

Ontario Energy
Board

Commission de l'énergie
de l'Ontario



EB-2012-0458

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S. O. 1998, c.15, Schedule B (the "Act");

AND IN THE MATTER OF an application by K2 Wind
Ontario Limited Partnership for an Order granting leave to
construct a new transmission line and associated facilities.

BEFORE: Ellen Fry
Presiding Member

Ken Quesnelle
Member

DECISION AND ORDER

October 8, 2013

SUMMARY OF APPLICATION AND PROCEEDING

On December 5, 2012, K2 Wind Ontario Limited Partnership (“K2 Wind”), applied under section 92 of the *Ontario Energy Board Act, 1998* (the “Act”) seeking an order of the Board for leave to construct approximately 5.1 km of underground single circuit 230 kilovolt (“kV”) electricity transmission line and associated facilities (collectively, the “Transmission Facilities”). K2 Wind has also applied under section 97 of the Act for an order approving the forms of agreements offered to owners of land affected by the route or location of the Transmission Facilities.

K2 Wind is a limited partnership constituted under the laws of the Province of Ontario among CP K2 Holdings Inc., Pattern K2 LP Holdings LP, and Samsung Renewable Energy Inc. K2 Wind entered into a Power Purchase Agreement with the Ontario Power Authority dated August 3, 2011 in respect of the sale of electricity from the K2 Wind Power Project, a 140 turbine wind generation project (the “K2 Wind Generation Facility”) with 270 megawatt (“MW”) of installed capacity located in Huron County. The Transmission Facilities, located in Huron County in the Township of Ashfield-Colborne-Wawanosh (“ACW Township”), will connect the K2 Wind Generation Facility to the Independent Electricity System Operator (“IESO”)-controlled grid.

The Transmission Facilities as proposed include the following:

1. An underground transmission line extending approximately 5.1 km from the Transformer Station location to the Substation location;
2. A voltage transformer and associated equipment that will increase the voltage on the circuits connected to one half of the individual wind turbines from 34.5 kV to 230 kV. 230 KV is the operating voltage of the underground transmission line referred to under item 1 above. This equipment is located at the Transformer Station; and
3. A pair of voltage transformers and associated equipment. One of these will increase the voltage on the circuits connected to the other half of the individual wind turbines from 34.5 kV level to 230 kV. The other will increase the voltage of both the underground transmission line and the high voltage side of the paired transformers from 230 kV to 500 kV. 500 KV is the operating voltage of Hydro One’s transmission line at the point where the Transmission Facilities are intended to connect. This equipment is located at the Substation.

On January 9, 2013, the Board issued a Notice of Application and Written Hearing. The Board granted intervenor status to the Independent Electricity System Operator (“IESO”) and to a group of residents and landowners in the ACW Township (the “Residents Group”). The Residents Group filed interrogatories and evidence and made submissions. IESO did not file interrogatories or evidence or make submissions on the substance of the application. Board staff filed interrogatories and declined to make submissions.

The Board received over a hundred letters of comment from local residents that are opposed to the construction of the Transmission Facilities. The ACW Township also sent a letter of comment in support of the Residents Group intervention request.

SCOPE OF THIS PROCEEDING

The Board's power to grant an applicant leave to construct electricity transmission facilities is set out in subsection 92 (1) of the Act which states:

92 (1) No person shall construct, expand or reinforce an electricity transmission line or an electricity distribution line or make an interconnection without first obtaining from the Board an order granting leave to construct, expand or reinforce such line or interconnection.

In discharging its duties under section 92 the Board is governed by the provisions of section 96 of the Act which states:

96 (1) If, after considering an application under section 90, 91 or 92 the Board is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall make an order granting leave to carry out the work.

(2) In an application under section 92, the Board shall only consider the following when, under subsection 1, it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line or the making of the interconnection, is in the public interest:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.

2. Where applicable and in a manner consistent with the policies of the government of Ontario the promotion of the use of renewable energy resources.

In addition, section 97 of the Act states:

97. In an application under section 90, 91 or 92, leave to construct shall not be granted until the applicant satisfies the Board that it has offered or will offer to each owner of land affected by the approved route or location an agreement in a form approved by the Board.

K2 Wind submitted that subsection 96(2) of the Act requires that in determining whether the Transmission Facilities are in the public interest, the Board may only consider the two factors set out in subsection 96(2).

