmental issues, any issues relating to the wind farm itself, the Ontario Power Authority’s feed in tariff program, and social policy issues. And while the Government’s policies in respect of renewable energy form part of the criteria in section 96(2), the Board does not have the power to enquire into the appropriateness of that policy.

...

The Board does not have the jurisdiction to determine issues related to environmental and social concerns outside of the scope of section 96(2), and it is important to note that the Project is subject to a separate Renewable Energy Approval (“REA”) process. Generally speaking, environmental issues are considered in that process, and parties with an interest in these issues are encouraged to participate in the REA process if they have any concerns. Although the Board has no role in the REA process, any approval of the leave to construct application would ordinarily be conditional on all necessary permits and authorizations being acquired, including a completed REA.”

The subject matter of this question is beyond the scope of this proceeding, and McLean’s will not respond to it.

Question 20

Does the applicant acknowledge that the proposed route includes area of the Sheguiandah Burr Oak Savannah and known wetlands? Where are the studies for the transmission line and submarine cable impacts to Flora, Fauna species and SARS on the proposed route?

Response:

Please see McLean's response to Question 19. The subject matter of this question is beyond the scope of this proceeding, and McLean's will not respond to it.

Question 21

The MNR has previously disallowed disturbance of alvar habitat areas on Harbourview Road. What are the mitigation plans for disturbances of this habitat due to the transmission project?

Response:

Please see McLean's response to Question 19. The subject matter of this question is beyond the scope of this proceeding, and McLean's will not respond to it.

Question 22

Please supply maps that show the proposed project overlayed on wetlands, all First Nation land as reference in NEMI tax roll, residences and businesses in relation to ROW and distances from conductor swing, all First Nation road allowances, and any lands claim areas.

Response:

The revised layout map provided as Attachment 1 to the Applicant's response to Board Staff interrogatories includes wetlands and First Nation land. The scale of the map is such that the detailed outlines of residences and businesses would not be viewable. The Applicant has consulted with its First Nations partner and is confident that the transmission facility that is the subject of this Application will not interfere with any First Nation road allowances, and any lands claim areas.

Question 23

Please identify all elements of the proposed transmission line that could impact official snowmobile trails. Indicate if notice was served on the Ontario Federation of Snowmobile Clubs and the Manitoulin Snowdusters Club. Please indicate any safety related signage planned for any elements of the proposed transmission project that could impact safe use of official trails.

Response:

The Applicant gave notice of the Application in accordance with the Board's Letter of Direction.

The Applicant understands that the unopened road allowance is used by snowmobilers. The Applicant's use of the road allowance will be governed by the Road User's Agreement entered into with NEMI. That agreement, a copy of the form of which is included at Exhibit G, Tab 1, Schedule 3 to the Application, provides, in part, as follows:

"8. The Electric Power Producer shall ensure that neither its work nor the Electrical Interconnections unduly interferes with the use of any Municipal Road Allowances by members of the public. Without limiting the generality of the foregoing, the Electrical Power Producer shall not be entitled to close or temporarily block any of the Municipal Road Allowances without the prior written consent of the Corporation, acting reasonably. The Electric Power Producer acknowledges that the rights granted hereunder are nonexclusive, and do not constitute a grant of easement or any other permission other than as expressed herein in writing or as otherwise granted to the Electric Power Producer under the Electricity Act.

11. Before commencing any work, the Electric Power Producer will deposit with the Public Works Superintendent a plan, drawn to scale, showing the Municipal Road Allowances where the work is proposed and the location, including height of the Electrical Interconnections or part thereof, together with specifications relating to the proposed Electrical Interconnections or part thereof. For the purposes of this paragraph, works of the Electric Power Producer include not only original installations, but also any and all repair or relocation work or additions to or replacements of any part of the Electrical Interconnections."

If required by the Municipality, the Applicant will install appropriate signage.

Question 24

The transmission line route crosses rural single phase and three phase lines as well as running parallel and above. It also crosses two 44 kV circuits . We have concerns over the induction impact, dirty electricity in relation to sine wave irregularities and voltage levels on the these lines and residents homes, excessive ground currents on Morphet's side road and other locations the transmission will be above or directly beside the transformer or lines supplying the house or business. What assurances is the applicant able to provide that the proposed transmission line will not impact electrical service to local consumers?

Response:

The final design of the transmission facility will be undertaken by experienced electrical engineering professionals and will be in accordance with CSA C22.3 which regulates the distances between the transmission line and existing facilities to ensure that the transmission line does not impact electrical service to local consumers.

Additional information on the design details can be found in Exhibit B, Tab 1, Schedule 1.

Question 25

What equipment or other mitigation is the applicant proposing to protect local properties from over currents and trickle voltage related to the project?

Response:

The final design of the transmission facility will be undertaken by experienced electrical engineering professionals and will be in accordance with CSA C22.3. Additional information on the design details can be found in Exhibit B, Tab 1, Schedule 1.

Question 26

We have concerns with wireless communication along this route also. There are several communication towers in this proximity including Bell, local radio station transmitter, local ham operator club, hospital and fire crew communication towers. Have the impacts to these locations been considered? Please provide full documentation.

Response:

The final design of the transmission line will be undertaken by experienced electrical engineering professionals. CSA C22.3 does not have a specific setback distance for 115 kV transmission lines from communications antennae, but for 50 kV transmission lines a setback of only 2.4 metres is required. The nearest communications tower is approximately 500 metres from the transmission line.

Question 27

We have concerns with the proposed ROW and the fence lines along road allowance and property lines. What criteria was used to determine locations for land measurement for relevant fence line locations and road allowance?

Response:

For locations the Applicant hired a registered Ontario surveyor to locate the road allowances for each section of the ROW.

Question 28

Will fence lines be moved to allow pole and line construction? What are the plans for possible damage?

Response:

Some fences may need to be moved or may be damaged during construction. For fences improperly located within the municipal road allowance such movement and repair will be subject to any requirements of the Municipality of NEMI. The Applicant will work cooperatively with the affected landowners and the town roads superintendant to move and repair all fences directly impacted by the Applicant's activities at its expense.

Question 29

Residents in the proximity of the proposed transmission line have concerns over the construction activity that will directly impact the normal road use on roads. Concerns include; undue stress, affect on residents with disabilities, construction noise, heavy equipment on road, normal usage and enjoyment by residents and others, dust around houses, dust on hay crop for horse use, contaminants from ground that could be released, gas and oil pockets, disturbance of normal underground water flows, possible rock drilling, property damage, use of our driveways for turnarounds, regular mail delivery, domestic animal impacts, construction extending beyond normal hours and weekends, continual use of this road for other construction access, bird, bat and wildlife habitat impacts, ditching, construction impact on well water due to pole depths, runoff, oil spills, land restoration, visual impacts to this scenic road and area, normal tourism and local traffic access, heavy rain runoff, conductor stringing impacts, possible power outages on rural line, waste material from tree and brush removal, stumpage left behind on site, fence line disturbance, trespassing, and other impacts not readily identified. What plans do the applicant have to address these direct impacts?

Response:

With respect to the environmental aspects of this question, please see the Applicant's response to Question 19. Those elements of this question are beyond the scope of this proceeding, and the Applicant will not respond to them.

For additional details on the Applicant's plans for constructing the transmission line and related transmission facilities, please refer to the Construction Report of the REA, included with the Applicant's reply to Board Staff Interrogatory No. 4(2).

Question 30

What assurances does the public have that all requirements of the Occupational Health and Safety Act, Construction Safety Act, Highway Traffic Act and all other related legislation will be followed in this transmission line construction?

Response:

The Applicant will comply with all applicable legislation including the requirements of the Occupational Health and Safety Act, Construction Safety Act and the Highway Traffic Act.

