

**ONTARIO ENERGY BOARD**

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

**AND IN THE MATTER OF** an application by Jericho Wind, Inc. for an Order or Orders pursuant to Section 92 of the *Ontario Energy Board Act, 1998* (as amended) granting leave to construct transmission facilities in the Municipality of Lambton Shores, Lambton County and in the Municipality of North Middlesex, Middlesex County, Ontario.

**AFFIDAVIT OF SERVICE**

I, Ross Groffman, of the City of Juno Beach, in the State of Florida, **MAKE OATH AND SAY:**

1. I am an employee of NextEra Energy Resources, LLC, parent company to Jericho Wind, Inc. (the "Applicant"). In my role as Director, Wind Development with NextEra Energy Resources, LLC, I have been responsible for overseeing the delivery, service and publication of the Notice of Application and Hearing issued on October 25, 2013 by the Ontario Energy Board (the "Board") in EB-2013-0361 in respect of the Applicant's application for leave to construct transmission facilities (the "Notice") and as such have personal knowledge of the matters herein deposed.
2. In accordance with Sections 1-4 of the Board's letter of direction dated October 25, 2013 (the "Letter"), I oversaw and arranged for:
  - (a) the date that is 10 calendar days from the actual date of publication, being November 18, 2013, to be inserted in place of the bold and bracketed words in the form of Notice that was issued by the Board;
  - (b) a pdf version of the completed Notice to be filed by the Applicant with the Board on October 30, 2013 by the Applicant's counsel; and
  - (c) the completed Notice, together with the corresponding map, to be published in the November 8, 2013 edition of The London Free Press, which was determined through audited circulation, per the Canadian Circulations Audit Board, to be the newspaper with the highest circulation in the Municipalities of North Middlesex and Lambton Shores.
3. In accordance with Section 5 of the Letter, I oversaw and arranged for:
  - (a) a title search to be conducted to determine the current registered property owners and encumbrancers with lands or interests in lands directly affected by the

proposed transmission lines and their associated facilities, all as described in the Application for Leave to Construct filed with the Board in EB-2013-0361 (the "Application"); and

- (b) a copy of the completed Notice (a copy of which is attached hereto as **Exhibit 'A'**), together with a copy of the Application (a copy of which is attached hereto as **Exhibit 'B'**), to be served by registered mail sent on October 31, 2013 to each of the persons referred to in Subsections 5(a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of the Letter, as evidenced by the post office registration receipts attached hereto as **Exhibit 'C'**.
4. In accordance with Sections 7-8 of the Letter, I have arranged for a copies of the Application and the pre-filed evidence (other than the confidential portions thereof) to be:
- (a) made available for convenient public perusal at the Applicant's offices in Toronto as of October 26, 2013;
  - (b) posted to the Applicant's project website at [www.nextteeraenergycanada.com](http://www.nextteeraenergycanada.com) as of October 31, 2013; and
  - (c) provided by the Applicant's counsel to the offices of the affected municipalities, being the Municipality of Lambton Shores, Lambton County, the Municipality of North Middlesex and Middlesex County, on October 31, 2013 together with requests to make such documents available for convenient public perusal.

**SWORN BEFORE ME** at the City of Juno )  
Beach this 12th day of November, 2013. )

*Pamela L. Springer* )  
Notary Public, State of Florida )

*Ross Goffman* )  
Ross Goffman )



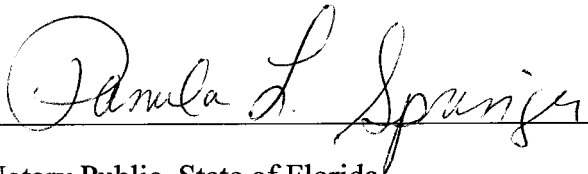
Pamela L. Springer  
COMMISSION #EE085473  
EXPIRES: APR. 18, 2015  
WWW.AARONOTARY.COM

**Exhibit "A"**

***Notice of Application***

***Jericho Wind, Inc.***

This Exhibit "A" referred to in the affidavit of Ross Groffman sworn before me this 12th day of November, 2013.

  
\_\_\_\_\_  
Notary Public, State of Florida



Pamela L. Springer  
COMMISSION #EE085473  
EXPIRES: APR. 18, 2015  
WWW.AARONNOTARY.COM

## ONTARIO ENERGY BOARD NOTICE

**Jericho Wind, Inc. has applied to the Ontario Energy Board to build a high-voltage transmission line and associated facilities.**

**Learn More.**

**Jericho Wind, Inc.** is asking the Ontario Energy Board (OEB) for permission to construct approximately 15.7 kilometres of 115 kilovolt electricity transmission line and associated facilities (Transmission Facilities). The Transmission Facilities would connect the company's **Jericho Wind Energy Centre** to the provincial power grid.

**Jericho Wind, Inc.** is also asking the OEB to approve the form of agreement it offers to landowners to use their land for routing or construction of the proposed Transmission Facilities.

A map of the proposed route and location of the Transmission Facilities is printed below.

**Jericho Wind, Inc.'s** application to the OEB concerns construction of the proposed Transmission Facilities only. It does not concern the construction or operation of the **Jericho Wind Energy Centre** itself.

**The OEB is an independent and impartial public agency. It will hold a public hearing to consider Jericho Wind, Inc.'s requests.** During this hearing, the OEB will consider evidence and arguments by **Jericho Wind, Inc.** and by individuals, municipalities and others whose interests would be affected.

**The OEB hearing will consider specific issues determined by law.** The *Ontario Energy Board Act, 1998* specifies the issues the OEB is to consider in making its decision. If you wish to participate in the OEB hearing, it is important for you to understand what these issues are.

As required by the *Ontario Energy Board Act* the OEB will consider three issues:

- The interests of consumers with respect to prices and the reliability and quality of electricity service;
- The promotion of the use of renewable energy sources in a manner consistent with the policies of the Government of Ontario; and
- The form of agreement that **Jericho Wind, Inc.** offers to landowners affected by the route or location of the Transmission Facilities.

**The OEB hearing is not the only approval process required before the Transmission Facilities are built.** For example, most transmission lines are subject to the Ministry of the Environment's Renewable Energy Approval process. The Board's review will only address the three factors outlined above and will not address other factors, such as, environmental, health, aesthetics or property value impacts.

### BE INFORMED

You have the right to information regarding **Jericho Wind, Inc.'s** application. You can:

- Read **Jericho Wind, Inc.'s** application on the OEB's website (See below under "Learn More").
- Sign up to be an observer, who will automatically receive documents for the hearing.

### HAVE YOUR SAY

If you would be affected by the proposed Transmission Facilities, you may want to take a more active role in the hearing. You can:

- Send the OEB a letter with your comments, which will be considered during the hearing; or
- Ask the OEB for permission to be an active participant in the hearing (an intervenor). Intervenors can provide evidence, argue their positions and submit relevant questions to be answered by **Jericho Wind, Inc.** (interrogatories). To be

an intervenor, a party must be affected by the proposed Transmission Facilities in a way that relates directly to the issues the OEB will consider. If you wish to be an intervenor, the OEB must receive your request by **November 18, 2013**.

#### **LEARN MORE**

To read the documents concerning this hearing please go to the OEB website [www.ontarioenergyboard.ca/](http://www.ontarioenergyboard.ca/), click on "Consumers" and enter file number **EB-2013-0361** in the "Find an Application" box. You can also phone Rudra Mukherji at 1-888-632-6273 extension 608.

#### **Oral and Written Hearings**

There are two types of OEB hearings – oral and written. The Board intends to use a written hearing for this case unless there is a good reason why an oral hearing is necessary. If you believe an oral hearing is necessary, you must provide written reasons to the OEB by **November 18, 2013**.