The Residents Group disagreed with this view and submitted that “The task before the [Board] is to determine what is best for the broad public interest.” In support of this position, the Residents Group cited a 2008 speech by the Chair of the Board and decision of the Board expressing the views that the concept of public interest is an evolving one and depends on the circumstances involved.

The Residents Group submitted that in this case the residents of ACW Township and “by extension the taxpayers of Ontario” must be considered the public. The Residents Group also submitted that “in considering the public interest the Board must have regard to the public policies of the current government in formulating its decisions. As with the public interest, public policy is a fluid, ever changing animal.”

The Residents Group submitted that the fiscal situation has caused the Ontario government to revisit its renewable energy policies, so that increasing the amount of renewable energy generated in the province is no longer a priority.

The Residents Group submits that “the province has reached a point where implementation of its renewable energy policy, as it was originally conceived, is causing problems for consumers with respect to prices and the reliability and quality of electrical service” and that therefore the two factors to be considered by the Board under subsection 96(2) are in conflict.

The Board considers that the wording of subsection 96(2) clearly requires the Board to consider only the factors specified in subsection 96(2) in determining whether the Transmission Facilities are in the public interest. Although it may be appropriate to consider the concept of public interest from a broader perspective in other contexts, the Act sets out clearly what factors the Board is to consider in the context of this application. The Board notes that the speech and Board decision referred to by the Residents Group did not address the jurisdiction of the Board concerning the public interest as set out in subsection 96(2).

Given the focus established by subsection 96(2), issues concerning, for example, the environment, health, land valuation and aesthetics of the Transmission Facilities are not within the scope of the Board's jurisdiction. The Board also notes that its decision on this application concerns only the proposed Transmission Facilities associated with the K2 Wind Generation Facility. For the purpose of assessing any impact that the Transmission Facilities may have on reliability and quality of electricity service, the Board starts from the premise that the K2 Wind Generation Facility exists as presented in the application for this proceeding. The Board notes that reliability and quality of electricity service impacts are not considered as though the Transmission Facility works in isolation, since the potential impacts on the IESO controlled grid and the customers connected to it are somewhat dependent on the electrical design of the generation facilities the transmission line is intended to connect.

Most of the issues raised in the letters of comment received by the Board are issues concerning the K2 Wind Generation Facility. The comments include views on the K2 Wind Generation Facility concerning decreased property values, less than optimal use of property, medical impacts and bird migration. The comments also include views on the Transmission Facilities concerning specific safety concerns, proximity to municipal drains and the scope of subsection 96(2). These issues raised in the letters of comment are outside the scope of this proceeding.

Subsection 96(2) provides that the Board's consideration of price in an application under section 92 is a consideration of any impact on price caused by the project that is the subject of the application, i.e. in this proceeding the connection of the K2 Wind Generation Facility, via the Transmission Facilities, to the provincial transmission system. Accordingly, the price impact of wind generation generally, as referred to in the Residents Group arguments, is not the subject of the Board's consideration in this proceeding.

Similarly, the Board's assessment of the impact on reliability and quality of electricity service in an application under section 92 is conducted in relation to the project that is the subject of the application. Accordingly, the Residents Group's argument that wind generation in general causes reliability and quality problems for consumers in Ontario is a general issue that is not the subject of the Board's consideration in this proceeding.

INTERESTS OF CONSUMERS WITH RESPECT TO RELIABILITY AND QUALITY OF ELECTRICITY SERVICE

K2 Wind filed a Customer Impact Assessment Report by Hydro One and an addendum to that report (collectively the "CIA Report"). K2 Wind also filed a System Impact Assessment Report by IESO, and two addenda to that report (collectively the "SIA Report").

In the CIA Report, Hydro One assesses the implications of the Transmission Facilities for customers of the transmission system in terms of reliability and performance. The CIA Report concludes that the Transmission Facilities are not expected to have any adverse impacts on Hydro One's transmission customers if the technical requirements in the report are met by K2 Wind.

In the SIA Report, the IESO assesses whether the proposed connection to the IESO-controlled electricity grid would have an adverse impact on the quality and reliability of the integrated power system. The SIA Report concludes that there would not be an adverse effect on quality or reliability if the technical requirements in the report are met by K2 Wind.

K2 submits that Hydro One and IESO are the parties in the best position to identify any concerns regarding reliability and quality of service caused by the Transmission Facilities. K2 submits that it will comply with the conditions set in the CIA and SIA Reports and given that K2 will do so, that Hydro One and IESO do not have any concerns about reliability and quality of service.

The Residents Group submits that the CIA Report and SIA Report do not address adequately the issue of the need for the electricity generated by the K2 Wind Generation Facility.

Based on its arguments the Residents Group submits that: “a logical, reasonable person would conclude that adding additional variable wind generation of the magnitude of K2 Wind could only result in further unreliability for the grid...”

The Board’s consideration of the Transmission Facilities is premised on the associated K2 Wind Generation Facilities coming into existence. The CIA Report and SIA Report assess any negative impacts associated with the connection of the Transmission Facilities and identify measures to mitigate any negative impact. As indicated above, the scope of the Board’s consideration in this proceeding encompasses only the specific factors specified by the Act, in relation to the Transmission Facilities project. It does not encompass the general issue of whether there is a need for any specified amount of wind generation in the province of Ontario. Accordingly, there is no need for the CIA Report or SIA Report to address this general issue for purposes of this proceeding, and the Board does not agree with the argument of the Residents Group that the scopes of the CIA Report and SIA Report are inappropriate.

Hydro One is the licensed transmitter and owner of the transmission system to which the Transmission Facilities will connect. Hydro One has responsibility under the *Transmission System Code* to ensure that the connection of the Transmission Facilities to the electricity grid will not materially reduce the reliability or performance of its transmission system.

This responsibility is set out in paragraph 6.1.2(a) of the *Transmission System Code*, which provides that

6.1.2 A transmitter shall ensure that new or modified connections to its transmission system ...

(a) do not materially reduce the reliability or performance of its transmission system; and

(b) are constructed with such mitigation measures as may be required so that no new available fault current level referred to in section 6.4.4 exceeds the maximum allowable fault levels set out in Appendix 2 if this would have an adverse effect on any person.

The Board notes that Hydro One is also required by paragraph 6.4.3 of the *Transmission System Code* to carry out a customer impact assessment for any proposed connection where IESO’s connection assessment and approval process

requires a system impact assessment. Accordingly, an accurate CIA Report is a basic element in enabling Hydro One to fulfill its responsibility as a licensed transmitter regulated by the Board.

Taking these factors into account, the Board concludes that the CIA Report is credible evidence of its contents.

The Residents Group's submission concerning the SIA Report refers to excerpts of evidence provided in EB-2013-0029, a market rule amendment application that was brought before the Board. The Residents Group argues that the submission of IESO in EB-2013-0029 indicates that wind energy is causing reliability and quality problems for Ontario consumers. The Residents Group also argues that the credibility of IESO is called into question because in its view the IESO position in EB-2013-0029 contradicts the conclusions reached by IESO in the SIA report for this application.

The regulatory framework pertaining to the operation of the IESO controlled grid establishes rules intended to maintain reliability and quality of service. Issues that arise as a result of changes in supply mix, such as the use of wind generation, are dealt with through the development and establishment of market rules.

The matters raised in EB-2013-0029 dealt with the appropriateness of proposed market rules intended to preserve reliability and quality of service. The fact that special market rules may be required for wind generation does not mean that that this type of generation is in itself detrimental to the quality and reliability of the system, or lead to any conclusion about the impact of a specific project such as the Transmission Facilities.

The Board's consideration of the Transmission Facilities in this proceeding is based on the premise that all applicable market rules will be complied with. The issue in this proceeding is whether, despite compliance with the market rules, the Transmission Facilities will have an impact on quality or reliability. It is not within the scope of this proceeding to consider the adequacy of the general regulatory scheme in the market rules.

Consequently the Board does not agree with the Residents Group's position that IESO's submissions in EB-2013-0029 are contradictory to its position in the SIA Report.

The IESO is a corporation without share capital established by the *Electricity Act, 1998*, (the “*Electricity Act*”) under paragraph 5(1) (c) of the *Electricity Act*, an object of the IESO is “to direct the operation and maintain the reliability of the IESO-controlled grid to promote the purposes of this Act”. A purpose of the *Electricity Act* that is very relevant to this proceeding is “to protect the interests of consumers with respect to prices and the adequacy, reliability and quality of electricity service”¹ Accordingly, in preparing the SIA Report, the IESO is fulfilling its legislated mandate. Other than its argument concerning the scope of the SIA Report, which is discussed above, the Residents Group has not challenged the contents of the SIA Report.