Question 31

Please provide detailed maps showing proposed ROW and line clearances.

Response:

The Applicant does not have detailed maps showing the ROW and line clearances. However, the Applicant will ensure that all line clearances along the ROW will be within the property lines of the ROW. Please see Attachment 3 to the Applicant's responses to Board Staff interrogatories which provides the design of a pole to ensure that the line clearances are within the municipal ROW.

Question 32

Part of the transmission line route proposed uses the North side of Morphet's side road where there are permanent residences. The properties across from lots 3 and 4 conc 7 on the south side do not have residents and the line route could continue east on this south side of Morphet's Side Road then cross and not have trees and hedgerows between the residences and the road removed. Please explain why the applicant proposes to build on the north side of Morphet's Side Road. What would be the implications of not building on the north side?

Response:

The road as currently constructed is not centered on the municipal right of way. The line shifts from one side of Morphet's Sideroad to the other to ensure that the transmission infrastructure remains within the municipal right of way.

Question 33

There are residents on both sides of Morphet's sideroad on lots 2 of conc 6 and 7. How does McLean's Mountain Wind Farm address the impacts its project would impose on those properties?

Response:

There is no transmission infrastructure planned for these lots. The transmission line will be located in the municipal right of way adjacent to these properties in a manner similar to other parcels of land along the right of way.

Question 34

What noise levels are associated with the equipment proposed and are there any possible noise impacts to the neighbours in direct vicinity? Please provide all relevant documentation.

Response:

The noise associated from the transformer substation was included in the evaluation of the noise from the entire wind farm as part of the REA application. The noise emitted from the balance of the transmission line and related transmission facilities is negligible. Please see the Applicant's response to Question 19. Questions related to the REA are beyond the scope of this proceeding.

Question 35

The Morphet's Side Road is used extensively for the tourists to access the McLean's Mountain lookout and is regularly featured in our local paper for its beauty of fall colours. The residents, all horse owners, ride horses up and down Morphet's side road regularly. A transmission line and tree removal is affecting qualities of life that many enjoy. Manitoulin is a tourist based economy. What is McLean's response to a transmission line placed in a tourism based economy and known route to McLean's Mountain Lookout?

Response:

The subject matter of this question is beyond the scope of the matters to be considered by the Board in a section 92 proceeding, and McLean's will not respond to it.

Question 36

Alternate routes were presented that directed the path of the proposed transmission line along leaseholders properties that are participants in the project. The applicant rejected these proposed alternatives and now the route presented is affecting many non participants. The request is affecting our land values and way of life. The now-rejected alternate route would be shorter and would have used an existing Hydro road allowance corridor along Hwy 540 along Willis side road beside existing participating leaseholders land or along participating leaseholders gravel pit that has access to HWY 540. There is also an abandoned Hydro One 44 kv ROW that was once used in this area north of HWY 540. Why should other non participating residents in the project be impacted by this proposed route? Please explain in detail why any of these other two routes were not chosen?

Response:

The route selected by the Applicant was chosen to minimize the crossings of highways, minimize crossings of the 44 kV Hydro One lines and to minimize the requirement for new easements across private land. The chosen route crosses hwy 6 once, crosses the 44 kV circuit once and requires no easements beyond those already in place as part of the wind farm. The alternate route proposed above would cross Hwy 540 twice, would cross the 44 kV lines 3 times and would require multiple easements from landowners and Hydro One.

The alternate route and the chosen route are identical from the intersection of Gammie Rd. and Boozeneck Rd. to the Switching Station. The chosen route from the Transformer Substation to the intersection of Gammie Rd. and Boozeneck Rd. fronts on only 3 properties with residences on them. These 3 properties are all on Morphet's Side Rd. The applicant attempted to negotiate easements to permit the installation of the transmission line on the back of the properties on the south side of Morphet's Rd. to minimizes the visual impact to these residences. Unfortunately, the Applicant was unable to get all of the landowners required to agree and the decision was made to use the Municipal road allowances.

