



EB-2012-0442

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 Varna Wind Inc. for an order or orders pursuant to section 92 of the *Ontario Energy Board Act, 1998* granting leave to construct transmission facilities in the Municipalities of Bluewater and Huron East.

PROCEDURAL ORDER NO. 2

March 13, 2013

Varna Wind Inc. (the “Applicant”) filed an application with the Ontario Energy Board (the “Board”), dated November 23, 2012, under sections 92 and 97 of the *Ontario Energy Board Act, 1998* (the “Act”). The Applicant has applied for an order of the Board granting leave to construct an electricity transmission line and related facilities for the Bluewater Wind Energy Centre (“BWECC”), a wind farm generation facility, and for Board approval of the form of agreements that have been or will be offered to landowners affected by the approved route. The Board assigned file number EB-2012-0442 to this application.

The Board issued a Notice of Application and Written Hearing on December 12, 2012.

On February 4, 2013, the Board issued Procedural Order No.1 (“P.O. No. 1”) in which it granted intervenor status and cost eligibility to certain parties. One of the intervenors, Municipality of South Huron, has since withdrawn as an intervenor. A revised List of Intervenor is attached to this Procedural Order as Appendix A.

P.O. No. 1 also reminded parties of the scope of the Board’s jurisdiction and indicated that time spent on activities that are outside of the scope of the Board’s jurisdiction would not be eligible for cost awards. P.O. No. 1 also established dates for the submission of interrogatories, responses to interrogatories, and the date by which intervenors had to advise the Board if they intended to file evidence.

Filing of Evidence

Four intervenors indicated that they intended to submit evidence. The Board will therefore set out a timetable below for the filing of intervenor evidence and related interrogatories.

Request for Oral Hearing

The Board also indicated in P.O. No. 1 that it would consider the issue of whether to hold an oral hearing after the interrogatory phase. The Board will make this decision after the steps in this procedural order have been completed.

Interrogatory Responses

On March 10, 2013, the group of landowners that is an intervenor in this proceeding (the “Group”) filed a letter with the Board expressing concern with the interrogatory responses provided by the Applicant. The Board has reviewed the Applicant’s responses and considers that the responses are adequate for the questions that are within the scope of the proceeding. The Applicant appropriately identified issues that were outside the scope of the proceeding. The Board also notes that the Applicant addressed some issues outside the scope of the proceeding. Accordingly, the Board will not require the Applicant to respond further to the Group’s interrogatories.

Another intervenor in the proceeding, Jeff Allan, also filed interrogatories with the Board, dated February 18, 2013. Mr. Allan’s letter indicates that it was copied to NextEra, the parent company of the applicant. However, responses to these interrogatories have not been filed with the Board. The Board’s order, below, will require the Applicant to respond to these interrogatories.

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. Board staff and intervenors who wish to submit evidence in relation to the application that is relevant to the hearing and within the scope of the Board's jurisdiction, shall file the evidence with the Board and deliver it to the Applicant and to all other intervenors on or before **March 27, 2013**. Where possible, the evidence should specifically reference the pre-filed evidence.
2. The Applicant shall respond to the February 18, 2013 questions from Mr. Allan. The Applicant shall file the response with the Board and copy it to all intervenors on or before **March 27, 2013**.
3. The Applicant, Board staff and any intervenor with interrogatories on the evidence submitted shall file their interrogatories with the Board and copy them to the Applicant and to all other intervenors on or before **April 10, 2013**.
4. If a party who submitted evidence was asked interrogatories on that evidence, that party shall file its responses to the interrogatories with the Board and copy them to the Applicant and to all other intervenors on or before **April 24, 2013**.

All filings to the Board must quote the file number, EB-2012-0442, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, 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 or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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.

ADDRESS

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

E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, March 13, 2013
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX “A”

Varna Wind Inc.

Leave to Construct Application

Board File No. EB-2012-0442

Dated: March 13, 2013

LIST OF INTERVENORS

Varna Wind, Inc.

EB-2012-0442

APPLICANT & LIST OF INTERVENORS

March 13, 2013

APPLICANT

Rep. and Address for Service

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Varna Wind, Inc.

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APPLICANT & LIST OF INTERVENORS

March 13, 2013

INTERVENORS

Rep. and Address for Service

CENTENNIAL/HENSALL ROAD GROUP

– updated Feb 17/13

John and Mary Van Miltenburg
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R.R.#4

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Other Members of the Group

Al and Frances Wynja

Tom Nola,

Beth Cooper

Tony Van Miltenburg

Matt and Elaine Hane,

Chris and Angela Maloney

Darin and Julie McKenzie

Bill and Carol Stephenson

Ron and Ann Thompson

Arnold Van Miltenburg

Ben and Rose Van Miltenburg

(Ed and) Sue Anne Van Miltenburg

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Varna Wind, Inc.

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APPLICANT & LIST OF INTERVENORS

March 13, 2013

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System Operator**

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Jeff and Stephanie Allan

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Varna Wind, Inc.

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APPLICANT & LIST OF INTERVENORS

March 13, 2013

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