Taking the above factors into account, the Board concludes that the SIA Report is credible evidence of its contents.

Accordingly, the Board concludes that the interests of consumers with respect to reliability and quality of electricity service will be adequately protected if K2 Wind fulfills the conditions in the CIA and SIA Reports.

INTERESTS OF CONSUMERS WITH RESPECT TO PRICES

The Residents Group submits that the cost of adding wind power to the IESO-controlled grid through facilities such as the K2 Wind Generation Facility will ultimately be borne by consumers through increased rates. This issue relates to the approval of construction of the K2 Wind Generation Facility rather than the Transmission Facilities, and accordingly, as discussed above, is outside the scope of this proceeding.

The Residents Group also submits that K2 Wind will not be responsible for all costs associated with the Transmission Facilities. The Residents Group submits that ratepayers will bear Hydro One’s cost of purchasing the land for the Ashfield Switching Station; operation and maintenance costs of the Switching Station; operation and maintenance costs of the distribution line that will provide emergency power to the Ashfield Switching Station; and any costs of routing distribution lines around the Transmission Facilities if Hydro One expands its distribution system in future.² K2 Wind

² The Ashfield Switching Station is a Hydro One owned asset that is designed as the interconnection facility between the K2 Substation and the Hydro One owned 500kV transmission line. It provides

states that K2 Wind will transfer the Ashfield Switching Station to Hydro One at a nominal cost, and that the switching station will continue to be owned by Hydro One at the end of the life of the K2 Wind Generation Project. Accordingly, K2 Wind submits that the ratepayers will not bear a cost to purchase this land.

Based on K2 Wind's commitment to transfer the land at nominal cost, the Board accepts K2 Wind's submission that the ratepayers will not bear any material cost for the purchase of the switching station lands. .

Similarly, K2 Wind states that it will pay for the construction of the distribution line that will provide emergency power for the Ashfield Switching Station.

In addition, the Board notes that section 3.2 of the *Distribution System Code* provides that if a distributor must add new facilities to its main distribution system or increase the capacity of existing distribution system activities in order to be able to connect a specific customer, the customer must pay the net present value of projected capital and maintenance costs, net of projected revenue. Accordingly, K2 Wind, not ratepayers, will pay the projected capital and maintenance costs of the distribution line.

K2 Wind also submits that the cost allocation between transmitter and generation customer whereby Hydro One as transmitter will bear the operation and maintenance costs of the Ashfield Switching Station is consistent with subsection 6.5.1 of the Transmission System Code. K2 Wind submits that these costs will be minimal relative to Hydro One's overall operation and maintenance cost pools.

The Board accepts K2 Wind's submissions with respect to the cost consequences of Hydro One assuming the on-going operation and maintenance of the Ashfield Switching Station. The Board agrees that this cost treatment is consistent with the economic evaluation methodology stipulated in subsection 6.5.1 of the Transmission System Code. The practice of not charging generation customers with incremental operating and maintenance costs was adopted as Board policy in the Board's RP-2002-0120 proceeding and put in place in a revision to the Transmission System Code issued July

protection and control functionality as the interface between the IESO controlled grid and K2's Transmission Facilities.

25, 2005. (RP-2004-0220). Accordingly, the Board concludes that the interests of consumers with respect to prices are adequately protected.

PROMOTION OF THE USE OF RENEWABLE ENERGY SOURCES

K2 Wind submits that the Transmission Facilities will further the Ontario Government's objective of significantly increasing the amount of renewable electricity generated in the province because the K2 Wind Generation Facility will contribute 270 MW of clean, renewable energy to Ontario's electricity grid.

K2 Wind signed a 20-year Power Purchase Agreement ("PPA") with the Ontario Power Authority ("OPA") dated August 3, 2011 for the sale of the electricity to be generated at the K2 Wind Generation Facility. The Transmission Facilities are required to connect the K2 Wind Generation Facility to the electricity grid in order to provide the electricity being sold under the PPA.