Question 37

What other alternative routes for transmission were considered by McLean and local input?

Response:

Please see the Applicant's response to Question 36.

Question 38

Please confirm on the record that no expropriation is required.

Response:

MCSEA made a similar request in the context of its submission on confidentiality. McLean's responded to that request at paragraph 33 of its February 24, 2012 reply submission on confidentiality. Paragraph 33 provided, in part:

“...MCSEA has also requested that “full details” be provided on the public record of “any lands acquired by, or planned to be acquired by, expropriation under the Electricity Act or any other legislation”. In fact, the contractual arrangements referred to in the table that is the subject of the confidentiality request were not arrived at through expropriation. However, McLean's submits that the manner in which the land rights are acquired is not relevant to the current proceeding, nor is that a focus of the Filing Requirements, notwithstanding that the forms of agreements are before the Board for approval. McLean's will need land rights in order to construct the proposed transmission line, and the OEB Act addresses circumstances in which necessary land rights cannot be arranged through negotiation. Any such negotiations with land owners are highly commercially sensitive and are not within the scope of this proceeding.

Similarly, the subject matter of the current interrogatory is not relevant to this proceeding, and McLean's will not provide any response to it beyond that set out in paragraph 33 of its reply submission on confidentiality.

Question 39

In reference to Exhibit K, tab 1, Sch 1, Number one. Application to MNR has to be resubmitted once alignment for marine cable has been finalized. Do all maps in this application show the final alignment?

Response:

No. Finalization of the lease agreement for Goat Island will slightly modify the route as shown from the entrance to the North Channel to the Switching Station on Goat Island. CP and the Applicant are continuing their discussions in this regard, however, at this time the proposed revised route is as shown in Attachments 1 and 2 of the Applicant's responses to Board Staff interrogatories.

Question 40

If alignment is different than info supplied when would the public be able to comment on this?

Response:

The Applicant submits that this minor shift in the alignment at the request of CP, does not warrant additional public comment.

Question 41

Please supply copies of all applications to the MNR and all other relevant authorities in relation to Exhibit K, Tab 1, Sch 1.

Response:

A copy of the REA has been provided in response to Board Staff Interrogatory No. 4(2). The status of these applications has been updated in response to Board Staff Interrogatory No. 5(1). While the Applicant acknowledges that the various approvals set out in Exhibit K, Tab 1, Schedule 1 are required from the authorities set out therein, the applications themselves are not relevant to this leave to construct proceeding before the Board, and the Applicant will not provide them.

Question 42

The transition station at the submarine cable entry point appears to be located in a cleared area and on barren rock with little overburden directly in view of the North Channel boating route. What measures will be taken to lessen the visual impacts of the facilities associated with the submarine cable entry and exit?

Response:

To reduce the visual impact from the North Channel boating route the transition station has been moved approximately 150 metres inland from the shoreline to a lot on the south side of Harbour View Rd.

Question 43

Please resolve the inconsistency of drawing Ex. E/T1/S4 MM-01 entry point into the North Channel with the line drawing in Ex E, Tab 1, Sch 5.

Response:

Exhibit E, Tab 1, Schedule 5 shows the route of the overhead transmission line to the transition station only. Exhibit E, Tab 1, Schedule 4 describes the route and design of the submarine cable which originates at the transition station and terminates at the switching station on Goat Island.

Exhibit E, Tab 1, Schedule 4 identifies an area at the point where the buried line on Harbour View Rd. turns towards Goat Island as a Substation, which is in fact a manhole designed to house the terminations in the cable. This manhole is no longer required as the cable selected is capable of being run underground and underwater.

Reference Ex. E/T1/S4 MM-01

Question 44

Is the Transition Station location on the NEMI TWP road allowance? MM01 shows buried cable entering substation station along shore line. Is this a correct depiction? Where does this cable originate from?

