

March 05,2013

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

Attn: Board Secretary

EB-2013-0015 McLean's Mountain Wind Limited Partnership Application for a Feed-In-Tariff
Program Electricity Generator Licence

Dear Ms Walli,

Please accept the following comments in reference to the above noted application.

On behalf of MCSEA and its first nation and non first nation supporters, we object to the granting of an electricity generator licence for the applicant as we believe this would not be in the public interest and other concerns as below.

Costs to the consumer and business for guaranteed 20 year contracts is not in the best interest of the greater good. Each FIT project approved for generation has it's impact on all electricity users where each licence to generate has a cumulative effect. In particular are large industrial projects.

Reference the March 5,2013 news release from Lisa Thompson MPP,

For Immediate Release

March 5, 2013

Liberal Government Approving New Wind Projects—While OPA Pays for Excess Wind Power

(Queen's Park) —The Ontario Power Authority has agreed to pay wind companies for their lost output when they are asked to switch off the flow of power from wind turbines when the demand for energy is low.

This comes as the Liberals are approving new wind turbine projects to the grid. Ontario is also forced to sell power to our Canadian and US neighbours at a loss—or paying them outright to take it off our hands.

“This boggles my mind,” said Thompson. “The math is simple. We have a surplus—why are we continuing to approve wind contracts and add more unnecessary power to the grid, and more unaffordable contracts on the backs of Ontario ratepayers?”

Controlling power output has become a pressing issue in Ontario as more and more renewable

power connects to the grid. An additional 3,000 megawatts of wind power alone is due to come on stream in the next 18 months. The Independent Electricity Security Operator had estimated that coping with surplus power production will cost Ontario's power system up to \$200 million a year if market rules don't change.

"As wind tends to produce overnight and at times when we don't need it, this problem will be compounded as new wind energy projects are approved and start generating," said Thompson.

"Why is the Liberal government continuing to award 20 year contracts for wind projects that we will have to pay to sit idle?"

"This further goes to prove that the time is now for a wind moratorium," said Thompson. "Let's slow down and get this right and make sure that we have an energy system that is affordable for the ratepayers in Ontario."

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The question remains whether these OPA implementations may only apply to existing wind contracts and not those under the FIT program. Should this be the case and it is difficult in the best interests of the consumers to control the high payout under the FIT contracts then allowing a licence to generate should not be granted.

This project FIT is set at 15 cents KWH. A much higher payout than other industrial wind projects in the province. Another impact against the interest of electricity users.

The true costs over the term of the licence must be known and disclosed. May we request that information before any decision is made on this application?

Consumers and industry will be affected by higher electricity prices which has a domino effect on all goods, foods and monthly bills to which people and business are subjected to energy poverty. This costs cannot be continued to be passed down the generations. Whether venting steam, ramping gas plants up and down or spilling water, it does not make economic sense.

The applicants project has little or no net benefit to the consumer or grid due to the distance from the load and winds 30% and much less variable generation may increase grid instability.

Other issues we wish to bring forward are items that may be out of compliance to Board Orders in EB-2011-0394 and decision and order June 28, 2012.

1. Reference lands identified in land matters .**Optioned properties include:**

Township of Howland: Concession 1, Lots 15, 16, 17, 31, 32, 33, south part of Lots 34 and 35 (25 acres of each lot); Concession 2, Lots 10, 11,

12 , 13, 14, and Lots 21-42; Concession 3, Lots 12, 13, 14, 15 and Lots 21-32; Concession 4, Lots 7, 8, 9, 14, 19, and 20; Concession 5, Lots 6, 7, 8, 10, 11, 12, 13, 14 ;Concession 6, Lots 5, 6, 7, 8, 9, 10; Concession 12, Part Lot 21.

Township of Bidwell: Concession 12, Lots 22 - 28.

It would seem that permission for transmission routing has not been granted or all permissions have not been acquired for lot 10 conc 5 as stated in their documents to the OEB. This is also not a minor change as lot 11 conc 6 is owned by AOK First Nation. The right of way seems to cross both First Nation Land and the private lot. The route also now crosses an identified wetland area west of turbine 6 which is inconsistent with the REA. The applicant would be required to verify.

Should all permissions not be acquired then the turbine 12 may not have approval for placement making the project less than 60 MW for which it was approved. The applicant should be aware of this inconsistency.

2. In regards to REA compliance this seems to be a factor also as well as there is a dwelling located on lot part 31 conc 1 that it seems was not included in the noise study receptor locations which could possibly require the removal of another turbine or two further affected the approved 60 MW. Should the receptor be recognized with adequate setbacks then why was it not identified in the study. The applicant knew it was located here as their discussion with the landowner. The noise study may be out of compliance with the REA as submitted.

3. The applicant has stated in the appeals process that the submarine cable entry point is along road allowance but the new map shows it makes an angle across private lands or marine allowance. This would also have to be verified by the proponent to the board and the public as Northland Power firmly stated in their responses to our queries in EB 2011-0394 the route would follow the road allowance.

4. Another concern is the verification of a 115 kv submarine cable crossing the navigable North Channel. Should the voltage be lowered at the transition location then a step down transformer will be required as well as a step up transformer at the connection switching station. Should this be the new plans for the cable crossing then the evidence presented to the Board is incorrect including stations plans as submitted in the application for a leave to construct.