The PPA was entered into by the OPA on behalf of the Ontario government in accordance with a directive issued by the Ontario Minister of Energy pursuant to subsection 25.32(4.1) of the *Electricity Act*. The relevant portion of subsection 24.32(4.1) provides as follows:

- (4.1) The Minister may direct the OPA to undertake any...initiative or activity that relates to
 - (a) The procurement of electricity supply of capacity derived from renewable energy sources

Accordingly, it is clear to the Board that the PPA was entered into in accordance with the government's policy on the promotion of the use of renewable energy sources and that the construction of the Transmission Facilities, which is part of PPA implementation, is also consistent with this policy.

The Board also notes that the Minister's directive required the PPA to be "substantially similar to" the contract for Ontario's Renewable Energy Feed-In Tariff (FIT) Program.

However, the Residents Group submits that there has recently been a change in direction in Ontario government policy on the use of renewable energy sources, as indicated by an announcement by the Minister of Energy that the FIT program is being

cancelled for large scale renewable energy projects over 500 kilowatts and that a new process is being established for these projects. The Residents Group submits that the Board's decision in this case should reflect this change in government policy. The Residents Group also submits that there is a changing direction in Ontario government's renewable energy policy with respect to the need to address local issues.

The Board does not accept this argument. The May 30, 2013 news release by the Minister of Energy states as follows:

Working with the Ontario Power Authority (OPA) and municipalities, the province will develop a competitive procurement process for renewable projects over 500 kilowatts (kW). The new process will replace the existing large project stream of the Feed-In Tariff (FIT) program and better meet the needs of communities.

This news release concerns a change in the initiation process for future renewable energy projects; it does not indicate that it covers renewable energy projects such as the K2 Wind Generation Facility and the associated Transmission Facilities that are already the subject of contracts with the OPA. Accordingly, it is not relevant to the Board's decision in this proceeding.

Accordingly, the Board concludes that the construction of the Transmission Facilities furthers the promotion of the use of renewable energy sources in a manner consistent with the policies of the Government of Ontario.

FORM OF AGREEMENT OFFERED TO LANDOWNERS

K2 Wind requests approval for the following agreements with landowners that it requires for the Transmission Facilities: a road use agreement with ACW Township, easement option agreements and grant of easement agreements for the segments of the transmission line that will be located on private lands, an option to lease agreement for the lands required for the Transformer Station and an option to purchase agreement for the lands required for the K2 Substation and the Ashfield Switching Station.

K2 states that all of these agreements have now been executed with the relevant landowners except for the grant of easement agreements. The form of the proposed grant of easement agreements is incorporated in the easement option agreements as

an attachment and accordingly has been agreed to by the parties who executed the easement option agreements.

With respect to the easement agreements, the Residents Group has raised concerns about the safety of farming and fence construction activity that could be carried out by landowners, or purchasers from existing landowners, above the electricity lines on their land. The Residents Group submits that in Texas, Xcel Energy uses a standard that requires a completely clear right-of-way for underground transmission structures of approximately 60 feet, and excludes farming activity within this area.

K2 Wind submits that the prescription of such standards is beyond the scope of this proceeding. K2 Wind also questions the evidence on which the Residents Group relies, noting that only portions of the Xcel Energy factsheet were filed. K2 Wind also submits that this evidence originated from another jurisdiction with a regulatory regime different from that of Ontario.

The Residents Group argues that the Board should impose land use restrictions on the landowners who have agreed to sign easement agreements.

The Board notes that all the affected landowners have executed land agreements with K2 Wind. None of these landowners have indicated to the Board that they were unwilling to sign these agreements because they had issues with the form of agreement offered to them by K2 Wind.

The Electrical Safety Authority (ESA) is an independent body acting on behalf of the Government of Ontario that has the mandate to enhance public electrical safety in Ontario and regulatory responsibilities for electrical safety. The construction and operation of the proposed Transmission Facilities must comply with the appropriate ESA requirements regardless of what terms are contained in agreements between the landowners and K2 Wind. ESA safety requirements are not dependent on the contents of these agreements.

Taking the above factors into account, the Board approves the form of agreements. The Board notes that its approval in this context does not necessarily imply that the Board would or would not approve these forms of agreement in any future proceedings.

CONDITIONS PROPOSED BY THE RESIDENTS GROUP

The Residents Group submitted recommendations related to safety, stray voltage, and costs that it requested the Board to consider if it approves the application.

Concerning safety, the Residents Group made a number of recommendations relating to the construction of the line and ongoing safety measures after construction is completed.

Concerning stray voltage, the Residents Group recommended several measures with the objective of requiring K2 Wind to be responsible for any problems created.

Concerning costs, the Residents Group recommended that K2 Wind rather than Hydro One bear the long term operational and maintenance costs of the Hydro One switchyard, and that future SIA/CIA analyses be broadened “to address the full cost ramifications of proposed projects for electrical ratepayers.”

K2 Wind submitted that most of the Residents Group safety recommendations are outside the scope of this proceeding and that the PPA requires K2 Wind to adhere to high standards of engineering and operation. K2 Wind submitted that it will develop emergency response protocols in accordance with all applicable regulations, standards and codes and in consultation with appropriate local authorities and emergency response agencies.

Concerning the Residents Group recommendations on stray voltage, K2 Wind submitted that no concern about stray voltage has been put forward by a local electricity distribution company and no evidence has been filed to indicate that there will be stray voltage. K2 Wind also submitted that under section 4.7 of the *Distribution System Code*, Hydro One is responsible to test for stray voltage and take appropriate measures to resolve the issue. K2 Wind further submitted that it would coordinate with Hydro One and that it would comply with all applicable regulations, standards and codes.

Concerning the Residents Group recommendations on costs, K2 Wind’s submissions on specific types of costs are outlined above. K2 Wind also submitted that the recommendation that the SIA and CIA Reports be broadened to encompass costs in a broader sense is outside the scope of this proceeding.

Concerning safety, as indicated above the ESA is the body with the mandate to regulate electrical safety in Ontario. As stated in the Board's decision on motions dated June 14, 2013, the Board's approach to safety is intended to complement the ESA's sole authority over these matters.

The Board notes that K2 Wind must not only comply with the Board's decision in this proceeding, but also comply with all other requirements imposed by law and by the agreements it has entered into with third parties. This means that, among other things K2 Wind must comply with safety requirements imposed by the ESA.

Accordingly, the Board does not accept the safety recommendations put forward by the Residents Group.

To the extent that any electricity distribution customers are impacted by stray voltage, the Board accepts the submissions of K2 Wind that their distribution service provider (Hydro One) is required to comply with section 4.7 of the *Distribution System Code*. The Board considers the *Distribution System Code* to be the appropriate regime to deal with any stray voltage issues that may arise in the province. Accordingly, the Board does not accept the recommendations on stray voltage put forward by the Residents Group.

The Board has provided its findings and reasons with respect to costs and the scope of the CIA and SIA Reports earlier in this decision. For these same reasons the Board does not accept the recommendations of the Residents Group in this regard.

BOARD DECISION

The Board finds that the construction of the Transmission Facilities, as described in K2 Wind's application and submissions, is in the public interest as contemplated by subsection 96 of the Act. The Board also grants its approval pursuant to section 97 of the Act for the form of agreements executed by affected landowners, as submitted by K2 Wind.

The Board notes that its decision is premised, among other things, on fulfillment of the commitments by K2 Wind outlined in its submissions, which include, among other things, K2 Wind's commitments to fulfill the conditions in the CIA and SIA Reports, and to pay costs as outlined in this Decision.

THE BOARD ORDERS AS FOLLOWS:

1. Pursuant to section 92 of the Act the Board grants K2 Wind leave to construct an electricity transmission line and related facilities in accordance with the Board's Decision in this proceeding. The granting of this leave to construct is conditional on K2 Wind commencing construction within 12 months of the date of the Board's Decision.
2. The Residents Group shall file with the Board and serve on K2 Wind no later than **October 21, 2013** its cost claim, submitted in accordance with the Board's Practice Direction on Cost Awards.
3. If K2 Wind objects to the cost claim it shall file its objection with the Board and serve it on the Residents Group no later than **October 31, 2013**.
4. If K2 Wind files an objection to the cost claim of the Residents Group, the Residents Group shall file any reply submission with the Board and serve it on K2 Wind by **November 8, 2013**.
5. K2 Wind shall pay the Board's costs incidental to this proceeding upon receipt of the Board's invoice.

All filings to the Board must quote the file number EB-2012-0458, 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 Guidelines found at www.ontarioenergyboard.ca. If the web portal is not available you may e-mail your document to the address below. Those who do not have internet access are required to submit all filings on a CD 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
Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656

ISSUED at Toronto, October 8, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary