

November 29, 2013

RESS, EMAIL & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: Jericho Wind, Inc. - Application for Leave to Construct Transmission Facilities (EB-2013-0361) - Minor Amendments to Pre-Filed Evidence

We are counsel to Jericho Wind, Inc. ("Jericho"), applicant in the above-referenced proceeding. Jericho filed its application and pre-filed evidence on October 11, 2013 (the "Application") and has completed publication and service of the Notice of the Application in accordance with the Letter of Direction issued on October 25, 2013. Jericho hereby seeks to amend its pre-filed evidence (a) to correct certain minor inaccuracies that were identified in the course of preparing to serve the Notice of Application, (b) to reflect minor changes that have been made to the proposed locations for certain components of the proposed transmission facilities, and (c) to reflect the Applicant's progress in negotiating road use agreements with municipal authorities. These corrections and minor design changes are described below. Replacement pages for the amended pre-filed evidence are attached hereto as appendices.

1. Existing Utilities Map

Exhibit B, Tab 4, Schedule 1, Appendix 'A' of the pre-filed evidence is a map showing existing utilities along the proposed transmission route. The version of the map filed on October 11, 2013 shows the locations of existing Bell Canada and Hydro One distribution facilities. In preparing to serve copies of the Notice of Application on potentially affected landowners and encumbrancers, Jericho determined that the existing facilities of two additional utilities, being Union Gas and Execulink Telecom, were inadvertently not included in the Existing Utilities Map as originally filed. Jericho confirms that all four of these utilities with existing facilities along the proposed transmission route have been served with copies of the Notice of Application in accordance with the Board's Letter of Direction. A copy of the amended map, which replaces the map filed at Exhibit B, Tab 4, Schedule 1, Appendix 'A' of the pre-filed evidence, is attached hereto as **Appendix 'A'**.

2. Transmission Line and Pole Locations

Since filing the Application and pre-filed evidence on October 11, 2013, Jericho has continued to

consult with affected landowners and municipalities to refine its proposed transmission line design. These efforts have given rise to minor modifications to the locations of certain poles and segments of the transmission line. The specific changes are summarized in the following table.

Pole # or Segment	Nature of the Change
J-No03	Pole shifted by approximately 30 meters from ROW onto private property. The relevant property is the same as the Jericho Collection Substation property for which an agreement is already in place with the affected landowner.
Span from J-No03 to J-No04	As a result of revised pole locations, this span will now run next to a private property adjacent to the ROW that was not previously affected. An overhang easement with the relevant landowner has been reached to ensure compliance with applicable electrical clearances. As such, this landowner has been added to the Landowner Line List.
J-No04	Pole shifted by approximately 22 meters from ROW to adjacent private property, with agreement from relevant landowner pursuant to an existing transmission easement with this landowner.
J-No10	Pole eliminated from the ROW and from the proposed transmission line design.
J-No11	Pole on private property shifted further away from edge of road by approximately 6 meters.
Between J-No18 and J-No22	Re-grading of roadside. No change in pole locations.
Near J-No37	Re-grading of roadside. No change in pole location.
J-No43	Pole shifted laterally within the ROW by approximately 3 meters to reduce impact on driveway.
J-No68	Pole shifted 5 meters laterally within ROW to minimize impact on residence.
J-No71	Pole shifted 6 meters laterally within ROW to minimize impact on residence.

Unless otherwise indicated above, all of the listed changes have been undertaken for the purposes of reducing the number of poles in the ROW and eliminating the need for installation of guide rails in certain locations along the proposed transmission route. These minor changes to the transmission line and pole locations give rise to the need for minor amendments to various components of the pre-filed evidence, including:

- Exhibit B, Tab 2, Schedule 4, Figure 2, Proposed Transmission Facilities, Maps (b), (c), (f), (h) and (i). Copies of these amended maps are attached hereto as **Appendix 'B.1'**;
- Exhibit B, Tab 2, Schedule 4, Figure 3, Transmission Plan and Profile, Plans (a), (b), (f) and (i). Copies of these amended maps are attached hereto as **Appendix 'B.2'**;
- Exhibit B, Tab 2, Schedule 4, Figure 4, Transmission Pole Clear Zone Mitigation Maps, Maps (a), (b), (c), (d) and (f). Copies of these amended maps are attached hereto as **Appendix 'B.3'**; and
- Exhibit F, Tab 1, Schedule 1, Land Matters, Section 1(b) "Transmission Line". This section includes a detailed description of the routing for the proposed transmission line. A copy of this amended schedule is attached hereto as **Appendix 'B.4'**;

3. Landowner Line List

Exhibit F, Tab 1, Schedule 1, Appendix 'A' is the Landowner Line List, which Jericho filed confidentially as part of its Application due to the inclusion of personal information of affected landowners.

As noted above, due to minor changes to the locations of poles J-No03 and J-No04, the proposed transmission line will now run next to an adjacent private property that was not previously affected. An overhang easement with the relevant landowner has been reached to ensure compliance with applicable electrical clearances. Although no portion of the proposed transmission facilities will be situated on or over this property, it has been added to the Landowner Line List.

In addition, in preparing to serve copies of the Notice of Application on potentially affected landowners and encumbrancers, Jericho determined that several minor corrections to the Landowner Line List are needed. In particular,

- one municipally-owned parcel near Arkona Road was included in the landowner line list despite that no part of the proposed transmission facilities will be located in, on or over this property. As such, this parcel has been removed from the list;
- two publicly-owned parcels at the location of the river crossing, and which consist of the riverbed itself, were inadvertently omitted but have now been added to the list. One of these parcels consists of unpatented crown land for which no parcel PIN exists;
- there was a recent partial change in ownership for one property on the list, which has now been reflected;
- one parcel, being a portion of a municipally-owned road at the intersection of Elginfield Road and Scout Road, was included in the landowner line list despite that no part of the proposed transmission facilities will be located in, on or over this property. As such, this parcel has been removed from the list; and
- two additional parcels, being portions of municipally-owned roads at intersections along the proposed route and which the proposed transmission facilities will overhang, were inadvertently omitted but have now been added to the list.

Notwithstanding that the need for changes to the Landowner Line List became apparent while preparing to serve copies of the Notice of Application, the Applicant confirms that notice was sent to all affected landowners, including those reflected in the above amendments. A copy of the amended Landowner Line List is attached hereto as **Appendix 'C'**.

4. Update on Negotiation of Road Use Agreements

The pre-filed evidence explains that, notwithstanding Jericho's statutory rights under Section 41 of the *Electricity Act*, 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. The Applicant is hereby amending the pre-filed evidence to provide an updated description of the status of these efforts. In particular, Jericho has entered into a road use agreement with Middlesex County. The agreement is dated November 12, 2013 and addresses all concerns that

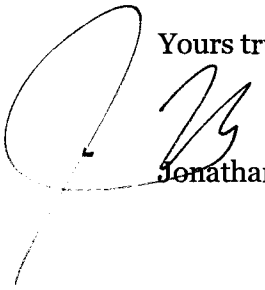
Middlesex County has expressed to the Applicant with respect to the proposed transmission facilities. The transmission facility locations and routing contemplated in the agreement are based upon the locations and routing proposed in the Application, as hereby amended.

Negotiations with Lambton County on a road use agreement are continuing.

These developments are reflected in amendments to two schedules in the pre-filed evidence: Exhibit B, Tab 1, Schedule 1 at page 4, as well as Exhibit F, Tab 1, Schedule 1 at pages 5 and 9. A replacement page for the amended Exhibit B, Tab 1, Schedule 1 is attached hereto as **Appendix 'D'**. A copy of the amended Exhibit F, Tab 1, Schedule 1 is attached hereto as **Appendix B.4**.

Overall, the amendments described here are not material and are being made by the Applicant to ensure that the Board and intervenors can rely upon the most up-to-date and accurate information concerning the proposed transmission facilities for purposes of preparing interrogatories, participating in and considering the Application. In the Applicant's view, given the minor nature of these amendments, no delays or additional steps in the proceeding are warranted.

Yours truly,



Jonathan Myers

Enclosures

cc: Mr. R. Groffman, Jericho Wind
Mr. C. Keizer, Torys LLP

APPENDIX 'A'

Amended Existing Utilities Map

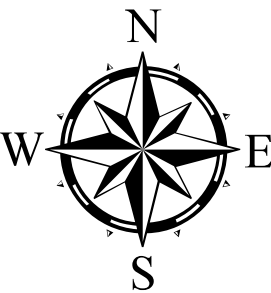
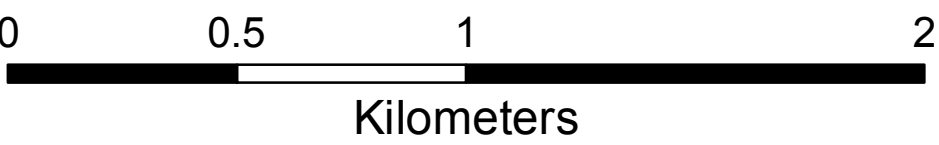
(Exhibit B, Tab 4, Schedule 1, Appendix 'A')



Jericho Existing Utilities Map

Lambton & Middlesex Counties,
Ontario, Canada

- HydroOne-Overhead Distribution
- Union Gas
- Telecom Infrastructure
 - Bell
 - Execulink - Copper
 - Execulink - Fibre
- Jericho Collector Substation
- Bornish Collector Substation
- Bornish Customer Switching Station



Date: 11/1/2013
PROPRIETARY AND CONFIDENTIAL

Projection: NAD_1983_UTM_Zone_17N
Datum: NAD 83

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APPENDIX 'B.1'

Amended Transmission Facilities Maps

Exhibit B, Tab 2, Schedule 4, Figure 2

Map (b)

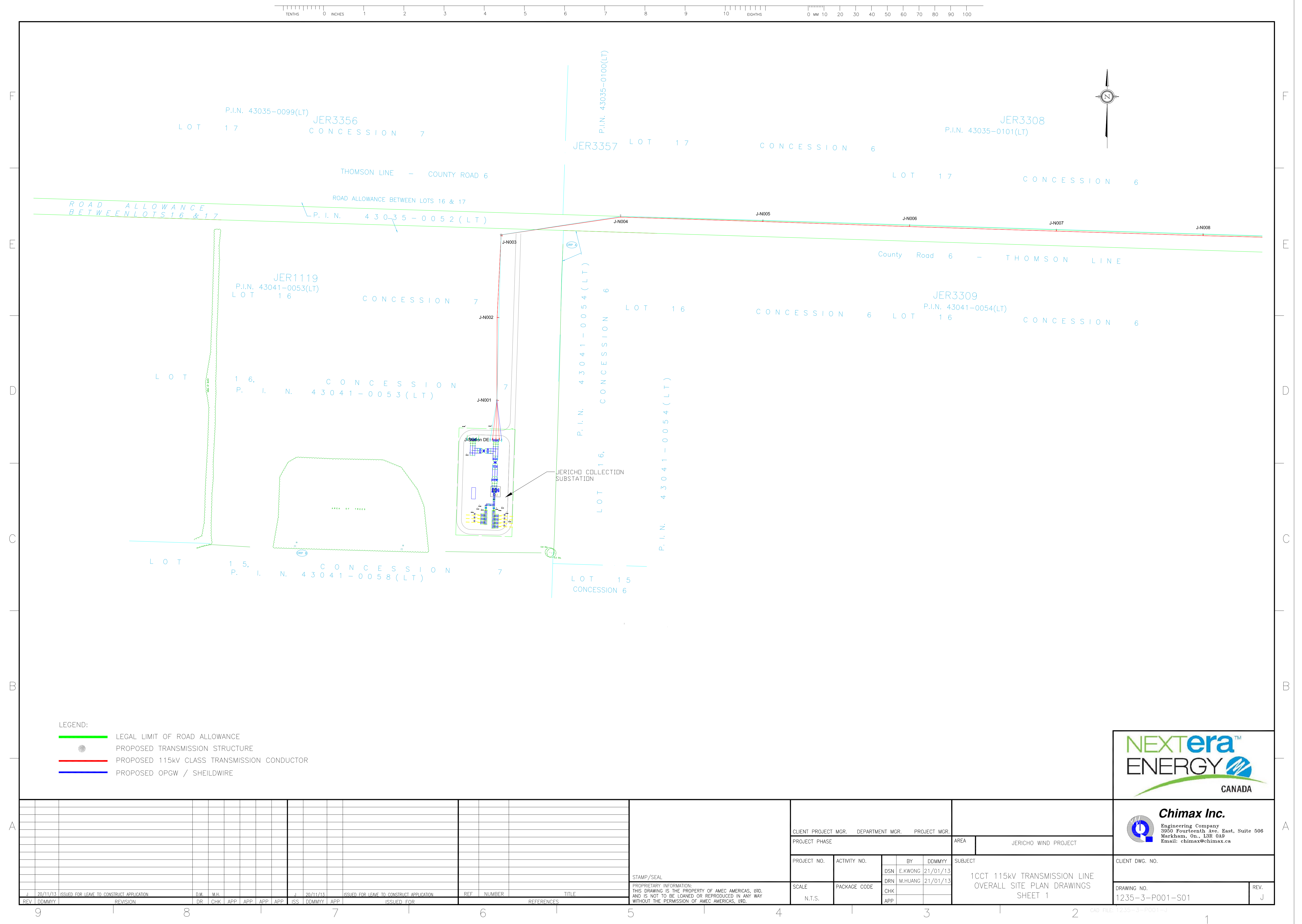
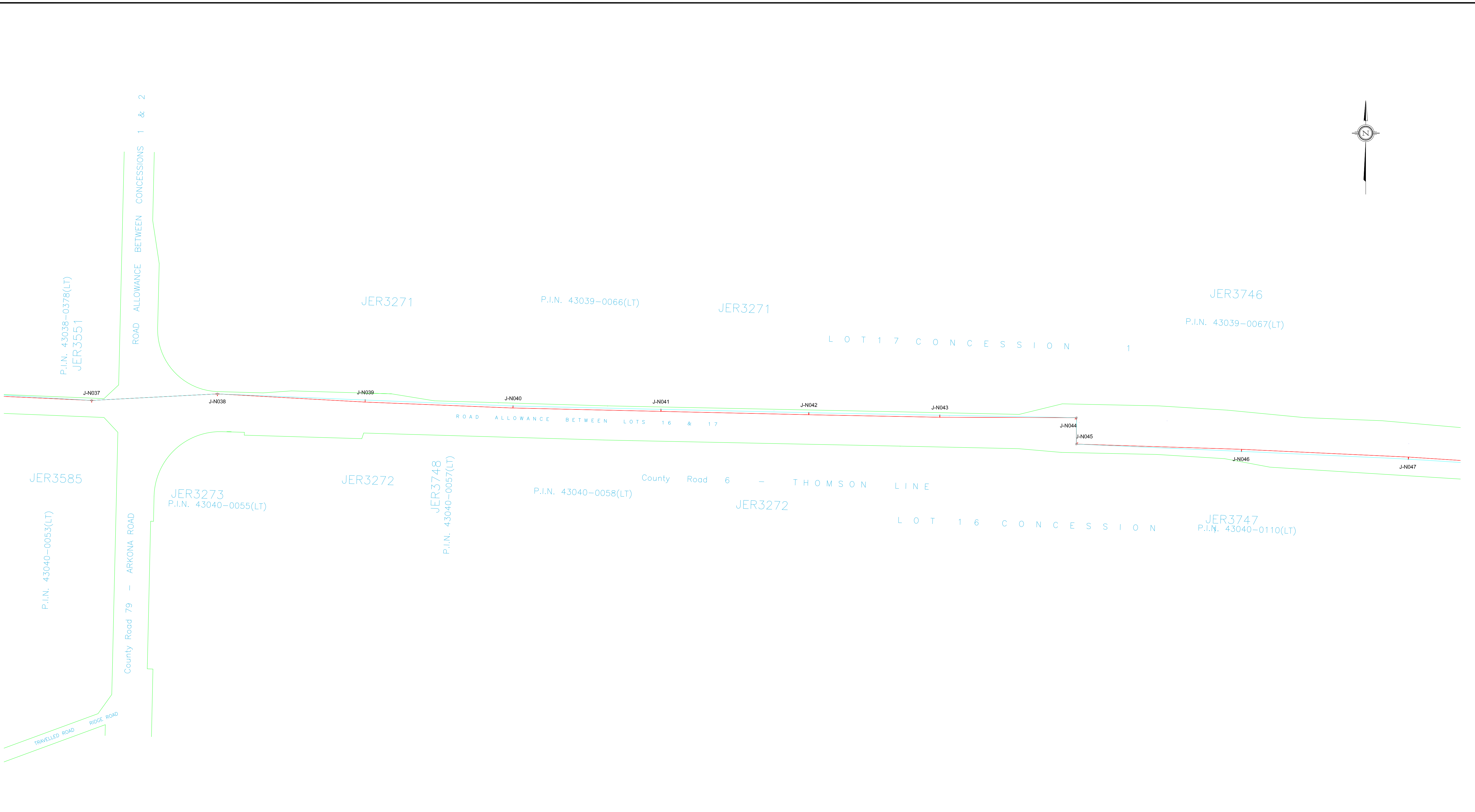
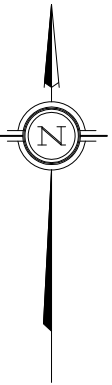


Exhibit B, Tab 2, Schedule 4, Figure 2

Map (c)

Exhibit B, Tab 2, Schedule 4, Figure 2

Map (f)



- LEGEND:
- LEGAL LIMIT OF ROAD ALLOWANCE
 - PROPOSED TRANSMISSION STRUCTURE
 - PROPOSED 115kV CLASS TRANSMISSION CONDUCTOR
 - PROPOSED OPGW / SHEILDWIRE

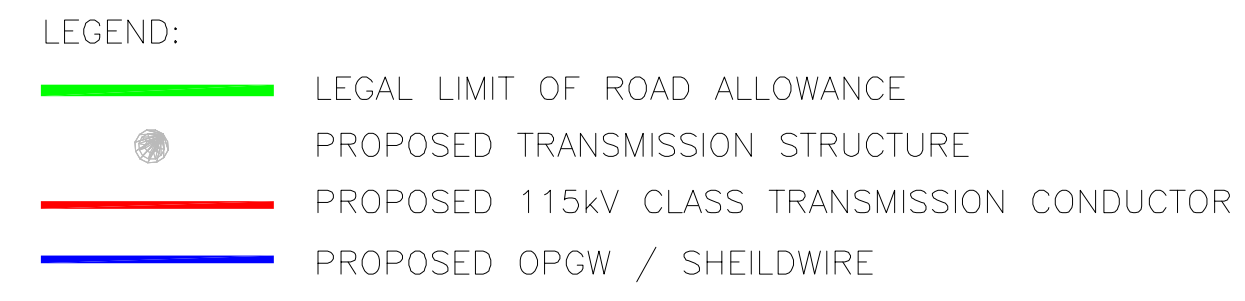
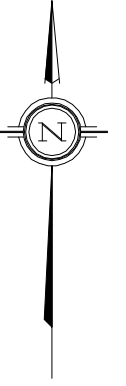


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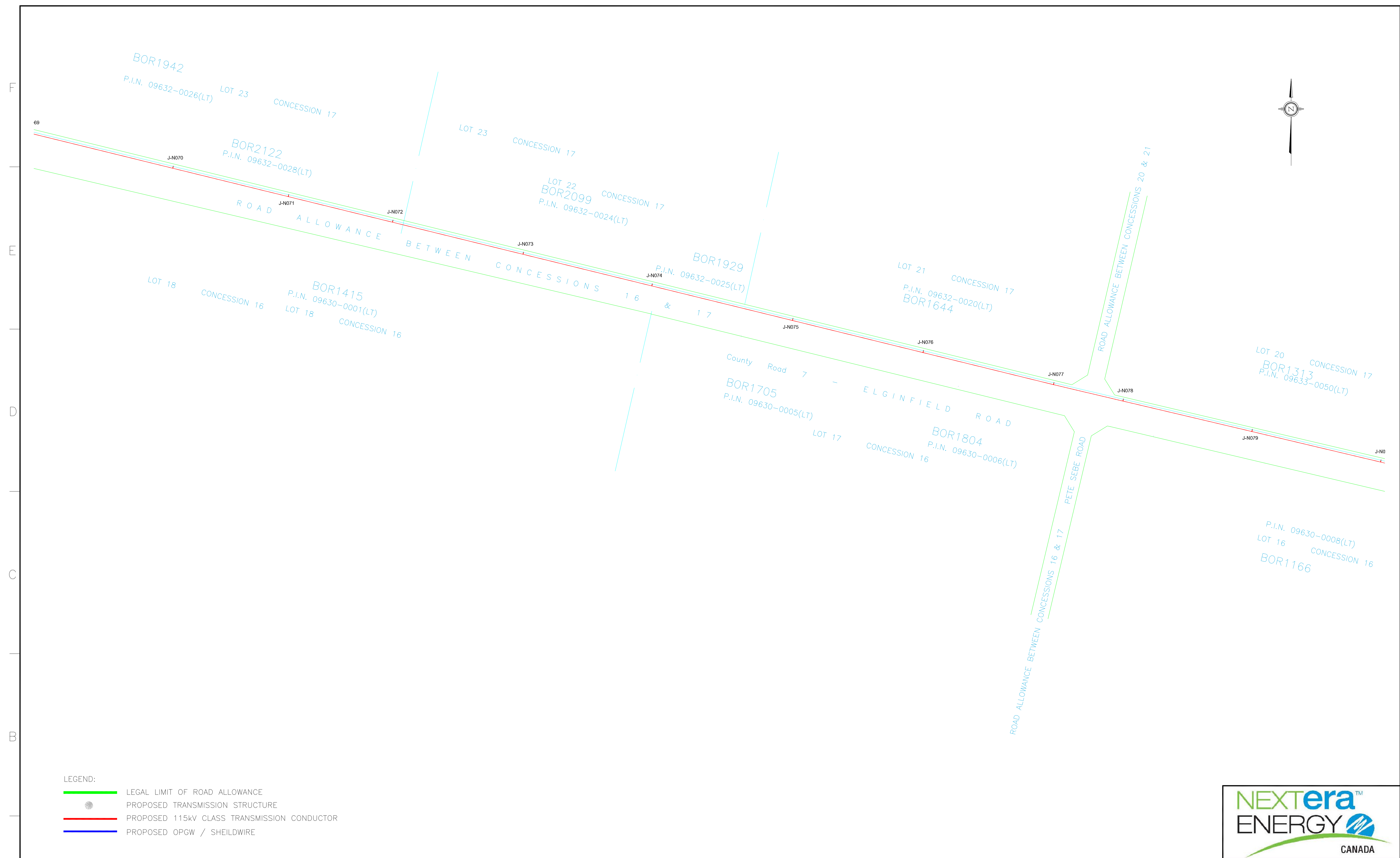
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Figure 3, Plan (a)

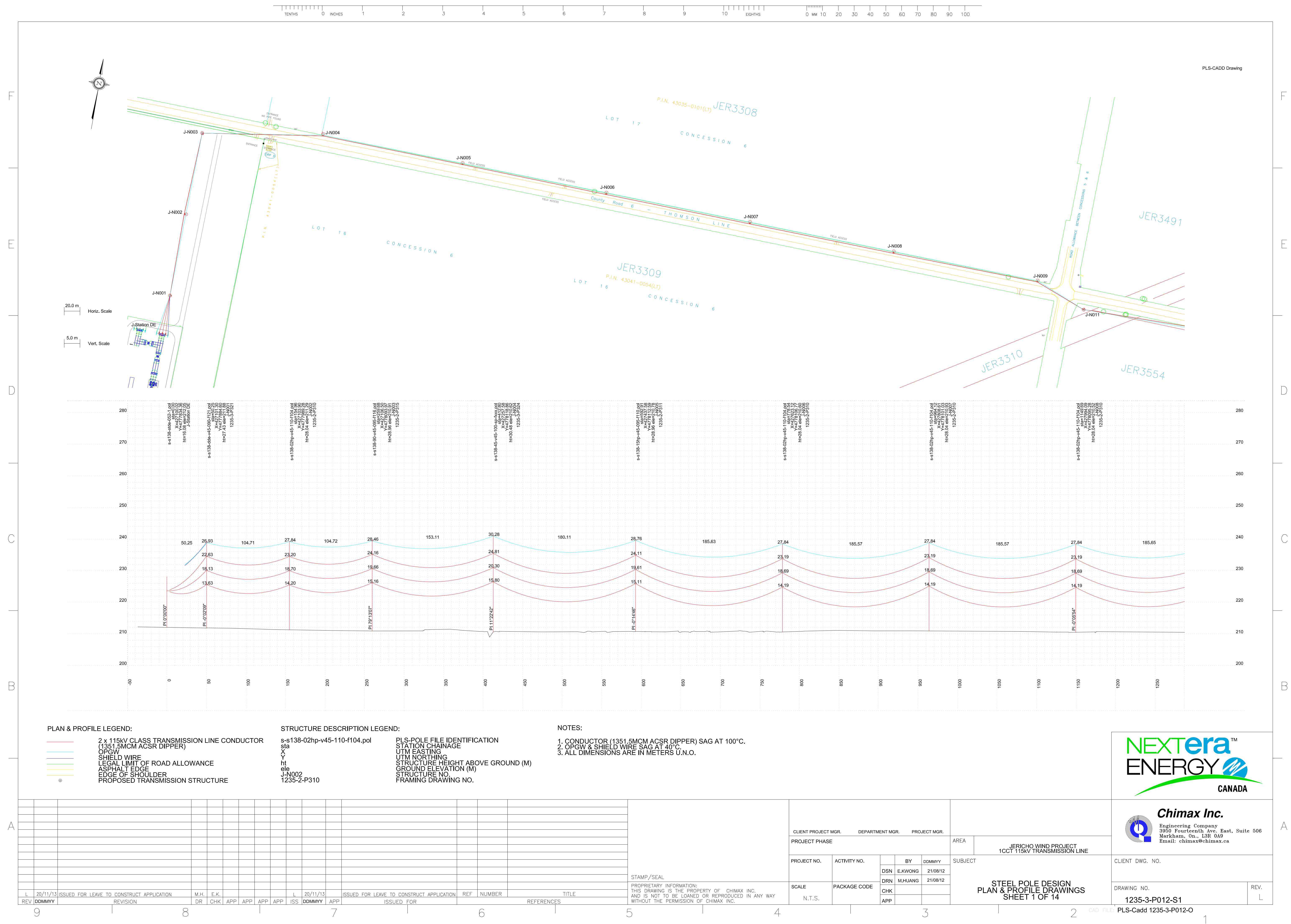
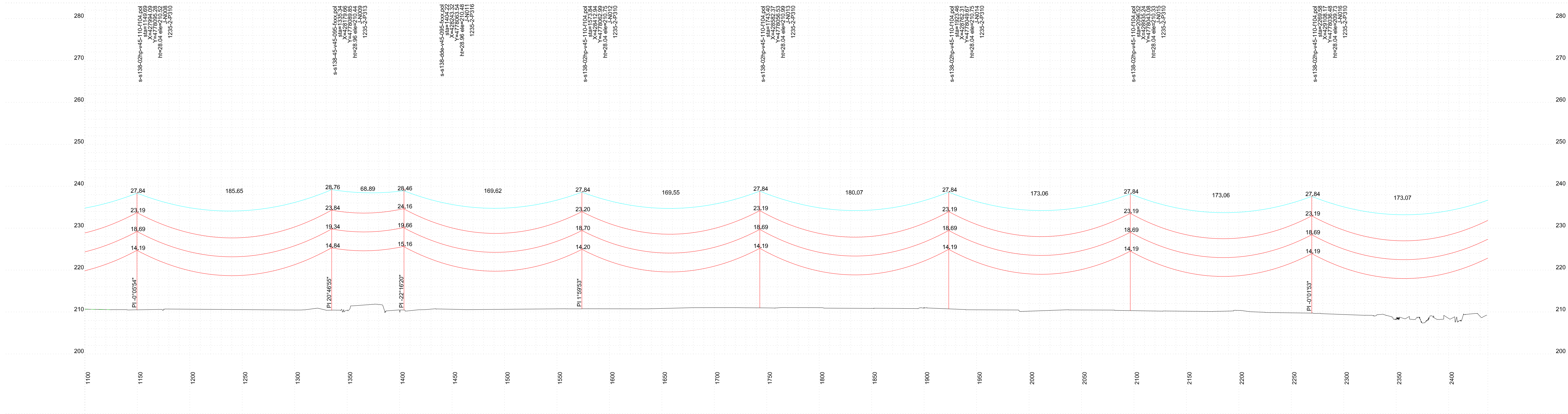
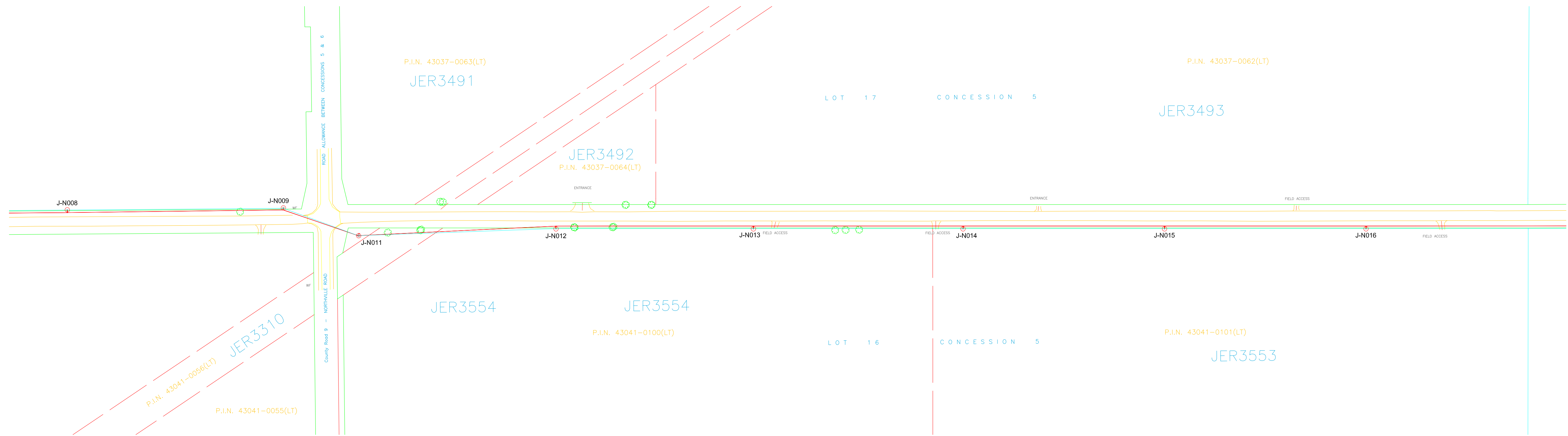
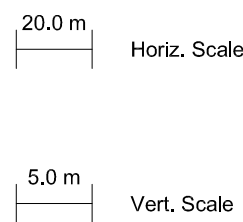
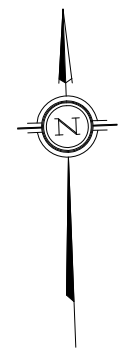


Exhibit B, Tab 2, Schedule 4

Figure 3, Plan (b)



PLS-CADD Drawing



PLAN & PROFILE LEGEND:

- 2 x 115kV CLASS TRANSMISSION LINE CONDUCTOR (1351.5MCM ACSR DIPPER)
- OPGW
- SHIELD WIRE
- LEGAL LIMIT OF ROAD ALLOWANCE
- ASPHALT EDGE
- EDGE OF SHOULDER
- PROPOSED TRANSMISSION STRUCTURE

STRUCTURE DESCRIPTION LEGEND:

- s-s138-02hp-v45-110-f104.pol
- sta
- X
- Y
- ht
- ele
- J-N002
- 1235-2-P310
- PLS-POLE FILE IDENTIFICATION
- STATION CHAINAGE
- UTM EASTING
- UTM NORTHING
- STRUCTURE HEIGHT ABOVE GROUND (M)
- GROUND ELEVATION (M)
- STRUCTURE NO.
- FRAMING DRAWING NO.

NOTES:

- CONDUCTOR (1351.5MCM ACSR DIPPER) SAG AT 100°C.
- OPGW & SHIELD WIRE SAG AT 40°C.
- ALL DIMENSIONS ARE IN METERS U.N.O.



Chimax Inc.
Engineering Company
3950 Fourteenth Ave. East, Suite 506
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Email: chimax@chimax.ca

CLIENT DWG. NO.

DRAWING NO.
1235-3-P012-S2

REV.
L

CAD FILE: PLS-Cadd 1235-3-P012-O

REV	DDMMYY	ISSUED FOR	LEAVE TO CONSTRUCT APPLICATION	M.H.	E.K.	DR	CHK	APP	APP	APP	APP	ISS	DDMMYY	APP	ISSUED FOR	REF	NUMBER	TITLE
L	20/11/13	ISSUED FOR	LEAVE TO CONSTRUCT APPLICATION	M.H.	E.K.	DR	CHK	APP	APP	APP	APP	ISS	20/11/13	APP	ISSUED FOR	REF	NUMBER	TITLE

STAMP/SEAL

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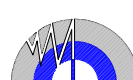
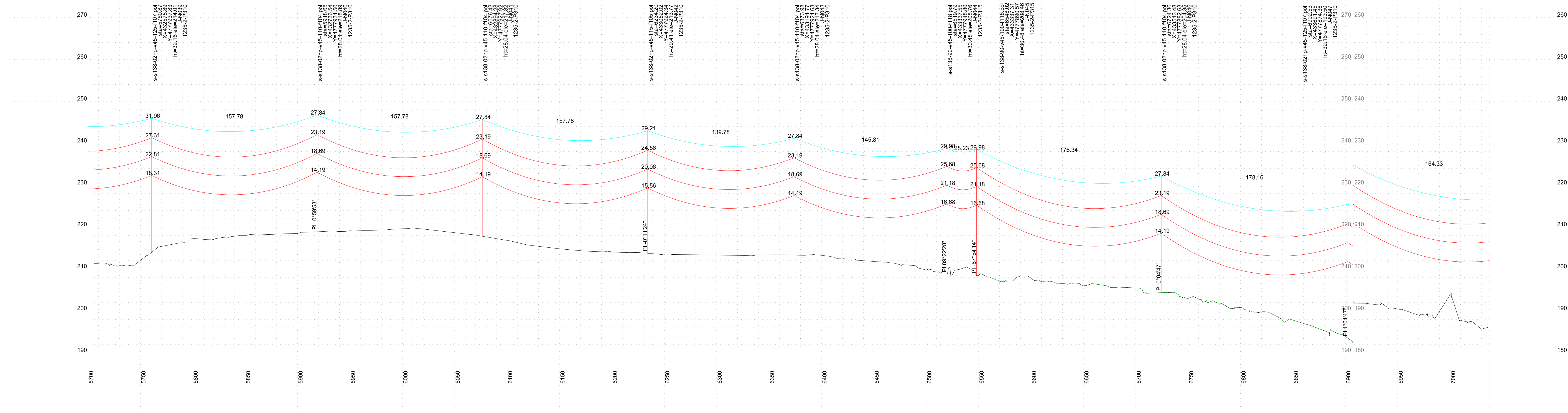
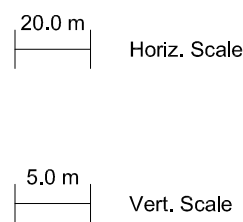
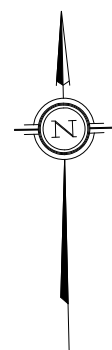
					<div><div>Chimax Inc. Engineering Company 3950 Fourteenth Ave. East, Suite 506 Markham, On., L3R 0A9 Email: chimax@chimax.ca</div></div>			
CLIENT PROJECT MGR. DEPARTMENT MGR. PROJECT MGR.								
PROJECT PHASE					AREA	JERICO WIND PROJECT 1CCT 115kV TRANSMISSION LINE		
PROJECT NO.	ACTIVITY NO.		BY	DDMMYY	SUBJECT	CLIENT DWG. NO.		
		DSN	E.KWONG	21/08/12				
		DRN	M.HUANG	21/08/12				
SCALE	PACKAGE CODE	CHK					STEEL POLE DESIGN PLAN & PROFILE DRAWINGS SHEET 2 OF 14	DRAWING NO. 1235-C-P012-S2
		APP						
N.T.S.								

Exhibit B, Tab 2, Schedule 4

Figure 3, Plan (f)



PLAN & PROFILE LEGEND:

- 2 x 115kV CLASS TRANSMISSION LINE CONDUCTOR (1351.5MCM ACSR DIPPER)
- OPGW
- SHIELD WIRE
- LEGAL LIMIT OF ROAD ALLOWANCE
- ASPHALT EDGE
- EDGE OF SHOULDER
- PROPOSED TRANSMISSION STRUCTURE

STRUCTURE DESCRIPTION LEGEND:


- s-s138-02hp-v45-110-f104.pol
- sta
- X
- Y
- ht
- ele
- J-N002
- 1235-2-P310
- PLS-POLE FILE IDENTIFICATION
- STATION CHAINAGE
- UTM EASTING
- UTM NORTHING
- STRUCTURE HEIGHT ABOVE GROUND (M)
- GROUND ELEVATION (M)
- STRUCTURE NO.
- FRAMING DRAWING NO.

NOTES:

- CONDUCTOR (1351.5MCM ACSR DIPPER) SAG AT 100°C.
- OPGW & SHIELD WIRE SAG AT 40°C.
- ALL DIMENSIONS ARE IN METERS U.N.O.

REV	DDMMYY	ISSUED FOR LEAVE TO CONSTRUCT APPLICATION	M.H.	E.K.	CHK	APP	APP	APP	APP	ISS	DDMMYY	APP	ISSUED FOR	REF	NUMBER	TITLE
L	20/11/13	ISSUED FOR LEAVE TO CONSTRUCT APPLICATION	M.H.	E.K.	CHK	APP	APP	APP	APP	L	20/11/13	ISSUED FOR LEAVE TO CONSTRUCT APPLICATION	ISSUED FOR	REF	NUMBER	TITLE
9																
8																
7																
6																
5																
4																
3																
2																
1																

STAMP/SEAL
PROPRIETARY INFORMATION:
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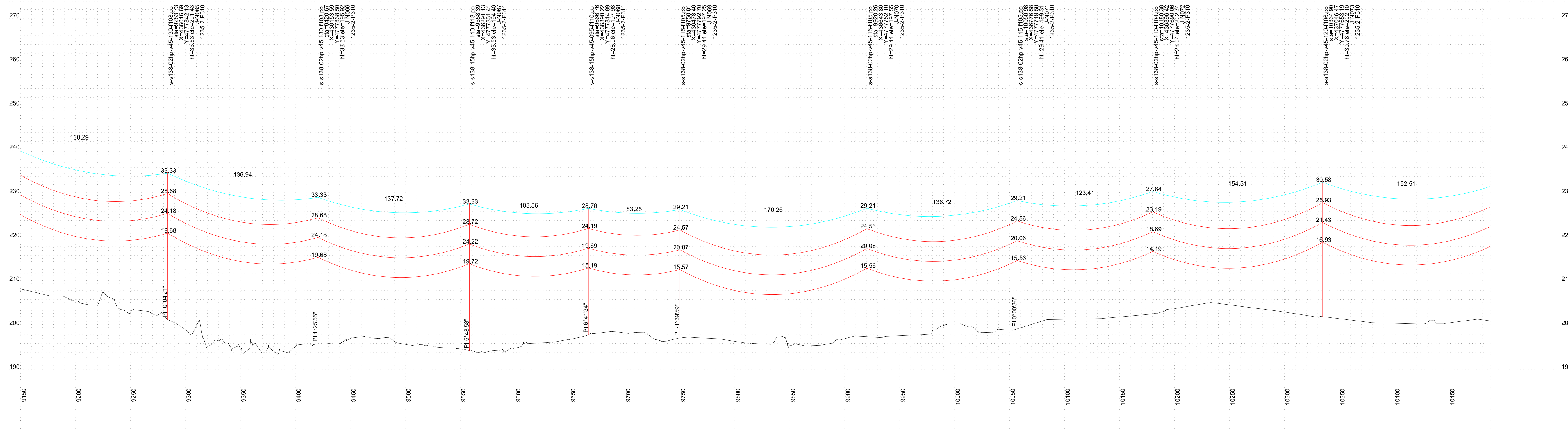
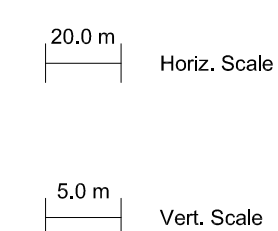
										 <div>Chimax Inc. Engineering Company 3950 Fourteenth Ave. East, Suite 506 Markham, On. L3R 0A9 Email: chimax@chimax.ca</div>		
CLIENT PROJECT MGR.			DEPARTMENT MGR.			PROJECT MGR.			AREA		JERICO WIND PROJECT 10CT 115KV TRANSMISSION LINE	
PROJECT PHASE												
PROJECT NO.		ACTIVITY NO.		BY		DDMMYY		SUBJECT		CLIENT DWG. NO.		
SCALE N.T.S.		PACKAGE CODE		DSN		E.KWONG		21/08/12		STEEL POLE DESIGN PLAN & PROFILE DRAWINGS SHEET 6 OF 14		
				DRN		M.HUANG		21/08/12				
				CHK								
				APP								
										DRAWING NO. 1235-3-P012-S6		
										REV. L		




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Exhibit B, Tab 2, Schedule 4

Figure 3, Plan (i)



PLAN & PROFILE LEGEND:



	2 x 115kV CLASS TRANSMISSION LINE CONDUCTOR (1.155MCM ACSR DIPPER)
	OPGW
	SHIELD WIRE
	LEGAL LIMIT OF ROAD ALLOWANCE
	ASPHALT EDGE
	EDGE OF SHOULDER
	PROPOSED TRANSMISSION STRUCTURE

STRUCTURE DESCRIPTION LEGEND:

s-s138-02hp-v45-110-f104.pol
sta
X
Y
ht
ele
J-N002
1235-2-P310

PLS-POLE FILE IDENTIFICATION
STATION CHAINAGE
UTM EASTING
UTM NORTHING
STRUCTURE HEIGHT ABOVE GROUND (M)
GROUND ELEVATION (M)
STRUCTURE NO.
FRAMING DRAWING NO.

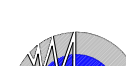
NOTES:

1. CONDUCTOR (1351.5MCM ACSR DIPPER) SAG AT 100°C.
2. OPGW & SHIELD WIRE SAG AT 40°C.
3. ALL DIMENSIONS ARE IN METERS U.N.O.

[illegible]

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					<div>Chimax Inc. Engineering Company 3950 Fourteenth Ave. East, Suite 506 Markham, On., L3R 0A9 Email: chimax@chimax.ca</div>	
CLIENT PROJECT MGR. DEPARTMENT MGR. PROJECT MGR.						
PROJECT PHASE				AREA	JERICO WIND PROJECT 1CCT 115KV TRANSMISSION LINE	
PROJECT NO.	ACTIVITY NO.		BY	DDMMYY	SUBJECT	CLIENT DWG. NO.
		DSN	E.KWONG	21/08/12		
		DRN	M.HUANG	21/08/12		
		CHK				
SCALE	PACKAGE CODE	APP			STEEL POLE DESIGN PLAN & PROFILE DRAWINGS SHEET 9 OF 14	DRAWING NO. 1235-3-P012-S9
N.T.S.						



CLIENT DWG. NO.

DRAWING NO.	REV.
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PLS Cadd 1235 3 R012 0

CAD FILE: PLS-Cadd 1235-3-P012-O

APPENDIX 'B.3'

Amended Transmission Pole Clear Zone Mitigation Maps

Exhibit B, Tab 2, Schedule 4, Figure 4


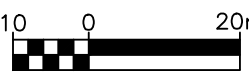
Map (a)



JERICHO TRANSMISSION LINE KEYPLAN
NOT TO SCALE

LEGEND FOR SHEETS CZS-1 TO CZS-7

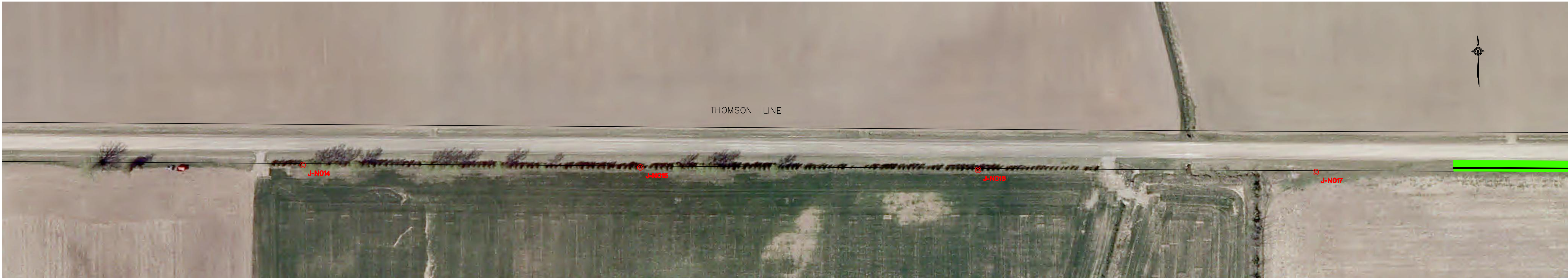
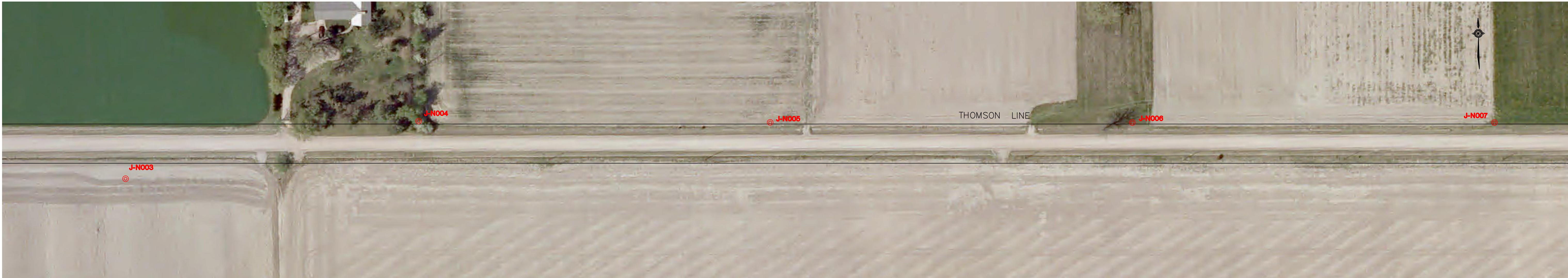
- RIGHT OF WAY
- EXISTING 3 CABLE GUIDE RAIL
- PROPOSED 3 CABLE GUIDE RAIL
- PROPOSED 3 CABLE GUIDE RAIL END TREATMENT
- EXISTING STEEL BEAM GUIDE RAIL
- PROPOSED STEEL BEAM GUIDE RAIL
- PROPOSED STEEL BEAM GUIDE RAIL END TREATMENT
- PROPOSED GRADING

EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT	CONSULTANT OR DIVISION	ENGINEER'S STAMP	SCALE 1:1000	TITLE	PROJECT No.
					DESIGN RWC	1	ISSUE FOR LEAVE TO CONSTRUCT	2013-10-07		 IBI Group 203 - 350 Oxford Street West London ON N6H 1T3 Canada tel 519 472 7328 fax 519 472 9354	<div>NEXT ERA ENERGY</div>		JERICO WIND ENERGY CENTRE MUNICIPALITY OF N. MIDDLESEX AND LAMBTON COUNTY	34938
				DRAWN BY MWB	2	ISSUE FOR LTC AMMENDMENT	2013-11-20		JTLsite G&G - KEYPLAN				SHEET No.	
				CHECKED RWC					01					
				APPROVED RWC										
				DATE 2013-08-29										
					JTLsite G&G.dwg								PLAN FILE No.	

J:\34938-Jericho-Trans\5.9 Drawings\Civil\Current\JTLsite G&G.dwg

Exhibit B, Tab 2, Schedule 4, Figure 4

Map (b)

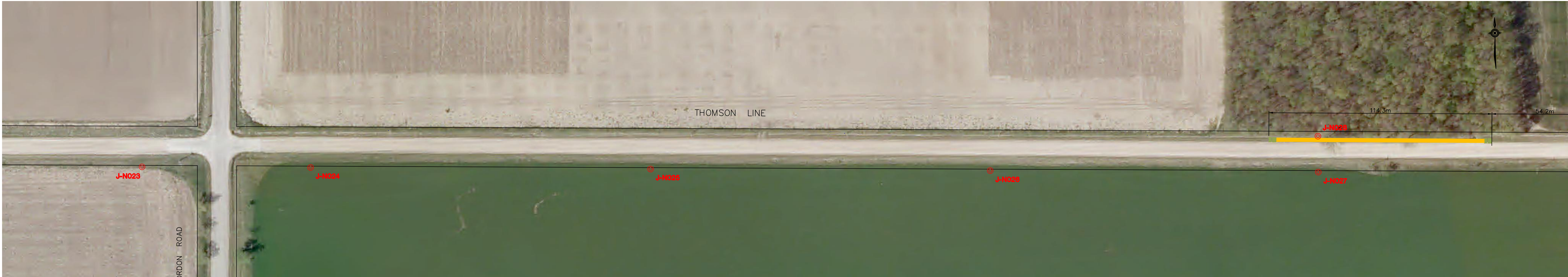
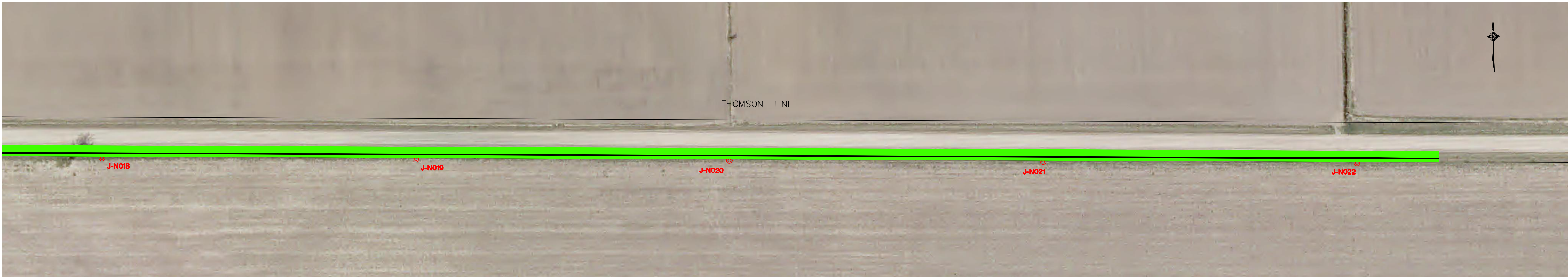


EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT	CONSULTANT OR DIVISION	ENGINEER'S STAMP	SCALE	TITLE	PROJECT No.
					DESIGN RWC	1	ISSUED FOR LEAVE TO CONSTRUCT	2013-10-07		<div><div>IBI</div><div>GROUP</div></div> <div>IBI Group 203 - 350 Oxford Street West London ON N6H 1T3 Canada tel 519 472 7328 fax 519 472 9354</div>		1:1000 <div>10 0 20m</div>	JERICO WIND ENERGY CENTRE MUNICIPALITY OF N. MIDDLESEX AND LAMBTON COUNTY	34938
					DRAWN BY MWB	2	ISSUED FOR LTC AMMENDMENT	2013-11-20						
					CHECKED RWC									
					APPROVED RWC									
					DATE 2013-08-29									
					JTLsite G&G.dwg								JTLSITE G&G - 1 J-N003 TO J-N017	CZS-1
														PLAN FILE No.

J:\34938-Jericho-Traffic\5.9 Drawings\GIS\Current\JTLsite G&G.dwg

Exhibit B, Tab 2, Schedule 4, Figure 4

Map (c)



EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT	CONSULTANT OR DIVISION	ENGINEER'S STAMP	SCALE 1:1000	TITLE	PROJECT No.
					DESIGN RWC	1	ISSUED FOR LEAVE TO CONSTRUCT	2013-10-07		<div><div>IBI GROUP</div><div>IBI Group 203 - 350 Oxford Street West London ON N6H 1T3 Canada tel 519 472 7328 fax 519 472 9354</div></div>	<div></div>	<div><div>1000</div><div>1000</div><div>20m</div></div>	JERICHO WIND ENERGY CENTRE MUNICIPALITY OF N. MIDDLESEX AND LAMBTON COUNTY	34938
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					CHECKED RWC									CZS-2
					APPROVED RWC									PLAN FILE No.
					DATE 2013-08-29									
					JTLsite G&G.dwg									
NEXT ERA ENERGY											JTLSITE G&G - 2 J-N018 TO J-N033			

J:\34938-Jericho-Traffic\5.9 Drawings\Old\Current\JTLsite G&G.dwg

Exhibit B, Tab 2, Schedule 4, Figure 4

Map (d)



EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT	CONSULTANT OR DIVISION	ENGINEER'S STAMP	SCALE	TITLE	PROJECT No.
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					DRAWN BY MWB	2	ISSUED FOR LTC AMMENDMENT	2013-11-20						
					CHECKED RWC									
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					DATE 2013-08-29									
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														PLAN FILE No.

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Exhibit B, Tab 2, Schedule 4, Figure 4

Map (f)

APPENDIX 'B.4'

**Amended Route Description
and Updated Status of Negotiations for Road Use Agreements**

Exhibit F, Tab 1, Schedule 1

LAND MATTERS

1. Land Area Required and Land Rights Acquired/to be Acquired

The land area required for the Proposed Transmission Facilities consists of (a) the lands required for the Jericho Collection Substation, (b) the lands required for the Transmission Line, and (c) any other lands that may be required either on a temporary basis for construction purposes or on an ongoing basis for access purposes. These land requirements are described in the sections below.

(a) Jericho Collection Substation

As described in Exhibit B, Tab 2, Schedule 3, the Jericho Collection Substation will have a footprint of approximately 2.38 acres and will be situated on Lot 16, Concession 7 in the Municipality of Lambton Shores, Lambton County. This location is on the south side of Thomson Line, approximately 1 km east of the intersection of Thomson Line and Jericho Road, as shown in Figures 1 and 2(a) at Exhibit B, Tab 2, Schedule 4. This property is comprised of a single, privately owned parcel. 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

(b) Transmission Line

Also as described in Exhibit B, Tab 2, Schedule 3, the Transmission Line will be approximately 15.7 km in length and will run from the Jericho Collection Substation on Lot 16, Concession 7 in the Municipality of Lambton Shores, Lambton County east along Thomson Line/Elginfield Road to the Bornish Customer Switching Station at Part Lot 9, Concession 16 in the Municipality of North Middlesex, Middlesex County, on the west side of Kerwood Road between Elginfield Road and Cold Stream Road. The Applicant plans for the Transmission Line to run in part within the municipal road right-of-way along Thomson Line and Elginfield Road and in part within easements acquired from private

land owners, as more particularly described below and shown in Figure 2 at Exhibit B, Tab 2, Schedule 4.

As indicated in Exhibit B, Tab 4, Schedule 1, the Applicant is planning to construct the Transmission Line on the opposite side of the ROW from where existing Hydro One distribution facilities are located, either within the municipal ROW or within easements acquired from adjacent private land owners. Consequently, it is the Applicant's current plan that, commencing from the Jericho Collector Substation, the Transmission Line will:

- (i) run from the northeast corner of the substation on private lands, and then across Thomson Line, for a distance of approximately ~~0.3~~0.4 km,
- ~~(ii) — turn east and run along the north side of Thomson Line, within the municipal ROW, for a distance of approximately 0.2 km,~~
- (ii) ~~(iii)~~ continue east along the north side of Thomson Line, within private easements, for a distance of approximately 0.9 km,
- (iii) ~~(iv)~~ cross over Thomson Line to the south and then cross Northville Road to the south-east and continue east along the south side of Thomson Line, past Gordon Road within private easements, for a distance of approximately ~~2.6~~2.7 km,
- (iv) ~~(v)~~ cross Thomson Line to the north and continue east along the north side of Thomson Line, within the municipal ROW, for a distance of approximately 0.8 km,
- (v) ~~(vi)~~ continue east along the north side of Thomson Line, within private easements, until just before Arkona Road, for a distance of approximately ~~0.5~~0.6 km,

- (vi)** ~~(vii)~~ continue past Arkona Road along the north side of Thomson Line, within the municipal ROW, for a distance of approximately ~~1.2~~**1.1** km,
- (vii)** ~~(viii)~~ cross Thomson Line to the south, and continue east along the south side of Thomson Line, within the municipal ROW, for a distance of approximately 0.9 km,
- (viii)** ~~(ix)~~ cross the Ausable River and continue east, along the south side of Elginfield Road, within the municipal ROW, for a distance of approximately ~~0.4~~**0.5** km,
- (ix)** ~~(x)~~ cross Elginfield Road to the north and continue eastbound along the north side of Elginfield Road, within the municipal ROW, for a distance of approximately 0.3 km,
- (x)** ~~(xi)~~ continue eastbound along the north side of Elginfield Road, within private easements, for a distance of approximately 0.5 km,
- (xi)** ~~(xii)~~ continue east along the north side of Elginfield Road, within the municipal ROW, for a distance of approximately 3.0 km,
- (xii)** ~~(xiii)~~ cross Elginfield Road to the south and continue along the south side of Elginfield road, within the municipal ROW, for a distance of approximately 1.4 km,
- (xiii)** ~~(xiv)~~ cross Roddick Road and continue along the south side of Elginfield Road, within private easements, for a distance of approximately 0.4 km,
- (xiv)** ~~(xv)~~ continue along the south side of Elginfield road, within the municipal ROW, for a distance of approximately 0.9 km,

- (xv) ~~(xvi)~~ continue along the south side of Elginfield Road, within private easements, and then turn south and continue on private property for a distance of approximately 1.0 km, then turning east on the same private property and continuing for approximately 0.2 km before terminating at the Bornish Customer Switching Station on Part Lot 9, Concession 16, in the Municipality of North Middlesex.

Maps and profile drawings illustrating the proposed routing, consistent with the above description and including specific locations of poles and structures, are provided in Exhibit B, Tab 2, Schedule 4, Figures 2 and 3. In planning the route, the Applicant has considered the options available to it with respect to the potential for using adjacent private easements on either side of the road, as well as the with respect to the use of the municipal road allowance, having regard to existing utilities within the road allowance and road safety. The proposed Transmission Line route has been designed based on thorough analysis of these considerations as well as consultations with affected landowners and stakeholders.

With respect to those portions of the Transmission Line that will run within private lands adjacent to the municipal road allowance along Thomson Line and Elginfield Road, the Applicant has offered the applicable landowners the relevant form of land rights agreement as set out in Exhibit F, Tab 2, Schedule 1. Agreements were negotiated with and have been entered into with each such landowner on whose property the Applicant proposes to construct portions of the Proposed Transmission Facilities.