Response:

The transition station is located on Lot 21, Con. 12 which is on the south side of Harbour View Rd. approximately 150 metres from the shore. Please see McLean's response to Question 43 for additional information.

Question 45

Please provide the characteristics of the fenced off switching substation on the Manitoulin side of the North Channel including land rights, noise studies, fence height.

Response:

There is no fenced off switching substation on the Manitoulin side of the North Channel. Please see the Applicant's response to Question 43, above, for additional information.

Question 46

The North Channel was dredged years ago and, being limestone, has ledges. The North Channel water flow has at times very high currents. Sometimes these currents are from the east and other times from the west. At times, the currents are strong enough to push navigation buoys underwater. How is the submarine cable protected from abrasion?

Response:

The design of the submarine cable takes into consideration the current and the ledges found in the North Channel. Please see additional details in the Construction Plan Report of the REA which has been provided as part of the Applicant's response to Board Staff Interrogatory No. 4(2).

Question 47

What are the navigation impacts of the submarine cable? Submarine cable lessens draft depth for ships accessing this route. Is maximum draft for ships now required for this cable crossing to maintain clearance from these cables? How will this be controlled or enforced? Is there a possibility of anchors damaging the lines and what mitigation measures are proposed. How will the applicant ensure that paper and electronic marine charts will be accurately edited?

Response:

Under the *Navigable Waters Protection Act* the Applicant is required to seek approval for the installation of the submarine cables from Transport Canada. This is one of the approvals set out in Exhibit K, Tab 1, Schedule 1. As part of that process, Transport Canada will review the location of the submarine cables and consider any impacts of the crossing and any measures that must be taken by McLean's in respect thereof. The Transport Canada review process is not relevant to this leave to construct proceeding before the Board. The Applicant will ensure that there are signs on either side of the North Channel that alert boaters to the location of the cables. The applicant notes that there are at least 2 other submarine cables that cross the North Channel from Manitoulin Island to Goat Island.

Question 48

What measures are being taken to ensure that the submarine cable is adequately protected from ice scour?

Response:

The design calls for the cables to be trenched into the North Channel from the shoreline of Manitoulin Island and Goat Island to below the level to which ice forms to ensure that ice scour does not result. Please see the Construction Plan Report which is part of the REA documentation that was provided as part of the Applicant's response to Board Staff Interrogatory No. 4(2) for additional information.

Question 49

The submarine cable exit point trenching on Goat Island to the connection /switching Station is near a known contaminated waste site. This proposed trench could cause drainage from this site directly to the North Channel. What measures will be taken to mitigate this possible effect to known multiple fish species and not far from the Little Current Water intake?

Response:

Please see the Applicant's response to Question 19. The subject matter of this question is beyond the scope of this proceeding, and McLean's will not respond to it.

Question 50

What protection systems are planned for the underwater cable? Please provide all permissions sought and granted re; underwater cable including but not limited to MNR, DFO, Transport Canada, any First Nation involvement and any others.

Response:

The submarine cable will meet the Transmission System Code and CSA and will be fitted with electrical protection which at a minimum will include cable pilot differential and over-current protection.

Please see Exhibit K, Tab 1, Schedule 1 and the Applicant's response to Board Staff Interrogatory No. 5(1) for a complete list of permits required for this project.

Question 51

What is the role of the fibre optic system associated with the submarine cable?

Response:

The fibre optic system associated with the submarine cable is part of the control and communication system for the wind farm.

Question 52

What mechanical protection is provided on this fibre optic to prevent damage and cause reliability issues along this ROW and in particular the underwater portion?

Response:

The fibre optic cable is fed through a 1" HDPE conduit to prevent damage. Please see the Construction Plan Report which is part of the REA documentation that was provided as part of the Applicant's response to Board Staff Interrogatory No. 4(2) for additional information.

Question 53

How will rock stress points on fibre optic underwater be addressed?

