



EB-2013-0031

NOTICE OF APPLICATION AND HEARING

**APPLICATION FOR DETERMINATION OF LOCATION OF
DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES
OWNED BY THE TOWNSHIP OF WAINFLEET**

Wainfleet Wind Energy Inc. ("Wainfleet Wind" or the "Applicant") filed an application dated February 4, 2013, with the Ontario Energy Board (the "Board") under subsection 41(9) of the *Electricity Act*, 1998, S.O. 1998, c. 15, Schedule A, as amended (the "*Electricity Act*") for an order or orders of the Board establishing the location of Wainfleet Wind's proposed distribution facilities within road allowances owned by the Township of Wainfleet (the "Township").

Wainfleet Wind is in the business of developing wind energy generation projects and associated distribution facilities in the Township. It has partnered with Rankin Construction Inc., a local contractor which carries on the business of building renewable infrastructure.

The Applicant has entered into a contract with the Ontario Power Authority and is in the process of developing a 9 MW wind power generating facility with five wind turbines, located in the Township and Niagara region.

As part of the project, the Applicant is proposing to construct a 27.6kV underground system ("Distribution System") that will collect power from the turbines and deliver it to a switching station, proposed to be located on private lands along an unopened road allowance of Sideroad 22. The Applicant proposes to install the Distribution System underground upon private and public lands in the Township and Niagara Region. This

Application is in reference to the public lands within the authority of the Township only. A map of the proposed facilities is appended to this Notice.

Wainfleet Wind has not been able to reach an agreement with the Township with respect to the location of the proposed Distribution System within road allowances and has therefore requested that the Board issue an order, pursuant to section 41(9) of the *Electricity Act*, determining the location of the Distribution System, within road allowances.

Scope of this proceeding

The scope of this proceeding is limited to determining the location of the Distribution System within the road allowances owned by the Township. The consideration of any aspect of the proposed wind generation facilities is not within the Board's jurisdiction.

The Board has assigned File No. EB-2013-0031 to this application.

How to see the Application

To see a copy of the application, go to the Consumer page of the Board's website and enter the case number EB-2013-0031 in the "Find an Application" box. A copy can also be seen at the Board's office and at the applicant's office at the addresses indicated below, or on the applicant's website <http://www.wainfleetwindenergy.ca>.

Hearing

Wainfleet Wind has requested a written hearing. The Board is considering this request. If you object to a written hearing, 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

Comment

If you wish to give your opinion on the proceeding to the Board Members hearing the application, you are invited to send a written letter of comment to the Board no later than 30 days after the publication or service date of this notice. A complete copy of

your letter of comment, including your name, contact information, and the content of the letter, will be provided to the applicant and the Hearing Panel.

Observe

If you do not wish to actively participate in the proceeding but you do wish to receive documents issued by the Board, you may request observer status. Your written request must be received by the Board no later than 10 days from the publication or service date of this notice.

Personal Information in Letters of Comment and Observer Requests

All letters of comment or letters requesting observer status will be placed on the public record, which means that the letters can be seen at the Board's offices and will be available on the Board's website. Before placing the letters on the public record, the Board will remove any personal (i.e. not business) contact information from the letters (i.e. the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the letter will become part of the public record. Please address your letter to the Board Secretary at the address below, and reference file number EB-2013-0031 at the top of your letter.

Intervene

If you wish to actively participate in the proceeding (e.g., submit questions, file argument), you may request intervenor status from the Board no later than 10 days after the publication or service date of this notice. Instructions for requesting intervenor status are available on the Board's website at www.ontarioenergyboard.ca/participate. Everything an intervenor files with the Board, including the intervenor's name and contact information, will be placed on the public record, which can be seen at the Board's offices and will be available on the Board's website.

If you do not have internet access, please call 1-877-632-2727 to receive information about this proceeding and how to participate.

How to Contact Us

In responding to this Notice, please reference Board file number EB-2013-0031 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.

IMPORTANT

IF YOU 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

P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: boardsec@ontarioenergyboard.ca
E-filings:
www.pes.ontarioenergyboard.ca/eservice
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

The Applicant

For Viewing of Application:

Rankin Construction Inc.
222 Martindale Road
St. Catharines, ON, L2R 7A3

For Communication and Filings:

Wainfleet Wind Energy Inc.
c/o Loeffen Farms
42569 Highway #3
Wainfleet, ON, L0S 1V0
Attention: Mr. Harold Loeffen
Tel: 1-905-899-2067
Fax: *Not provided*
Email: loeffenfarms@sympatico.ca

Applicant's Counsel

Aird & Berlis LLP
Suite 1800, Box 754
181 Bay Street
Toronto, ON M5J 2T9

Attention: Mr. Scott Stoll
Tel: 1-416-865-4703
Fax: 1-416-863-1515
Email: sstoll@airdberlis.com

DATED at Toronto March 6, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Map of Proposed Facilities