With respect to those portions of the Transmission Line that will run within the municipal road allowance along Thomson Line and Elginfield Road, the Applicant does not anticipate that it will require any land rights beyond those which are provided by legislation under Section 41 of the *Electricity Act*. The present Application under Section 92 of the *OEB Act* is subject to the Applicant's rights under Section 41 of the *Electricity Act*. Section 41 provides significant rights, available exclusively to transmitters and

distributors, with respect to the construction of electricity transmission and distribution systems under, over or on any public street or highway. Section 2(1) of the *Electricity Act*, defines a transmitter to mean “a person who owns or operates a transmission system”. As the Applicant will own and operate a transmission system, the Applicant is a transmitter for purposes of Section 41.

Section 41(1) of the *Electricity Act* provides that a transmitter may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission system, including poles and lines. Subsection (2) provides that the transmitter may inspect, maintain, repair, alter, remove or replace any structure, equipment or facilities constructed or installed under subsection (1), and subsections (3) and (4) grant rights of entry for transmitters and their employees and agents. Subsection (5) provides that the exercise of such powers by a transmitter does not require the consent of the owner of or any other person having an interest in the street or highway. Subsection (8) provides that other than providing compensation for damages, the transmitter is not required to pay any compensation to exercise its powers under this section. These are significant and exclusive rights granted to transmitters such as the Applicant.

Subsection 41(9) of the *Electricity Act* states that the location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter and the owner of the street or highway and, in the case of disagreement, shall be determined by the Board. However, because Section 92 of the *OEB Act* already provides a statutory process to establish a transmission line’s location, subsection 41(10) provides that subsection (9) does not apply if Section 92 of the *OEB Act* applies so as to require leave to construct. It is important to note that subsection 41(10) of the *Electricity Act* in the case of transmission lines only makes inapplicable the process under subsection (9) because subsection (9) would otherwise be redundant. Subsection 41(10) does not amend the application of subsections (1) to (8), or render those provisions inapplicable. As such, the application of Section 92 of the *OEB Act* does not diminish the Applicant’s right to be

in the road allowance. Like subsection 41(9), the consideration before the Board under Section 92 will be the location of the transmission line within the road allowance and not whether the Applicant has a right to be in the road allowance. Notwithstanding these 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. **A final road use agreement was reached with Middlesex County on November 12, 2013 and discussions with Lambton County are ongoing.**

It is also important to recognize that the regulatory framework established by Section 41 of the *Electricity Act*, in concert with Sections 92 and 96 of the *OEB Act*, is consistent with the regulatory framework concerning the scope of municipal powers to regulate matters associated with roads and highways, as set out in the *Municipal Act, 2001* (the “*Municipal Act*”). Broadly speaking, this framework provides that (a) electricity transmitters have a statutory right to construct transmission-related facilities within road allowances, (b) it is within the Board’s jurisdiction to determine the location of such facilities within the road allowances and to ensure construction is in accordance with applicable standards, including road safety standards, and (c) the powers of a municipality that owns a road, to regulate activities within its road allowances, including with respect to road safety, do not apply to electricity transmission facilities. Under the *Municipal Act*, a municipality has no power to make by-laws or to otherwise regulate the location within its public road rights-of-way in respect of electricity transmission systems, including poles, structures, equipment, road safety mitigation measures and other facilities associated with such transmission system. Rather, the *Municipal Act* restricts municipalities from establishing by-laws in respect of matters relating to electricity, transmitters and transmission systems, as these terms are defined under Section 2 of the *Electricity Act*.

Part III of the *Municipal Act* provides that a municipality may pass by-laws in respect of highways over which it has jurisdiction,¹ and that a highway is deemed to be owned by the

¹ Municipal Act, s. 27.

municipality that has jurisdiction over it. However, a municipality's ownership of a highway is not absolute and is subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person.² Pursuant to the statutory powers granted under Section 41 of the *Electricity Act*, an electricity transmitter that plans to construct transmission-related facilities in a municipality's highway will have an interest in the land comprising the highway and can exercise its rights in such lands without the municipality's consent. Accordingly, a municipality's ownership of a highway is subject to the rights of a transmitter under Section 41 of the *Electricity Act*.

Although Section 78 of the *Municipal Act* provides that a municipality may regulate activities associated with the provision of public utilities on its highway in a reasonable manner, the scope of this power to regulate the activities of public utilities is limited by the scope of the term "public utility" as defined in the *Municipal Act*, which definition expressly *excludes* electricity-related systems. In summary, neither the general nor the specific powers granted to municipalities under the *Municipal Act* permit municipalities to regulate the activities of an electricity transmitter in a municipal highway.

Sections 135 and 142 of the *Municipal Act* are of note as they further define the relevant legislative framework. Section 135 of the *Municipal Act* provides that a municipality may prohibit or regulate the destruction or injuring of trees. However, Subsection 135 (12) provides that a bylaw made under Section 135 does not apply to "the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section". Likewise under Section 142 of the *Municipal Act*, a municipality may,

- (a) prohibit or regulate the placing or dumping of fill;
- (b) prohibit or regulate the removal of topsoil;

² Municipal Act, s. 30.

- (c) prohibit or regulate the alteration of the grade of the land;
- (d) require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
- (e) impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

However, a bylaw made under this section does not apply to “the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section”.

Also consistent with this statutory regime is Section 9 of Ontario Regulation 584/06 under the *Municipal Act*, which provides that a municipality does not have power to impose a fee or charge on a transmitter, as defined in Section 2 of the *Electricity Act*, for services or activities, costs payable or the use of property with respect to wires, cables, poles, conduits, pipes, equipment, machinery or other works that are or will be located on a municipal highway and that are or will be used as part of the business of the transmitter.

(c) Temporary Working Rights

In addition to the land rights required for the structures, equipment and ongoing operation and maintenance of the Proposed Transmission Facilities, certain temporary working rights may be required to allow for construction activities. These could include road crossings, drain crossings, construction access and equipment or material laydown areas. To the extent such rights may be required in connection with the construction or operation of the Jericho Collection Substation or the portions of the Transmission Line that will be situated on lands subject to private easements, the Applicant intends to rely upon the temporary construction and working rights that are included within the relevant forms of land agreement provided in Exhibit F, Tab 2, Schedule 1. With respect to the any

temporary working rights or access rights required for construction or operation of the portions of the Transmission Line that will be situated within the municipal road right-of-way, the Applicant intends to rely upon the statutory rights granted under Section 41 of the *Electricity Act*.

2. Widths of Required ROWs

The municipal road ROWs along which the Transmission Line will run are generally 20 meters in width along Thomson line from Jericho Road to Arkona Road, and wider in the vicinity of road crossings. From Arkona Road until the route reaches the Bornish Customer Switching Station, the width of the municipal road ROWs along Thomson Line and Elginfield Road ranges from approximately 36.6 to 61 meters in width. In areas where the Transmission Line will run along private easements, generally the easements acquired are 50 feet (15.2 meters) in width, however pole setbacks are restricted on certain properties based on terms agreed to with the relevant landowners. Illustrations of the proposed pole structures and framing designs within a ROW with typical dimensions are provided in Figure 3 of Exhibit B, Tab 2, Schedule 5.

3. Land Rights Acquisition Process

The Applicant's land agents have been working in the area since January 2012 to secure the necessary private land rights. The Applicant currently has land agreements in place with all private landowners on whose properties the Proposed Transmission Facilities are expected to be situated. As noted, notwithstanding the Applicant's rights under Section 41 of the *Electricity Act*, 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.

A final road use agreement was reached with Middlesex County on November 12, 2013 and discussions with Lambton County are ongoing.

APPENDIX 'A' - LANDOWNER LINE LIST

The following Landowner Line List is organized geographically commencing at the Jericho Collection Substation and ending at (but not including) the Bornish Customer Switching Station. The Landowner Line List includes those parcels upon which the Proposed Transmission Facilities will be situated.

[Note: The Landowner Line List contains personal information of landowners and has therefore been filed in confidence with the Board pursuant to Rule 9A.01 of the Board's Rules of Practice and Procedure and in accordance with Section 4.3 of the Board's Practice Direction on Confidential Filings]

APPENDIX 'C'

Amended Landowner Line List

Exhibit F, Tab 1, Schedule 1, Appendix 'A'

[Note: The Landowner Line List contains personal information of landowners and has therefore been filed in confidence with the Board pursuant to Rule 9A.01 of the Board's Rules of Practice and Procedure and in accordance with Section 4.3 of the Board's Practice Direction on Confidential Filings]

APPENDIX 'D'

Updated Status of Negotiations for Road Use Agreements

Exhibit B, Tab 1, Schedule 1, p. 4

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. A final road use agreement was reached with Middlesex County on November 12, 2013 and negotiations with Lambton County are continuing.

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 2nd 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