Response:

The fibre optic cable inside its 1" HDPE conduit is strapped to one of the 115 kV cables using stainless steel clamps every 3 metres. The rigidity of this assembly and the construction methodology, including post installation inspection will ensure that rock stress points will not damage the fibre optic cable. Please see the Construction Plan Report which is part of the REA documentation that was provided as part of the Applicants response to Board Staff Interrogatory No. 4(2) for additional information.

Question 54

The interconnection point with HONI's facilities seems to be adjacent to a HONI three pole heavy angle 115 kv structure with guying? Is this where the connection point will be? What framing will be required from this structure if so? If this 3 pole structure is not available for use will HONI be required to install another structure? What are the HONI requirements for connection to this station?

Response:

The Applicant confirms that the interconnection point is adjacent to the HONI 3 pole heavy angle 115 kV structure at Hwy 6. The interconnection to the line does not rely at all on this structure to support the load of the interconnection. The CCRA has not yet been established and so the tapping structure that Hydro One will provide has not been selected. Other requirements for the connection of this line can be found in Exhibit I of the pre-filed evidence.

Question 55

What are the noise impacts to the area around the Connection/Switching Station? This is across the North Channel from prime real estate. Please provide the noise studies, noise from switching actions for this station and the impacts on the homes on the south side of the North Channel.

Response:

Please see the Applicant's response to Question 34, above. The noise from the switching station will be negligible. There will be no impact on the homes on the south side of the North Channel.

Question 56

How will the proposed transmission line impact real estate value proximate to the line on the south side of the North Channel?

Response:

The subject matter of this question is not relevant to this proceeding, and the Applicant will not respond to it.

Question 57

At part lot 21 conc 12 , a section of this property is currently for sale as prime water front real estate. The land has development potential due to its location. The land is listed with a local realtor. Are the landowners aware of the trenching and switching station plans? Have they been notified? Are there easement plans here? We request details of non confidential land matters be supplied and a more detailed map of the 115kv line leaving Harbour view road including property lines, road allowance, transition substation, marine allowances, sub cable route and entry point to North Channel. We have concerns on the effects to tourism and the cruise ships that travel here to support the local economy.

Response:

Land matters have been addressed in Exhibit G to the Application. The subject matter of this question is not relevant to this proceeding, and the Applicant will not respond to it.

Question 58

Please provide details of the applicant's notice provided to waterfront owners and seasonal residents?

Response:

Please see Exhibit H, Tab 1, Schedule 2 for a copy of the Applicant's notice which was provided to waterfront owners and seasonal residents.

Question 59

Reference: B/T1/S1 para 7: The evidence references site work dates that do not correspond with the Summary Schedule in Exhibit C Tab 4 Schedule 2. Please clarify this inconsistency.

Response:

Since the submission of this Application the project schedule has been delayed. The new schedule for this project can be found in Attachment 1 to these responses.

Question 60

Please provide a detailed breakdown of proposed construction schedule in Exhibit F.

Response:

Please see the modified Gantt Chart in Attachment 1 to these responses.

Question 61

Given that this project has been in the works since 2004, why did the applicant wait until November 22, 2011 to file its application? When did the applicant apply for its FIT contract and when was the contract granted?

Response:

The Applicant applied for its FIT contracts in November 2009. The contracts were received in April 2010.

Question 62

Reference: B/T1/S1 para. 6c: This section provides a description of the proposed transmission facilities but does not mention the switching substation at the sub cable entry point. Particularly in light of the significance of the required water front land usage, why was this not be included?

Response:

There is no switching substation at the sub cable entry point. Please see the Applicant's response to Question 43, above, for additional details.

Question 63

Reference Exhibit C Tab 4 Schedule 1: This reference states that the site work is to begin in the Winter 2011. How is this evidence consistent with the applicant only filing its case with the Board in November 2011? Please provide updated dates. Please update the GNATT chart provided in C/T4/S2.

Response:

Please see the Applicant's response to Question 60, above.

Question 64

Have land leases been secured for all pole anchoring, guying and sub cable trenches, switching devices, entry and exit points for the submarine cable route, and conductor crossings over private property?

Response:

The proponent confirms that it has secured all land rights required for pole anchoring, guying and sub cable trenches, switching devices, entry and exit points for the submarine cable route, and conductor crossings over private property with the exception of the North Channel crossing tenure documents which the MNR will provide after the cable is installed and for Goat Island, the rights in respect of which are currently being negotiated.

Question 65

The map in Exhibit B, Tab 2, Sch 1 shows a different route and generator location in relation to route as compared with Exhibit I, Tab 1, Sch 4. Please resolve this inconsistency.

Response:

Exhibit I, Tab 1, Schedule 4 does not include a map of the transmission route and generator location. Exhibit H, Tab 1, Schedule 3 provides 4 maps that were presented as part of public meetings dating back to 2009. These maps show essentially the same transmission route as set out in this Application. It is true that the generator locations have changed over the past years, mostly in response to public input, but the generator locations are not relevant to the transmission line and related transmission facilities that are the subject of this Application.

Question 66

We have reliability concerns related to proper setbacks of wind generators in the close proximity of the transmission line. Hydro One has setbacks of 500 metres for system reliability. Please supply distances of generators from transmission line. How will ice throw, blade failure or turbine collapse be addressed in relation to transmission line impacts?

Response:

The Applicant's design of the transmission system includes isolation breakers that will disconnect the transmission system from the HONI line should any catastrophic event such as ice throw, blade failure or turbine collapse cause the transmission line to be damaged. The transmission line is dedicated to the delivery of power from the wind farm to the grid and so the impact of its failure will only be felt by the Applicant.

Question 67

Reference Ex E, Tab 1, Sch 4 - Please revise the first drawing (MM01) so that fenced areas are properly shown including tarping, contaminated soil, drainage systems, leachate management systems and all other relevant land characteristics.

Response:

This question relates to environmental matters that are beyond the scope of this proceeding, and the Applicant will not respond to it.

Question 68

Please provide the presentation slides from the the August 4 2009 meeting where Northland Power president John Brace spoke to NEMI council.

Response:

The Applicant did not provide slides at the August 4, 2009 meeting.

Question 69

Please confirm that the REA Reports, including complete transmission information, were available at all MMP community locations.

Response:

The REA Reports were made available in hard copy at the offices of the UCCMM and electronically through the Applicant's web site.

Question 70

Please provide detailed layout drawings do scale showing the proposed transmission line and anchoring showing; driveways, fence lines, road allowances, property lines, pole placements, anchor and anchor pole placements, cable trenching, telephone and cable lines, property designation, single phase and three phase rural lines and clearances, 44 kV circuits and clearances, marine allowance, culverts, wetlands, wetland crossings, ditches, natural and man made drains, existing OFSC snow machine trail use in ROW and road allowances, all fenced in stations and anything significant in the area including houses & buildings, NEMI arena and parking lot, vacant lots, fully fenced in contaminated waste material on Goat Island and location of station in relation to connection point to HONI transmission line.

Response:

The complete survey along the ROW showing details of the kind set out in this question has not been performed. Property line confirmation and final placement of transmission structures will not be done until the final design is undertaken.

Underground facilities are located during final design at structure locations.

Question 71

Reference Exhibit B, Tab 2, Schedule 1 Section 1.3.2 The evidence states that "the Project location is approximately 5 km from the Town of Little Current". Please define the use of the phrase "Project location". Please confirm that the transmission line, which is the subject of this application, goes through the Town of Little Current.

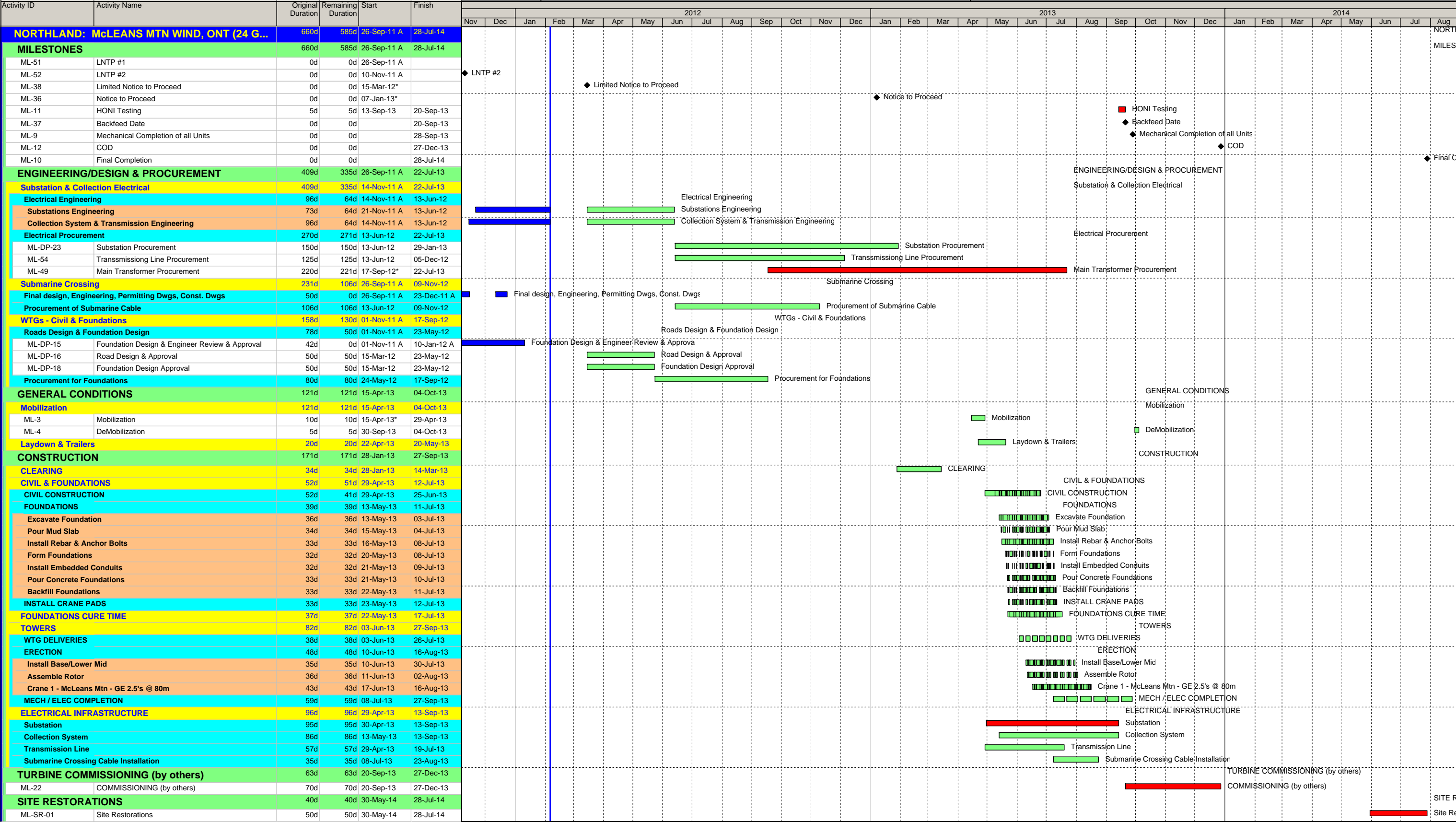
Response:

The project location being referred to in the referenced exhibit is the McLean's Mountain Wind Farm. The route of the transmission line, which is the subject of this application, passes through the south-eastern edge of the town of Little Current.

ATTACHMENT 1

GANTT CHART REVISED MARCH 29, 2012

Update - 29-Mar-12



Critical Remaining Work

Actual Work

Baseline Milestone

White Const - Contract

Remaining Work

Milestone