5. In environmental issues on page 7;

Environmental Issues

This project is subject to the Renewable Energy Approval ("REA") process. The REA process requires the applicant to screen the affected area for environmental and social economic features, identify any environmental effects of the facilities and any corresponding mitigation measures that are required, provide information respecting the route selection and evaluation,

and to conduct outreach to the community. McLean's has provided evidence that it has engaged in consultation with affected communities through public information centres as well as meetings designed to address concerns. Evidence has been provided that the applicant is engaged in the REA process.

Board Findings

The Board notes that the applicant is engaged in the REA process, including the required matters of consultation with the public and First Nations. The Board agrees with the proposal of parties and Board staff that REA approval should be a condition of the Board's order granting leave to construct the Transmission Facilities. END

We believe that proper First Nation consultation has not taken place as submitted by the applicant. Sheguiandah First Nation, a member partner has not passed a resolution in support of this project as well as deficiencies in community consultation. We also wish to have the board recognize the request for an oral hearing by the Wikwemikong Unceded First Nation in EB-2013- 0015.

May we request verification that the applicant has met the Transmission System Code Performance Standards as noted in the leave to construct decision and order. Page 9.

"With respect to the technical matters raised by MCSEA, the Board's approval of the proposed Transmission Facilities will be conditional on McLean's compliance with the Transmission System Code and associated standards."END

Further to the project, the approval was granted with the generators in specific locations. Verification of these locations will be required to be confirmed as should the locations be other than approved it is our opinion that the stakeholder is out of compliance with their leave to construct.

It is our opinion that should the above scenarios be correct making the application for a leave to construct incorrect then a licence to generate should not be granted.

MCSEA would also like to bring to the Boards attention the Appendix A to Decision and Order EB-2011-0394 June 28, 2012, Conditions of Approval. Should any of these conditions and any other Board Findings not been met then the Application for a granting of a FIT Program Electricity Generation Licence should not be granted.

**Appendix A
To Decision and Order
EB-2011-0394
June 28, 2012**

CONDITIONS OF APPROVAL

Definitions:

(1) "Transmission Facilities" means the single circuit overhead transmission line, a 1 km section of submarine cable, a switching station, a transformer station, and associated facilities, as defined in the Decision and Order.

(2) "Applicant" means McLean's Mountain Wind LP

1 General Requirements

1.1 The Applicant shall construct the Transmission Facilities and restore the Transmission Facilities land in accordance with the Leave to Construct application, evidence and undertakings, except as modified by this Order and these Conditions of Approval.

1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate June 30, 2013 unless construction of the Transmission Facilities has commenced prior to that date.

1.3 The Applicant shall comply with the requirements of the Renewable Energy Approval regulations and any amendment thereto.

1.4 The Applicant shall satisfy the Independent Electricity System Operator ("IESO") requirements as reflected in the System Impact Assessment Report dated March 15, 2011, and such further and other conditions which may be imposed by the IESO.

1.5 The Applicant shall satisfy the Hydro One Networks Inc. requirements as reflected in the Customer Impact Assessment Report dated March 16, 2011 and such further and other conditions which may be imposed by Hydro One.

1.6 The Applicant shall advise the Board's designated representative of any proposed material change in the Transmission Facilities, including but not limited to material changes in the proposed route, construction techniques, construction schedule, restoration procedures, or any other material impacts of construction. The Applicant shall not make a material change without prior approval of the Board or its designated representative. In the event of an emergency the Board shall be informed immediately after the fact.

1.7 The Applicant shall obtain and comply with all necessary approvals, permits, licences, certificates and easement rights required to construct, operate and maintain

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the Transmission Facilities, and shall provide copies of all such written approvals, permits, licences and certificates upon the Board's request.

2 Transmission Facilities and Communications Requirements

2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Electricity Facilities and Infrastructure Applications.

2.2 The Applicant shall designate a person as Transmission Facilities Manager and shall provide the name of the individual to the Board's designated representative.

The Transmission Facilities Manager will be responsible for the fulfillment of the Conditions of Approval on the construction site. The Applicant shall provide a copy of the Order and Conditions of Approval to the Transmission Facilities Manager, within ten (10) days of the Board's Order being issued.

2.3 The Applicant shall develop, as soon as possible and prior to the start of construction, a detailed construction plan. The detailed construction plan shall cover all material construction

activities. The Applicant shall submit two (2) copies of the construction plan to the Board's designated representative at least ten (10) days prior to the commencement of construction. The Applicant shall give the Board's designated representative ten (10) days written notice in advance of the commencement of construction.

2.4 The Applicant shall furnish the Board's designated representative with all reasonable assistance needed to ascertain whether the work is being or has been performed in accordance with the Board's Order.

2.5 The Applicant shall, in conjunction with Hydro One and the IESO, and other parties as required, develop an outage plan for the construction period which shall detail how proposed outages will be managed.

2.6 The Applicant shall furnish the Board's designated representative with two (2) copies of written confirmation of the completion of Transmission Facilities construction. This written confirmation shall be provided within one month of the completion of construction.

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3 Construction Impacts - Reporting Requirements

3.1 Both during and for a period of twelve (12) months after the completion of construction of the Transmission Facilities, the Applicant shall maintain a log of all comments and complaints related to construction of the Transmission Facilities. The log shall record the person making the comment or complaint, the time the comment or complaint was received, the substance of each comment or complaint, the actions taken in response to each if any, and the reasons underlying such actions. The Applicant shall file two (2) copies of the log with the Board within fifteen (15) months of the completion of construction of the Transmission Facilities.

End of Document

MCSEA also wishes to question the board if the applicant would be required and or has followed the OEB June 10,2010 Compliance Standards?

Thank you,
Respectfully Submitted,

Raymond Beaudry
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