



EB-2013-0015

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 Limited Partnership for an electricity
generation licence as a Feed-In Tariff Program participant.

Procedural Order No. 2
May 14, 2013

McLean's Mountain Wind Limited Partnership ("McLean's") filed an application with the Board dated January 17, 2013 under section 60 of the *Ontario Energy Board Act, 1998* seeking an electricity generation licence as a Feed-In Tariff ("FIT") Program participant.

In the application, McLean's states that in April 2010, the Ontario Power Authority ("OPA") awarded two FIT Program contracts to the applicant, relating to the purchase of electricity generated at the applicant's proposed McLean's Mountain Wind Farm in Little Current, Ontario. Further, McLean's states that in November 2012, the OPA provided McLean's with "Notice to Proceed" for the wind farm.

The Board assigned file no. EB-2013-0015 to the application. The Board issued a Notice of Application and Hearing on February 13, 2013.

On February 26, 2013, the Wikwemikong Unceded Indian Reserve No. 26 ("Wikwemikong") filed a request with the Board for an oral hearing. Wikwemikong also raised the issue of the duty to consult and whether there has been adequate consultation.

On March 8, 2013, McLean's responded to Wikwemikong's submission, stating that there are insufficient grounds to hold an oral hearing in this proceeding. McLean's submitted that the matters raised by Wikwemikong are beyond the scope of the proceeding and that therefore, there is no need to conduct an oral hearing to acquire additional evidence on such matters.

On April 26, 2013 the Board issued its Decision on Oral Hearing and Procedural Order No. 1 which denied the oral hearing request, responded to the duty of consult issues and clarified the scope of the proceeding. Procedural Order No.1 provided time for Wikwemikong to file a submission in accordance with the scope of the proceeding by May 3, 2013. The procedural order also provided time for McLean's to file a reply submission by May 10, 2013.

Wikwemikong filed its submission late, on May 8, 2013. On May 10, 2013 McLean's filed a request for additional time to file its submission given the lateness of Wikwemikong's submission.

On May 13, 2013 Board staff filed a letter with the Board seeking permission to also file a submission in this proceeding.

Findings

In the light of the issues raised by, and the timing of, Wikemikong's written submission, the Board accepts the request made by McLean's for additional time to file its reply submission, and by Board staff for an opportunity to file a submission, in this proceeding.

THE BOARD ORDERS THAT:

1. If Board staff wishes to make a submission in accordance with the scope of the proceeding, it shall do so by filing its submission with the Board in writing, and serving it on all other parties, by **May 17, 2013**.
2. If McLean's wishes to make a reply submission, it shall file it with the Board in writing, and serve it on all other parties, by **May 24, 2013**.

All filings to the Board must quote the file number, **EB-2013-0015**, 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. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below.

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, May 14, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary