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May 27, 2013

**VIA RESS and Courier**

Ontario Energy Board  
2300 Yonge Street  
P.O. Box 2319  
Suite 2700  
Toronto, ON M4P 1E4

**Attention: Kirsten Walli**  
**Board Secretary**

Dear Ms. Walli:

**Re: Varna Wind Inc. Leave to Construct Application**  
**Board File No. EB-2012-0442**  
**Varna Wind Inc. - Responses to Board Staff Interrogatories on Varna Wind Inc.'s**  
**Reply Evidence**

We are counsel to Varna Wind, Inc. (the "Applicant") in the above-noted proceeding. Please find enclosed the Applicant's Interrogatory Responses to Board Staff on the Applicant's Reply Evidence.

Sincerely,

*Signed in the original*

George Vegh  
Enclosure

**ONTARIO ENERGY BOARD**

**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.

**VARNA WIND (the “APPLICANT”) RESPONSES TO BOARD STAFF INTERROGATORIES  
ON THE APPLICANT’S REPLY EVIDENCE**

**Interrogatory 1:**

*Ref: Evidence filed in reply to the evidence filed by Brain and Helen Oldfield (The “Oldfields”), paragraph 10; Evidence filed in reply to the evidence filed by the Ritzemas, paragraph 16*

*Preamble: At paragraph 10 of the evidence filed in reply to the evidence of the Oldfields, the Applicant states that it is considering relocating a section of the transmission line from the east side of Hensall Road to the west side of Hensall Road, across the street from the Oldfield house and barn.*

- (a) Please identify the properties/ROW that will be affected (either directly or indirectly) by the relocation of the transmission line to the west side of Hensall Road.*
- (b) Has the Applicant discussed its relocation proposal with landowner(s) on the west side of Hensall Road who may be affected (directly or indirectly) by the relocation of the line? Please provide a summary of those discussions.*
- (c) Will the Applicant need new land rights? Have the landowner(s) on the west side of Hensall Road who may be affected by the proposed relocation, signed the necessary easement agreements?*
- (d) Where the landowner(s) on the west side of Hensall Road who may be affected by the proposed relocation, served the Board’s Notice of Application.*
- (e) What is the status of the negotiations with the Oldfields and Hydro One in relation to the relocation of the line?*

*Preamble: At paragraph 16 of the evidence filed in reply to the evidence of the Ritzemas, the Applicant states that it is agreeable to relocating the line such that the line follows Deviation Road, as illustrated in Schedule 1.*

- (f) What is the status of the negotiations with the Ritzemas and the Municipality of Huron East in respect of the proposed relocation of the transmission line?*

**ANSWER 1:**

- a) The right-of-way (“**ROW**”) that will be affected is the ROW adjacent to the property with PIN 412970231. The property with PIN 412970231 is the adjacent property which will be indirectly affected.
- b) Yes, the Applicant has informed the landowner of the proposal to relocate the line. The landowner expressed opposition to the project, and had two follow-up questions regarding a) the depth at which the HONI line will be buried and b) why the Applicant is not burying the transmission line. The Applicant will follow up with the landowner to answer these questions.
- c) No, the Applicant will not require new land rights as the relocation continues to be within the ROW. No easement agreements are necessary, given that the relocation continues to be within the ROW.
- d) Yes, the landowner was served the Board’s Notice of Application. Moreover, the landowner is part of the Group of intervenors in this proceeding.
- e) The Applicant is not in negotiations with the Oldfields; with respect to HONI, the Applicant has initiated its request for HONI to review and HONI is currently in the detailed engineering phase of planning.
- f) On May 17, 2013 Heather and Gerhard Ritzema (“**the Ritzemas**”) filed a response to the reply evidence filed by the Applicant on May 8, 2013. In that response, the Ritzemas stated that they are “prepared to agree to the placement of one pole in the deviation area based on the following parameters:
  - 1) That the pole be placed SOUTH of the traveled portion of Centennial Rd;
  - 2) That the pole be placed NORTH of the waterway that meanders through the Deviation Area; and
  - 3) That the Applicant consults on-site with the Ritzemas in order to ascertain a mutually agreeable location for the pole within the aforementioned boundaries.”

The Applicant is agreeable to the placement of the pole in the Deviation Area as described in paragraphs 1 and 2. Although the Applicant cannot agree to accord to the Ritzemas what would in effect be a “veto” right over pole placement, the Applicant will work with the Ritzemas to find a location within that area and to document the legal arrangements respecting that use. The Applicant will seek the Board’s assistance if necessary to effect that arrangement.