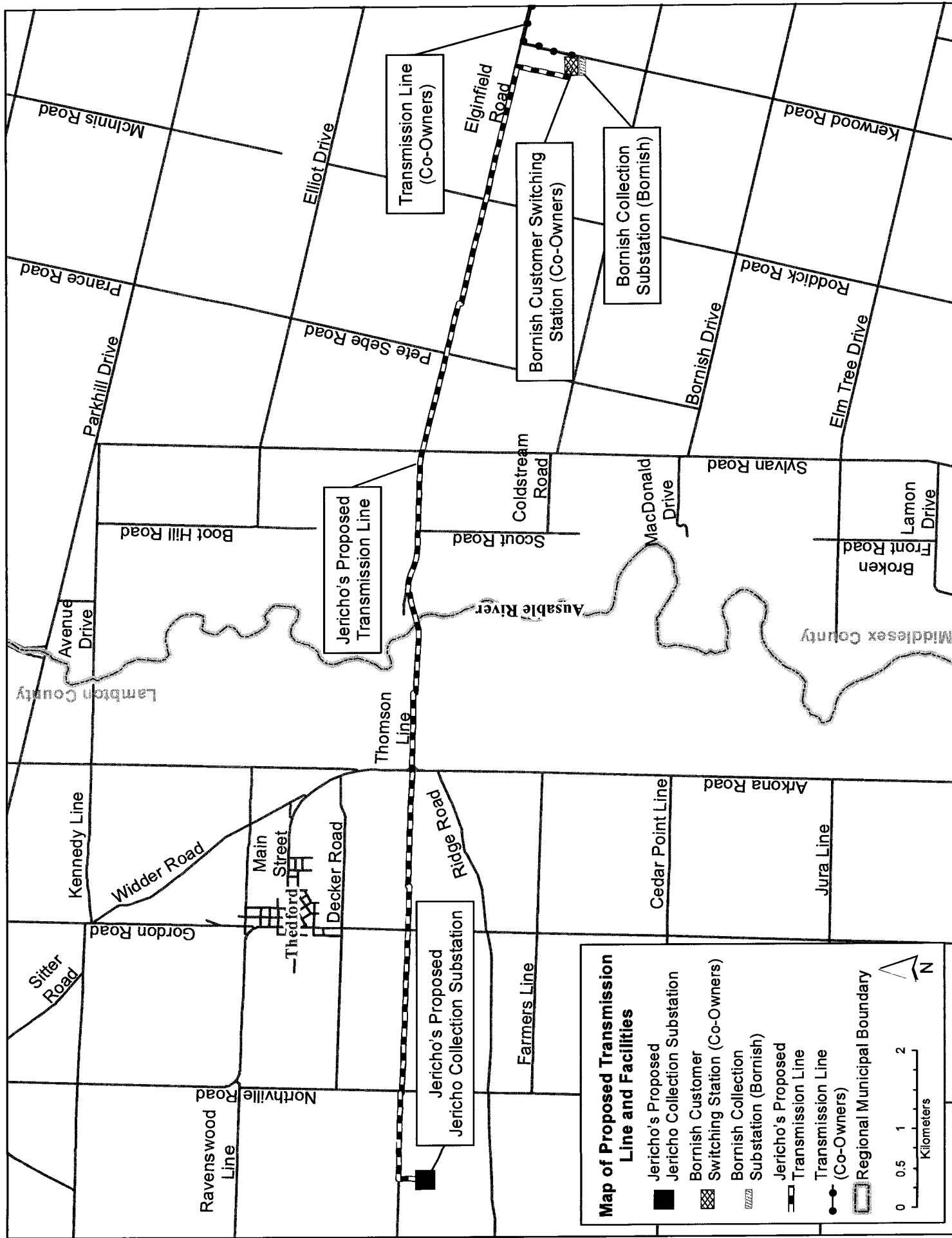
#### **Privacy**

If you write a letter with your comments, your name and the content of your letter will be put on the OEB's public record and the OEB website. However, your personal telephone number, address and email address will be removed. If you are a business, all your information will be public. If you apply to become an intervenor, all your information will be public.

This application was filed under sections 92, 97 and 101 of the *Ontario Energy Board Act, 1998 S.O. 1998, c.15, Schedule B*.

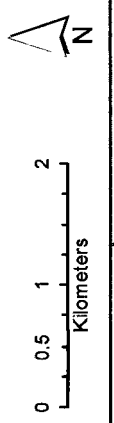
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Attention: Board Secretary  
Filings: <http://www.pes.ontarioenergyboard.ca/eservice>  
E-mail: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)  
Fax: 416-440-7656





**Map of Proposed Transmission Line and Facilities**

- Jericho's Proposed Collection Substation
- Bornish Customer Switching Station (Co-Owners)
- Bornish Collection Substation (Bornish)
- Jericho's Proposed Transmission Line
- Transmission Line (Co-Owners)
- Regional Municipal Boundary

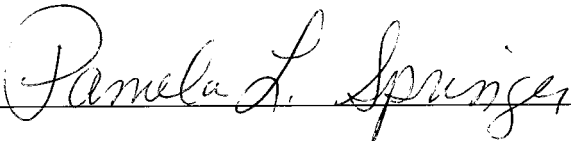


**Exhibit "B"**

***Application***

***Jericho Wind, Inc.***

This Exhibit "B" referred to in the affidavit of Ross Groffman sworn before me this 12th day of November, 2013.

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Notary Public, State of Florida



Pamela L. Springer  
COMMISSION #EE085473  
EXPIRES: APR. 18, 2015  
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## ONTARIO ENERGY BOARD

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**AND IN THE MATTER OF** an application by Jericho Wind, Inc. for an Order or Orders pursuant to Section 92 of the *Ontario Energy Board Act, 1998* (as amended) granting leave to construct transmission facilities in the Municipality of Lambton Shores, Lambton County and the Municipality of North Middlesex, Middlesex County, Ontario.

## APPLICATION

1. Jericho Wind, Inc. (“**Jericho**” or the “**Applicant**”) is a corporation established under the laws of the Province of New Brunswick and is a wholly-owned subsidiary of NextEra Energy Canada, ULC (“**NextEra Energy Canada**”).
2. NextEra Energy Canada, ULC is a corporation that was established in 2006 under the laws of the Province of Alberta and which has its executive offices in Toronto, Ontario. NextEra Energy Canada is a leading renewable energy developer in Canada that owns and operates wind and solar generation facilities in Ontario, Alberta, Quebec and Nova Scotia. In Ontario, NextEra Energy Canada currently operates two wind and two solar generation facilities, and is developing six additional wind energy generation facilities (including the project being developed by Jericho), pursuant to contracts under the Ontario Power Authority’s (“**OPA**”) Feed-in Tariff (“**FIT**”) Program.
3. NextEra Energy Canada is wholly owned by NextEra Energy Resources LLC. NextEra Energy Resources is a global leader in the generation of renewable energy and is the largest generator of both wind and solar power in North America. NextEra Energy Resources has over 18,200 MW of installed generation capacity from sources that include wind, natural gas, nuclear, hydroelectric and solar. NextEra Energy Resources has been operating wind energy facilities for over 20 years and currently operates approximately



100 wind facilities or projects in 19 states and 4 provinces, with more than 9,600 wind turbines providing over 10,000 MW or 55.5% of NextEra Energy Resources' total generation capacity. NextEra Energy Resources employs approximately 4,700 people across North America. NextEra Energy Resources is owned by NextEra Energy, Inc., a leading clean energy company with consolidated revenues of approximately \$14.3 billion, more than 42,000 megawatts of generating capacity, and nearly 15,000 employees in 26 states and four Canadian provinces as of year-end 2012. NextEra Energy, Inc. is headquartered in Juno Beach, Florida.

4. The Applicant hereby applies to the Ontario Energy Board (the "**Board**") pursuant to Section 92 of the *Ontario Energy Board Act, 1998* (the "**Act**") for an order or orders granting leave to construct the following transmission and interconnection facilities:
  - (a) a collection substation located on Lot 16, Concession 7 in the Municipality of Lambton Shores, Lambton County, to be owned by Jericho, at which power from the 34.5 kV collection system associated with the Jericho Wind Energy Centre will be transformed from 34.5 kV to 121 kV by means of one 121/34.5 kV, 102/136/170 MVA transformer (the "**Jericho Collection Substation**"); and
  - (b) an approximately 15.7 km single circuit 115 kV class transmission line, to be owned by Jericho, in the Municipality of Lambton Shores, Lambton County and the Municipality of North Middlesex, Middlesex County, Ontario, connecting the Jericho Collection Substation to the Bornish Customer Switching Station as described below (the "**Transmission Line**").
5. The facilities described in paragraph 4 are collectively referred to in this Application as the "**Proposed Transmission Facilities**".
6. The Applicant further requests the approval of the Board pursuant to Section 97 of the Act for the forms of land agreements included in Exhibit F, Tab 4, Schedule 1.
7. Moreover, the Applicant requests the approval of the Board pursuant to Section 101 of the Act for authority to construct portions of the Proposed Transmission Facilities upon, under or over a highway, utility line or ditch, as further described in Exhibit F, Tab 1, Schedule 1.

8. The Applicant is developing and planning to construct and operate an approximately 149 MW wind generation facility, known as the Jericho Wind Energy Centre, in the Municipality of Lambton Shores and the Township of Warwick in Lambton County, Ontario, pursuant to a contract under the OPA's FIT Program (the "**Jericho Project**"). The Applicant requires the Proposed Transmission Facilities to enable it to convey electricity to the Independent Electricity System Operator ("**IESO**") controlled grid from the Jericho Project, consistent with its obligations under its FIT contract, the objectives of the FIT Program and the renewable energy policies of the Province of Ontario.
9. Under a separate application filed February 8, 2012 (EB-2013-0040), Jericho together with Bornish Wind, LP ("**Bornish**") and Kerwood Wind, Inc. ("**Kerwood**") as co-owners (together, the "**Co-owners**"), has sought leave to construct certain related transmission facilities that, in combination with the Proposed Transmission Facilities, will enable Jericho to convey electricity from the Jericho Project to the IESO-controlled grid (the "**Co-owners' LTC Application**"). The facilities that are the subject of the Co-owners' LTC Application include the Bornish Customer Switching Station to which the Proposed Transmission Facilities will connect, as well as the Parkhill Customer Transformer Station and a transmission line connecting the Bornish Customer Switching Station to the Parkhill Customer Transformer Station, each as described in the Co-owners' LTC Application.
10. The Applicant proposes to locate the Jericho Collection Substation on private lands. To this end, the Applicant has secured the necessary private land rights by entering into a lease for the relevant property. In addition, in order to provide flexibility, the applicant also holds an option to purchase this same property.
11. The Applicant proposes to locate certain sections of the Transmission Line within municipal road rights-of-way, with the remaining sections of the Transmission Line being located on easements acquired from private landowners for lands adjacent to other sections of the right-of-way, running generally from the Jericho Collection Substation east along Thomson Line and Elginfield Road to the Bornish Customer Switching

Station. With regard to the portions of the Transmission Line that are to be located within the municipal road rights-of-way, the Applicant intends to rely upon its rights under Section 41 of the *Electricity Act*. Notwithstanding its statutory rights, the Applicant has made efforts to engage in discussions with each of Middlesex County and Lambton County with a view to entering into road use agreements.

12. The Applicant received a final System Impact Assessment (“SIA”) Report from the IESO for the Jericho Project dated December 21, 2011. The Applicant also received an SIA Addendum Report on June 6, 2012 and an SIA 2nd Addendum Report on December 12, 2012. These reports conclude that, subject to certain requirements set out therein, the proposed connection is expected to have no material adverse impacts on the reliability of the integrated power system. The IESO therefore recommended that a Notification of Conditional Approval for Connection be issued concurrently with the final SIA Report, as well as that addenda to such Notification be issued concurrently with each of the addendum reports.
13. The Applicant received a final Customer Impact Assessment (“CIA”) Report from Hydro One dated December 20, 2011. The Applicant also received a CIA Addendum Report dated June 8, 2012 and a CIA 2<sup>nd</sup> Addendum Report on February 1, 2013 from Hydro One in respect of the Proposed Transmission Facilities. These reports conclude that the Jericho Project can be incorporated via the Proposed Transmission Facilities (and the facilities that are the subject of the Co-owners’ LTC Application ) without adverse impacts on area customers, subject to the requirements set out in the CIA reports.
14. The Applicant is subject to the requirements of the Renewable Energy Approval (“REA”) process under Ontario Regulation 359/09 under the *Environmental Protection Act*. The final REA submission package for the Jericho Project was submitted to the Ministry of the Environment on February 15, 2013 and the application was deemed complete on July 17, 2013. The Applicant recently issued a Notice of Change to a Proposal and Notice of Public Meetings to advise stakeholders of the Applicant’s current intention to modify its REA application, which amendments would relate in part to the

Proposed Transmission Facilities. The public meetings are scheduled to take place in late October 2013.

15. The Applicant has carried out a comprehensive stakeholder consultation program in the context of its REA process. Through these consultations, the Applicant has provided notices and information to potentially interested stakeholders and held public meetings at which the Applicant received feedback and information from stakeholders. The Applicant has taken this input into consideration in planning and designing the Proposed Transmission Facilities. The Applicant has also engaged in a thorough consultation process with potentially affected First Nations through its REA process.
16. Subject to receipt of its REA, as well as other necessary permits and approvals, the Applicant plans to commence construction of the Proposed Transmission Facilities in Spring 2014. The Proposed Transmission Facilities would then be commissioned and would be expected to go into service by early Fall 2014 (subject to the Co-owners' transmission facilities being in-service).
17. The cost of the Proposed Transmission Facilities will be borne by the Applicant. As such, the Proposed Transmission Facilities will not affect electricity transmission rates in Ontario.
18. The evidence in support of this Application has been prepared in accordance with the requirements set out in Chapter 4 of the Board's *Minimum Filing Requirements for Transmission and Distribution Rate Applications and Leave to Construct Projects*, as amended May 17, 2012.
19. The Applicant requests that copies of all documents filed with or issued by the Board in connection with this Application be served on the Applicant and the Applicant's counsel as follows:

(a) The Applicant:

Jericho Wind, Inc.  
c/o NextEra Energy Canada, ULC  
390 Bay Street, Suite 1720  
Toronto, ON M5H 2Y2

Attention: Mr. Ross Groffman  
Tel: 416.364.9714  
Fax: 416.364.2533  
Email: [ross.groffman@nee.com](mailto:ross.groffman@nee.com)

(b) The Applicant's Counsel:

Torys LLP  
Suite 3000  
79 Wellington St. W.  
Box 270, TD Centre  
Toronto, ON M5K 1N2

Attention: Mr. Charles Keizer  
Tel: 416-865-7512  
Fax: 416-865-7380  
Email: [ckeizer@torys.com](mailto:ckeizer@torys.com)

and

Mr. Jonathan Myers  
Tel: 416-865-7532  
Fax: 416-865-7380  
Email: [jmyers@torys.com](mailto:jmyers@torys.com)

20. Additional written evidence, as required, may be filed in support of this Application, which may be amended from time to time prior to the Board's final decision.
21. The Applicant requests that the Board proceed by way of written hearing, pursuant to Section 34.01 of the Board's *Rules of Practice and Procedure*.

Dated at Toronto, Ontario, this 11th day of October, 2013.

**JERICO WIND, INC.**

By its counsel

Torys LLP 7



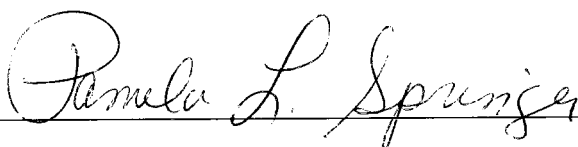
\_\_\_\_\_  
Charles Keizer  
for

**Exhibit "C"**

***Post Office Registration Receipts***

***Jericho Wind, Inc.***

This Exhibit "C" referred to in the affidavit of Ross Groffman sworn before me this 12th day of November, 2013.

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Notary Public, State of Florida



Pamela L. Springer  
COMMISSION #EE085473  
EXPIRES: APR. 18, 2015  
WWW.AARONNOTARY.com

**INTENTIONALLY DELETED**

**FILED IN ACCORDANCE WITH THE ONTARIO ENERGY BOARD'S  
*PRACTICE DIRECTIONS ON CONFIDENTIAL FILINGS***