**VIA ELECTRONIC FILING & REGULAR POST**

March 23, 2013

Ontario Energy Board

P.O. Box 2319

2300 Yonge St., 27th Floor

Toronto, ON

M4P 1E4

Attention: Ms. Kirsten Walli,

 Board Secretary\_

Dear Ms. Walli:

**Re: Board File Number: EB-2012-0458**

 **K2 Wind Ontario Limited Partnership;**

 **Application for Leave to Construct (the “Application”)**

Board Order #4 of Procedural Order No. 1 (February 19, 2013) stated that, “K2 Wind shall, no later than March 14, 2013 file with the Board and deliver to all intervenors and Board staff a complete response to each of the interrogatories.” We have now had an opportunity to review the responses to the interrogatories provided by K2 Wind. It appears that some of the answers are not in fact answers to the interrogatories, but rather, an attempt to skirt answering the questions by postponing the answers to prior to construction. Some examples of this are as follows:

ACW Residents Questions Not Completely Answered

(Question Number Relates to Our Interrogatory Number)

1. Engineers - K2 did not provide the names and background experience of any engineers involved in the design of the proposed 230 KV line as requested.

2. Schematic Cross-Sections - K2 did not provide schematic cross-sections for the river and road crossings. Their response indicates that detailed designs will not be available until after the REA process is concluded. However, in the answers to Board Staff Interrogatories K2 points out that AMEC‘s team has assessed applicable codes and standards, as well as the site specific conditions and "created a final design based on these constraints". (line 6, page 18 Responses to Interrogatories, Board staff Questions).

4. Applicable Ontario Codes & Standards – It is difficult to see how the applicable safety codes and standards could not be identified and cited in a Hearing of this nature. How does copyright regulation prevent them from being cited in legal matters?

5. Safety Systems - No details of any fail safe/safety/backup systems were provided for the event of a failure in the transmission line. If the final design has been created as indicated in their response to Board staff (see #2 above), then this information should also be available.

6. Complaint resolution - K2 did not identify which staff members will be responsible for resolving any issues in the event of local residents’ complaints.

7. Emergency response plans - K2’s response indicates that no emergency response plans have been developed at this point. Given the length of time that K2 Wind has been working on this project and the magnitude of this project, this information should be well established at this stage in the project.

11. Municipal drains – As previously noted in #2, if the final design has been created, information about drains and how they will be handled should be available at this stage.

12. Municipal drain work - As no schematics or other information were provided for drain crossings, K2 Wind`s intention cannot be considered an answer to this question. Please see the comments made in #2 and #11.

15. Fencing - The question did not refer only to non-participating landowners. The question asked was how fence lines that intersect the proposed line would be handled. This includes fence lines of participating landowners. This was not answered by K2.

18. Co-ordinates for Splices – As previously noted, if the final design has been created, co-ordinates for splices should be available at this point.

24. Other Proposed Projects – The proposed EDP wind projects have been discussed at Council meetings where K2 staff was present. It is surprising that K2 Wind would therefore be unaware of these proposals. It is also surprising that K2 Wind would not have checked the FIT CAR priority ranking by region to see if any other projects had access to the same connection point.

FIT CAR PRIORITY RANKING by REGION

Notes

1/ list includes all applications submitted prior to June 5, 2010 which are awaiting the ECT.

Area Province Applicant l Project Project Project nameplate Connection

Ranking wide ranking Legal name Name Cty Source capacity(kw) point

27 224 Capital Power GP holdings inc Kingsbridge II wind power project Goderich Wind Onshore 270,000 B562lL and B563L

52 397 EDP Renewables Canada Ltd EDPR Canada 1 Ashfield- Colborne- Wawanosch Wind Onshore 100,000 B562L and B563L

53 398 EDP Renewables Canada Ltd EDPR Canada 2 Ashfield –Colborne- Wawanosch Wind Onshore 100.000 B562L and B563L

54 399 EDP Renewables Canada Ltd EDPR Canada 3 Huron-Kinloss Wind Onshore 100,000 B562L and B563L

26. Grounding Grid – As noted previously in point #2, if the final design has been developed, this information should also be available.

28. Switchyard & Upgrades to the 500KV Transmission Line– This question did not ask about the substation. It referenced the costs of the switchyard.

35. Response From Residents – The question did not ask about K2’s response to residents. The question asked was whether or not residents had provided written confirmation that K2’s response satisfied their concerns.

The Residents Group takes the position that the Board should properly have the benefit of these answers in determining whether or not to grant K2 Wind Leave to Construct. We therefore respectfully request that K2 Wind be ordered to fully answer the interrogatories which have been posed and not defer the answers until “prior to construction”.

We await your response.

Respectfully,

(signed) Anita L. Frayne

On Behalf of the Residents Group

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