In light of the Ritzemas' position respecting pole placement in the Deviation Area, the Applicant does not require further information from Huron East with respect to the road allowance for the Deviation Road.

The Ritzemas' response also states that they understand the following information to be accurate:

- 1) That the proposed route WEST of Division Line will be on the NORTH side of Centennial Rd;
- 2) That the proposed route EAST of Division Line (portion that will be in front of Ritzema Farm) will be on the SOUTH side of Centennial Rd; and
- 3) That there is only ONE planned pole placement within the Deviation Area.

The Applicant agrees with the Ritzemas' understanding respecting points 1 and 3. With respect to point 2, the Applicant clarifies that as currently planned, along a very small portion at the southeasternmost point of the Ritzema property, the transmission line will cross Centennial Road and run along the northeastern side of Centennial Road as the road turns to run southeast and crosses Hannah Line. The transmission line will run along the northeastern side of Centennial Road for approximately 55 meters only. Please see Exhibit A, attached, for an illustration of approximate pole placements (red) for the section of the transmission line adjacent to the Ritzema property. Please note that pole placements are contingent on approval from the Municipality of Huron East, and that all dimensions and locations are approximate only.

**Interrogatory 2:**

***Ref: Evidence filed in reply to the evidence filed by Brain and Helen Oldfield and the Ritzemas.***

***Preamble: The Applicant is proposing to modify the route of the transmission line to accommodate the concerns of the Oldfeilds and the Ritzemas.***

- a) ***What is the status of the REA application? If the REA process has concluded, how will the change in route affect the REA application?***
- (a) ***If the REA process is ongoing, has the Applicant discussed the changes to the route of the transmission line with the MOE and how will the changes affect the REA application?***
- (b) ***Does the Applicant know whether the proposed changes to the route are/will be regarded as minor modifications or major modifications by the MOE for REA purposes?***

**ANSWER 2:**

- a) The REA was issued on April 22, 2013. The modified route will not require a change in the REA as the transmission line route set out in the REA is in the ROW and the modified route will not change this as the route will continue to be in the ROW.
- b) Not applicable.
- c) Not applicable.

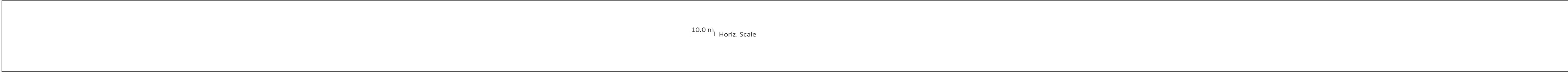
**Interrogatory 3:**

*If the Applicant decides to modify the route of the transmission line please update the maps that are included in the application and provide a description of the new route. In your response please identify the sections of the line where the route was modified.*

**ANSWER 3:**

The relocation of the transmission line to the other side of the road across from the Oldfield property does not involve a change in route, only moving the transmission line to the other side of the ROW within the same route. Similarly the small modification of the route in accordance with the request of the Ritzemas remains within the original ROW. Neither change will require a modification in the maps included in the application, nor will there be a modification to the description included in the application because neither were provided with that level of granularity.

**EXHIBIT "A"**



REFERENCE DRAWINGS	
NO.	DESCRIPTION


B	2013.05.27	REMOVED ANNOTATIONS	MB	RE	MB	RE
A	2013.05.23	ISSUED FOR INFORMATION	MB	RE	MB	RE
NO.	DATE	DESCRIPTION	PREPARED	REVIEW	DESIGN	AUTHORIZE
REVISIONS/ISSUE			DRAFTING	ENGINEERING		

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DESIGNED BY: M. BHATNAGAR	PREPARED BY: M. BHATNAGAR	REVIEWED BY: REFTEKHARI
AUTHORIZED BY: REFTEKHARI	DATE: 2013.05.23	SCALE: AS NOTED

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SUB-CONSULTANTS:

CLIENT:

NextEra



PROJECT NAME:  
NextEra Bluewater Transmission Line

DRAWING DESCRIPTION:  
115 kV Transmission Line  
Bluewater Transmission Line  
Ritzema Farm

DRAWING NO: 1291650900-SKT-E4014	REV: B
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10.0 m Horiz. Scale

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DESIGNED BY:	PREPARED BY:	REVIEWED BY:
M. BHATNAGAR	M. BHATNAGAR	REFTEKHARI
AUTHORIZED BY:	DATE:	SCALE:
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