



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**Héloïse Apestéguy-Reux**

Direct Line: (416) 601-7809  
Direct Fax: (416) 868-0673  
Email: hapesteguyreux@mccarthy.ca

March 4, 2015

**VIA RESS, EMAIL AND COURIER**

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

Dear Ms. Walli:

**Re: EB-2014-0298 – Niagara Region Wind Corporation  
Amended Application for an order under section 41(9) of the *Electricity Act, 1998*,  
S.O. 1998, c. 15, Sch. B, as amended  
Affidavits of Service**

We are counsel to Niagara Region Wind Corporation. Please find enclosed redacted versions of the affidavits of service filed with the Board on January 29, 2015 and February 27, 2015.

Please do not hesitate to contact the undersigned if you have any questions in respect of the enclosed.

Yours truly,

McCarthy Tétrault LLP

Per:

*Signed in the Original*

Héloïse Apestéguy-Reux  
Associate

HA/djk  
Enclosures

## ONTARIO ENERGY BOARD

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Sch. B*, as amended (the “**OEB Act**”);

**AND IN THE MATTER OF** an application by Niagara Region Wind Corporation for an order under section 41(9) of the Electricity Act.

## AFFIDAVIT OF SERVICE

I, Shiloh Berriman, of the City of Newmarket, in the Province of Ontario, **MAKE OATH and SAY:**

1. I am Project Coordinator at Niagara Region Wind Corporation (the “Applicant”). In my role as Project Coordinator, I am responsible for the coordination and completion of various activities related to the development of the Niagara Region Wind Farm and have directed the carrying out of certain activities on behalf of the Applicant and have personal knowledge of the matters herein disposed.
2. In accordance with the Board’s letter of direction (the “Letter”) dated October 1, 2014,<sup>1</sup> a search was conducted on January 13, 2015 to determine, pursuant to section f) of the Letter, all owners and operators of rail lines, telecommunications (e.g. telephone) or other utilities along or crossing the routes proposed for the distribution facilities or any other person that would be directly affected.
3. In accordance with the Letter, I arranged to serve certain parties (the “Interested Parties”) that are generally described in paragraph 3 of the Letter and listed in Exhibit ‘A’ attached hereto, a copy of the Notice of Application (the “Notice”, such Notice in the form prescribed by the Board and a copy of which is attached hereto as Exhibit ‘B’), together with a copy of the Application (a copy of which is attached hereto as Exhibit ‘C’) by courier or registered mail.
4. The Notice and Application were sent to the Interested Parties on January 14, 2015 and the registered mail receipts are attached hereto at Exhibit ‘D’.
5. Although not required by the Letter, I also arranged to serve owners of land located adjacent to the 6 km of Municipality of Wainfleet road allowances (“Adjacent Landowners”) required for the distribution facilities on January 16, 2015. Adjacent

---

<sup>1</sup> Pursuant to Board staff’s email of December 23, 2014, the directions in the Letter were applied in respect of the Municipality of Wainfleet and its road allowances only, that is, directions pertaining to the Municipality of West Lincoln and the Niagara Region and their road allowances were disregarded as the revised application filed December 18, 2014 is in respect of Municipality of Wainfleet road allowances only.

Landowners are listed at Exhibit 'E' and the registered mail receipts for packages sent to Adjacent Landowners are attached hereto at Exhibit 'F'.

6. Copies of envelopes enclosing packages intended for Adjacent Landowners but returned by Canada Post are attached hereto at Exhibit 'G'.
7. In accordance with the Letter, I arranged for a copy of the Application and associated pre-filed evidence to be posted on the Applicant's website <http://www.nrwc.ca> as of January 15, 2015.

SWORN BEFORE ME at the City of  
Oakville this 29th day of  
January 2015.

[Original signed by]

)  
)  
)  
)  
)  
)

[Original signed by]

A commissioner for taking affidavits

Conrad A. Willemse  
Notary Public

Shiloh Berriman

**EXHIBIT 'A'**

This is Exhibit.....A.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....29th.....  
day of.....January.....2015.....

[Original signed by]

.....  
A COMMISSIONER FOR TAKING AFFIDAVITS

Conrad A. Willene

[illegible]

**EXHIBIT 'B'**

This is Exhibit.....B.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....29th.....  
day of.....January.....20..15.....

[Original signed by]

  
A COMMISSIONER FOR TAKING AFFIDAVITS

Conrad A. Wilkeme

## ONTARIO ENERGY BOARD NOTICE

### Niagara Region Wind Corporation has applied to the Ontario Energy Board to determine the location of electricity distribution lines within road allowances owned by the Municipality of Wainfleet.

#### Learn More.

Niagara Region Wind Corporation is constructing the Niagara Region Wind Farm. As part of this project, Niagara Region Wind Corporation is proposing to locate:

- 6 kilometers of distribution lines along municipal streets and highways owned by the Municipality of Wainfleet.

Niagara Region Wind Corporation says that it has not been able to reach an agreement with the Municipality of Wainfleet on the location of the distribution lines. As a result, Niagara Region Wind Corporation is asking the OEB to determine the location of the distribution lines within road allowances owned by the Municipality of Wainfleet.

A map showing the potentially affected road allowances is appended to this Notice.

#### THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The OEB is an independent and impartial public agency. It will hold a public hearing to consider Niagara Region Wind Corporation's request. During this hearing, the OEB will consider evidence and arguments by Niagara Region Wind Corporation, the Municipality of Wainfleet, and others whose interests would be affected.

*The OEB hearing will consider specific issues determined by law. The Electricity Act, 1998 specifies that the OEB is strictly limited to determining the location of the distribution lines and related facilities within the road allowances in question. The OEB will not consider alternative locations for the distribution lines outside of the road allowances or any aspect of the Niagara Region Wind Farm in this case.*

#### BE INFORMED

You have the right to information regarding Niagara Region Wind Corporation's application. You can read the application on the OEB's website (see below under "Learn More").

#### HAVE YOUR SAY

If you would be affected by the location of the proposed distribution lines within the road allowances owned by the Municipality of Wainfleet, you may want to take a more active role in the hearing. You can:

- Send the OEB a letter with your comments within 60 calendar days from the date the notice is posted on Niagara Region Wind Corporation's website, 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 Niagara Region Wind Corporation (interrogatories). To be an intervenor, a party must be affected by the location of the 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 January 26, 2015.

#### LEARN MORE

Our file number for this case is **EB-2014-0298**. To learn more about how to participate in this hearing, including how to file a letter with your comments or how to become an intervenor, go to [www.ontarioenergyboard.ca/participate](http://www.ontarioenergyboard.ca/participate). From that OEB web page you can also enter the file number **EB-2014-0298** to see all the documents related to this case. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

#### ORAL AND WRITTEN HEARINGS

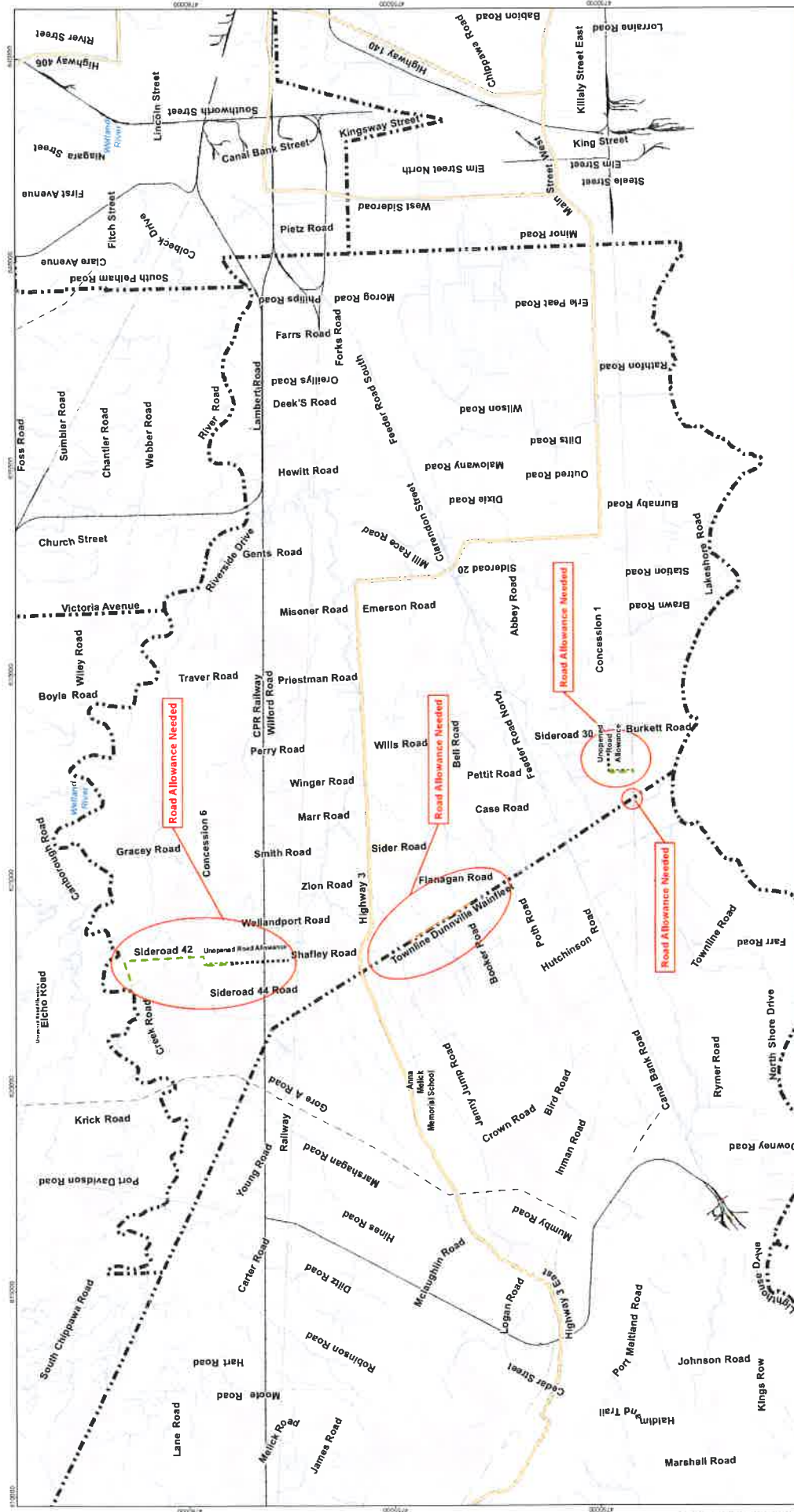
There are two types of OEB hearings – oral and written. For this category of applications, the OEB normally proceeds by way of a written hearing. If you think an oral hearing is needed, you can write to the OEB to explain why.

#### 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 section 41(9) of the *Electricity Act, 1998* S.O. 1998, c. 15, Schedule A.





Legend

- Road
  - Expressway / Highway
  - Unopened Road Allowance
  - Active Railway
  - Abandoned Railway
  - Existing Transmission Line
  - Pipeline
  - Watercourse (MHR)
  - Municipality Lower Tier
  - Wooded Area



#### Notes

1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features provided under license with the Ontario Ministry of Transportation
3. Orthorectified aerial imagery source: First Base Satellite Data Spring 2010
4. Petroleum Well source: @ Ontario Oil, Gas and Salt Remediation
5. MHR Note: well locations are approximate and have been downloaded based on published UTM coordinates
6. Client's Private to Ontario 2012
7. Road network is defined within 100m of city and town



Niagara Region Wind Corporation

Figure No.

2

Title

Collector Line Routes -  
Wainfleet Only - Municipal Roads  
Overview Map

EXHIBIT 'C'

This is Exhibit.....C.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....29th.....  
day of.....January.....2015.....  
[Original signed by]

-----  
A COMMISSIONER FOR TAKING AFFIDAVITS  
Conrad A. Wilkerson

## ONTARIO ENERGY BOARD

**IN THE MATTER OF** the *Ontario Energy Board Act*, S.O. 1998, c. 15, Sch. B, as amended;

**AND IN THE MATTER OF** an application by Niagara Region Wind Corporation for an order under section 41(9) of the *Electricity Act*, 1998, S.O. 1998, c. 15, Sch. B, as amended.

### **AMENDED APPLICATION FOR ORDER UNDER SECTION 41(9)** **OF THE ELECTRICITY ACT**

#### ***Introduction and Overview***

1. Niagara Region Wind Corporation (the “**Applicant**”) is an Ontario corporation established for the development, construction and operation of the Niagara Region Wind Farm (“**NRWF**”). The NRWF is a proposed 230 MW wind energy generation facility which was awarded a 20-year power purchase agreement under the Ontario Power Authority’s (“**OPA**”) Feed-in Tariff program (the “**FIT Program**”) in February 2011.
2. The NRWF will be located in the Niagara Region in the municipalities of West Lincoln, Lincoln, Wainfleet and in Haldimand County. The NRWF will be connected to the Independent Electricity System Operator (“**IESO**”)-controlled grid by way of a transmission interconnection facility (the “**Transmission Facility**”). The Applicant was granted leave to construct the Transmission Facility by Ontario Energy Board (the “**OEB**” or the “**Board**”) Decision and Order issued July 3, 2014 (EB-2013-0203).
3. In addition to the Transmission Facility, the Applicant will be constructing distribution facilities in order to transport electricity generated by the NRWF to the Transmission Facility. In all, the distribution facilities will consist of 156 km of 34.5 kilovolt (“**kV**”) overhead and underground distribution lines.
4. The Applicant will locate approximately 6 km of the distribution lines for the NRWF along municipal streets and highways owned by the Municipality of Wainfleet (“**Wainfleet**”), (see Appendix “1”).
5. The Applicant initially filed this application on September 17, 2014. When initially filed, the application was in relation to the location of the Applicant’s distribution infrastructure on West Lincoln and Niagara Region road allowances, as well as the

location of distribution infrastructure on Wainfleet's road allowances. Since initially filing this application, the Applicant has entered into road use agreements with West Lincoln and the Niagara Region. The Applicant entered into a road use agreement with West Lincoln on October 9, 2014 and with the Niagara Region on November 14, 2014. As a result, the location of the Applicant's distribution infrastructure within West Lincoln and Niagara Region road allowances has been determined. The Applicant therefore hereby withdraws the Application filed on September 17, 2014, and requests that the Board replace the Application filed on September 17, 2014 with this amended application (the "**Application**").

6. As further described below, the Applicant attempted to work with Wainfleet to enter into a road use agreement, but at present has not been able to reach an agreement with Wainfleet in respect of same, and in particular, has not been able to come to an agreement on the location of distribution facilities along Wainfleet's municipal streets and highways. As a result, the Applicant is seeking the assistance of the OEB by way of an order under section 41(9) of the *Electricity Act, 1998* (the "**Electricity Act**") to determine the location of distribution facilities along the municipal streets and highways required for these facilities in Wainfleet.
7. The reasons for this Application are set out in detail below.

#### ***Consultation and Negotiations with Wainfleet***

8. Approximately 6 km of distribution lines will be located within Wainfleet road allowances. The Applicant sought to begin work on a road use agreement with Wainfleet in April 2013. Unfortunately, Wainfleet immediately indicated to the Applicant that it would not communicate with the Applicant in respect of a road use agreement until the Applicant had been granted a Renewable Energy Approval ("**REA**") for the NRWF. The Applicant submits that there is no basis whatsoever for Wainfleet to have taken this position; the REA is not a pre-requisite to discussions regarding a municipal road use agreement.
9. Attached as Appendix "1" is the correspondence between the Applicant and Wainfleet confirming the Applicant's proposal for a road use agreement and, in particular, setting out the location where the facilities will be installed (the "**September 16, 2014 Letter to Wainfleet**"). Since this correspondence, the Applicant has been in communications with Wainfleet and Wainfleet is no longer objecting to any communications with the Applicant regarding a road use agreement (the Applicant notes that it received its REA on November 6, 2014). The Applicant has exchanged drafts of a road use agreement but unfortunately, the Applicant and Wainfleet have not reached an agreement at this time. The Applicant notes that Wainfleet has not raised issues with respect to the location of the distribution facilities.
10. Attached as Schedule "A" to the September 16, 2014 Letter to Wainfleet are maps which set out the Wainfleet road allowances which the Applicant will require for the distribution facilities it will be building in relation to the NRWF, and the proposed location of these distribution facilities within the Wainfleet road allowances.

### ***Legislative Context***

11. Section 41 of the Electricity Act sets out a comprehensive set of rights of access to public streets and highways pursuant to which a distributor or transmitter's rights of access to and installation on public streets or highways are prescribed by legislation. Specifically, section 41 provides that electricity transmitters and distributors have the right to:
  - Install structures, equipment and other facilities over, under or on any public street or highway (ss. 41(1));
  - Inspect, maintain, repair, alter, remove or replace any structure, equipment or facilities (ss. 41(2)); and
  - Enter onto land to exercise statutory powers (ss. 41(3) and (4)).
12. Under s. 41, all of these rights are exercisable without the consent of the owner or other person having an interest in the street or highway (ss. 41(5)).
13. Pursuant to s. 41(9), when a distributor has not been able to come to an agreement with a municipality in respect of the location of distribution facilities, the location may be determined by the OEB.

### ***The Applicant is a Transmitter and Distributor***

14. The Applicant's 156 km of distribution lines which will transport electricity to the Transmission System constitute a distribution system as that term is defined under section 2(1) of the Electricity Act.<sup>1</sup>
15. Consequently, the Applicant is a distributor and transmitter<sup>2</sup> under the Electricity Act, including for the purposes of section 41(9), and may install structures, equipment and other facilities over, under or on any public street or highway.

### ***The Board's Jurisdiction in a Section 41(9) Proceeding***

16. Pursuant to section 41(9) of the Electricity Act, when a distributor has not been able to come to an agreement with a municipality in respect of the location of distribution facilities, the location may be determined by the Board.
17. The Board's jurisdiction under section 41(9) is limited. As noted by the Board in EB-2010-0253 in its determination of an application by Plateau Wind, Inc. for an order under section 41(9):

[The legislation, i.e., section 41(1) and section 49(9))] limits the Board's role in this proceeding to a determination of the location of Plateau's proposed Distribution Facilities within the Road Allowances. Given the legislative restriction

---

<sup>1</sup> A "distribution system" is defined as "a system for distributing electricity, and includes any structures, equipment or other things used for that purpose", see section 2, *Electricity Act*.

<sup>2</sup> The Applicant will own and operate the Transmission Facility, as described in paragraph 2, above.

on the Board's jurisdiction, it is not the Board's role in this proceeding to approve or deny the Project or the Distribution Facilities, to consider the merits, prudence or any environmental, health or economic impacts associated with it or to consider alternatives to the project such as routes for the Distribution Facilities that are outside of the prescribed Road Allowances. Also, it is not within the Board's jurisdiction in this proceeding to consider any aspect of Plateau's proposed wind generation facilities.

18. Similarly, in a recent application by East Durham Wind, Inc., for an order under section 41(9), the Board made the following comments in respect of letters of comment that included general concerns about the project, or renewable energy policy:

Given the scope of subsection 41(9), it is not the Board's role in this proceeding to decide whether the Project should be approved, consider issues relating to wind turbines or renewable energy policy generally, or consider alternatives to the Project such as routes for the Distribution System that are outside of the Road Allowances. Accordingly, the concerns in the letters of comment described above are not within the scope of this proceeding.

19. In sum, the Applicant submits that the Board's jurisdiction in a section 41(9) proceeding is limited to making a determination of the location of the distribution facilities which the Applicant proposes to locate on streets and highways owned by Wainfleet.

### ***Proposed Distribution System***

20. The Applicant has attached at Schedule A of Appendix 1 maps indicating its proposed location of the distribution system.
21. The distribution system will be designed and installed in accordance with the Ontario Electrical Safety Code as per the Electrical Safety Authority and applicable CSA standards. The distribution lines are expected to be installed between one meter to six meters from the property edge of the road right of way depending on width of the right of way and width of existing travelled roads.

### ***Consultation with Stakeholders Generally***

22. For the Board's information, the Applicant notes that the NRWF is subject to the environmental screening process prescribed by *Ontario Regulation 359/09, Renewable Energy Approvals under Part V.0.1 of the Act* made pursuant to *Environmental Protection Act*, R.S.O. 1990, c. E.19. Accordingly, the Applicant has conducted extensive consultation with interested stakeholders and submitted its REA application to the Ministry of the Environment on April 22, 2013. The Applicant received its REA on November 6, 2014.
23. In addition to the environmental screening process, the Applicant has received final interconnection reports issued by the Independent Electricity System Operator (the "IESO") and Hydro One Networks Inc. ("HONI").

***Order Requested***

24. Accordingly, the Applicant hereby applies to the Board for:
- (i) an order under section 41(9) of the Electricity Act to determine the location of distribution facilities along the municipal streets and highways needed for these facilities in the Municipality of Wainfleet.
25. The Applicant requests that the Board determine this Application by way of a written hearing.
26. Pursuant to rule 7.01 of the Board's Rules of Practice and Procedure, the Applicant requests that the Board expedite this proceeding.
27. The following Appendix consists of the Applicant's pre-filed evidence.
- Appendix 1                      September 16, 2014 Letter to Municipality of Wainfleet including Schedule "A" showing Proposed Location of distribution infrastructure in Municipality of Wainfleet
28. The individuals below are the authorized representatives of the Applicant for the purpose of serving documents throughout this proceeding:

George Vegh  
Héloïse Apestéguy-Reux  
McCarthy Tétrault LLP  
Toronto Dominion Bank Tower  
66 Wellington St. W  
Toronto, ON M5K 1E6

Tel: 416.601.7809  
Fax: 416.868.0673  
Email: hapesteguyreux@mccarthy.ca

Darren Croghan  
Niagara Region Wind Corporation

Tel: 905.842.4888  
Fax: 905.842.4885

Dated December 18, 2014 at Toronto, Ontario.

Niagara Region Wind Corporation  
by its counsel McCarthy Tétrault LLP

Per: *Signed in the Original*

---

George Vegh

**EXHIBIT 'D'**

This Exhibit.....3D.....referred to in the  
affidavit of.....Shiloh Berriman  
sworn before me, this.....29th  
day of.....January.....2015

[Original signed by]

.....Conrad A. Wilkerson.....  
A COMMISSIONER FOR TAKING AFFIDAVITS



REGISTERED DOMESTIC



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR



CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR

DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR

DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR

DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR

RECEIVED BY CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR

RECEIVED BY CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number



REGISTERED DOMESTIC



RECOMMANDÉ RÉGIME INTÉRIEUR

DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Exhibit D



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REÇU DU CLIENT

FOR DELIVERY  
CONFIRMATION  
DE LA LIVRAISON  
www.canadapost.ca  
or/ou  
1 888 550-6333

CPC Tracking Number

Numéro de repérage de la SCP

Exhibit

D



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



CUSTOMER RECEIPT

REÇU DU CLIENT



FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
<a href="http://www.canadapost.ca">www.canadapost.ca</a>	<a href="http://www.postescanada.ca">www.postescanada.ca</a>
or/ou	
1 888 550-6333	
CPC Tracking Number	Numéro de repérage de la SCP

Exempt  
D



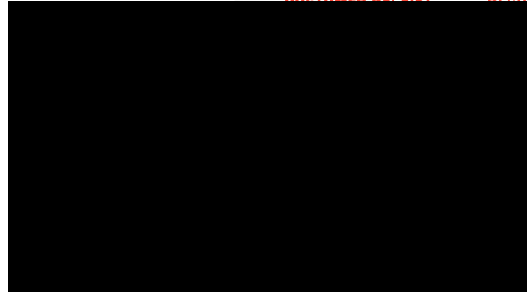
REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



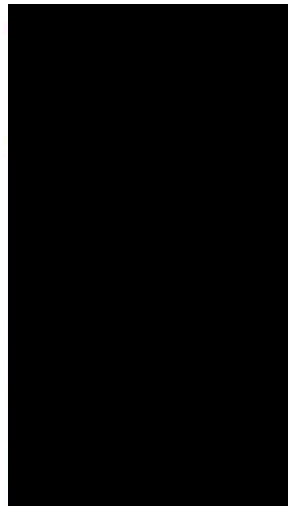
CUSTOMER RECEIPT

REÇU DU CLIENT



FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
<a href="http://www.canadapost.ca">www.canadapost.ca</a>	<a href="http://www.postescanada.ca">www.postescanada.ca</a>
or/ou	
1 888 550-6333	
CPC Tracking Number	Numéro de repérage de la SCP

33-086-584 (11-04)



REGISTERED

RECOMMANDÉ



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REÇU DU CLIENT



FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
<a href="http://www.canadapost.ca">www.canadapost.ca</a>	<a href="http://www.postescanada.ca">www.postescanada.ca</a>
or/ou	
1 888 550-6333	
CPC Tracking Number	Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REÇU DU CLIENT



FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
<a href="http://www.canadapost.ca">www.canadapost.ca</a>	<a href="http://www.postescanada.ca">www.postescanada.ca</a>
or/ou	
1 888 550-6333	
CPC Tracking Number	Numéro de repérage de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REÇU DU CLIENT

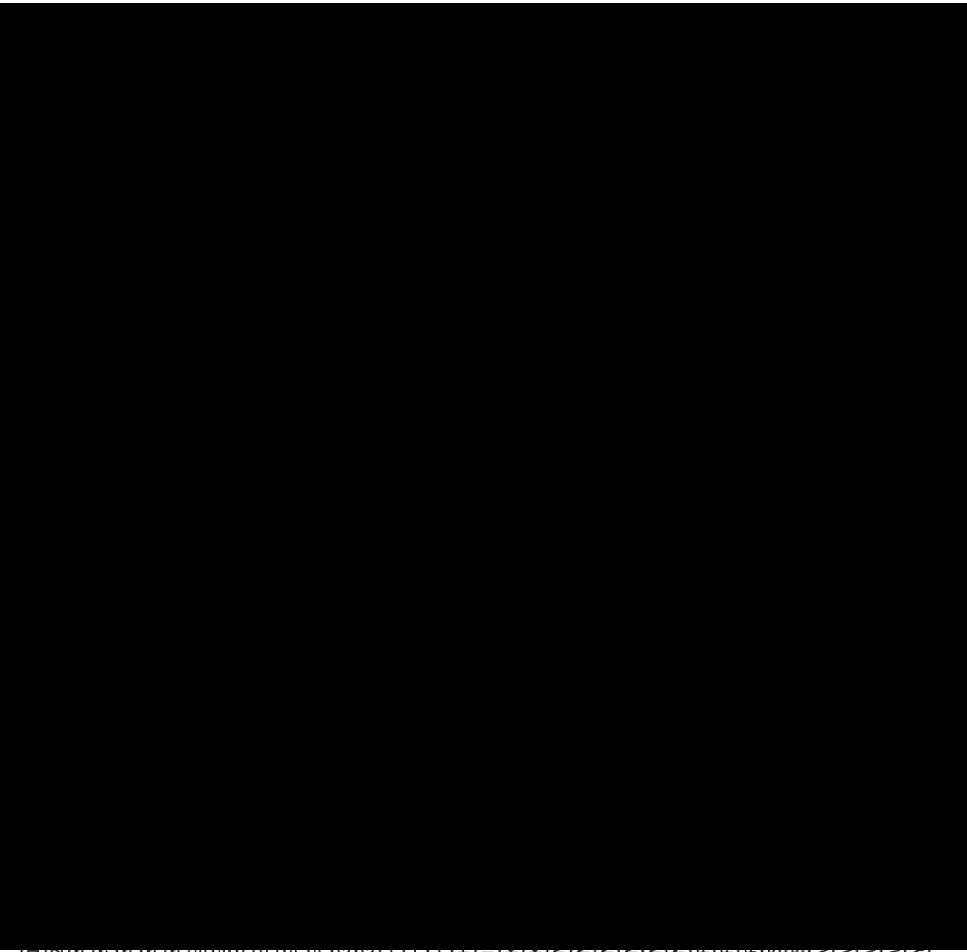


FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
<a href="http://www.canadapost.ca">www.canadapost.ca</a>	<a href="http://www.postescanada.ca">www.postescanada.ca</a>
or/ou	
1 888 550-6333	
CPC Tracking Number	Numéro de repérage de la SCP

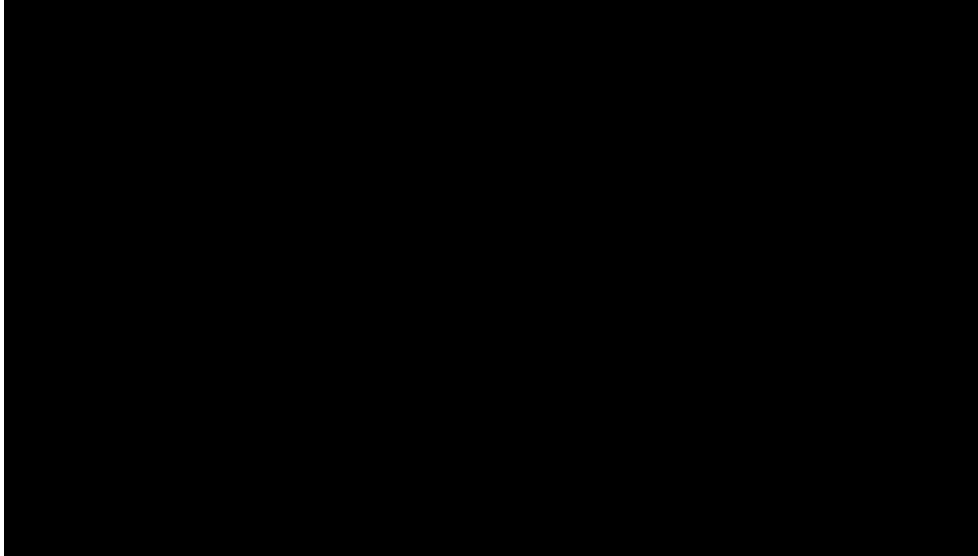
**EXHIBIT 'E'**

This is Exhibit.....E.....referred to in the  
affidavit of.....Shiloh Beriman  
sworn before me, this.....29th  
day of.....January.....2015.  
[Original signed by]

NOTARY PUBLIC  
A COMMISSIONER FOR TAKING AFFIDAVITS  
Conrad A. Wilkerson



Township of Wainfleet	1
Township of Wainfleet	2
Township of Wainfleet	A
Township of Wainfleet	A
Township of Wainfleet	A
Township of Wainfleet	A
Township of Wainfleet	A
Township of Wainfleet	B
Township of Wainfleet	B
Township of Wainfleet	C
Township of Wainfleet	C
Township of Wainfleet	D
Township of Wainfleet	D
Township of Wainfleet	E
Township of Wainfleet	E
Township of Wainfleet	F
Township of Wainfleet	F
Township of Wainfleet	G
Township of Wainfleet	G
Township of Wainfleet	H
Township of Wainfleet	H
Township of Wainfleet	I
Township of Wainfleet	I
Township of Wainfleet	J
Township of Wainfleet	J
Township of Wainfleet	K
Township of Wainfleet	K
Township of Wainfleet	L
Township of Wainfleet	L
Township of Wainfleet	M
Township of Wainfleet	M
Township of Wainfleet	N
Township of Wainfleet	N
Township of Wainfleet	O
Township of Wainfleet	O
Township of Wainfleet	P
Township of Wainfleet	P
Township of Wainfleet	Q
Township of Wainfleet	Q
Township of Wainfleet	R
Township of Wainfleet	R
Township of Wainfleet	S
Township of Wainfleet	S
Township of Wainfleet	T
Township of Wainfleet	T
Township of Wainfleet	U
Township of Wainfleet	U
Township of Wainfleet	V
Township of Wainfleet	V
Township of Wainfleet	W
Township of Wainfleet	W



**EXHIBIT 'F'**

This is Exhibit.....F.....referred to in the  
affidavit of.....Shilah Berriman.....  
sworn before me, this.....29th.....  
day of.....January.....20..15..  
[Original signed by]

.....  
A COMMISSIONER FOR TAKING AFFIDAVITS  
Conrad A. Wilene





REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CUSTOMER RECEIPT  
REÇU DU CLIENT



FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CUSTOMER RECEIPT  
REÇU DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

REÇU DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

REÇU DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CUSTOMER RECEIPT  
REÇU DU CLIENT



FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

CUSTOMER RECEIPT  
REÇU DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

REÇU DU CLIENT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
www.postescanada.ca

1 888 550-6333

CPC Tracking Number  
Numéro de suivi de la RCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



Exhibit  
F

REÇU DU CLIENT

REÇU DU CLIENT

CUSTOMER RECEIPT

CUSTOMER RECEIPT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

REÇU DU CLIENT

REÇU DU CLIENT

CUSTOMER RECEIPT

CUSTOMER RECEIPT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

REÇU DU CLIENT

REÇU DU CLIENT

CUSTOMER RECEIPT

CUSTOMER RECEIPT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP

33-086-584 (14-06)

33-086-584 (14-06)



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR

REÇU DU CLIENT

REÇU DU CLIENT

CUSTOMER RECEIPT

CUSTOMER RECEIPT

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP

FOR DELIVERY  
CONFIRMATION  
www.canadapost.ca  
or/ou  
1 888 550-6333  
CPC Tracking Number  
Numéro de suivi de la SCP

33-086-584 (14-06)

33-086-584 (14-06)

F



**REGISTERED  
DOMESTIC**



FOR DELIVERY  
CONFIRMATION

CONFIRMATION  
DE LA LIVRAISON

[www.canadapost.ca](http://www.canadapost.ca) [www.postescanada.ca](http://www.postescanada.ca)  
or/ou

1 888 550-6333

INFORMATION  
A LIVRAISON  
postescanada.ca

FOR DELIVERY  
CONFIRMATION

www.canadapost.ca or/ou  
www.postscanada.ca

CONFIRMATION  
DE LA LIVRAISON

1 888 550-6333

REC Tracking Number

Numero de reponse de la SCP

FOR DELIVERY  
CONFIRMATION

www.canadapost.ca or/ou  
www.postscanada.ca

CONFIRMATION  
DE LA LIVRAISON

1 888 550-6333

REC Tracking Number

Numero de reponse de la SCP



**REGISTERED  
DOMESTIC**

**RECOMMANDÉ**  
**RÉGIME INTÉRIEUR**

**RECOMMANDÉ**  
**RÉGIME INTÉRIEUR**

**REGISTERED  
DOMESTIC**

**R**  
**RECOMMANDÉ**  
**RÉGIME INTÉRIEUR**  
**RECUL DU CLIENT**



**REGISTERED  
DOMESTIC**

**RÉCOMMANDÉ  
RÉGIME INTÉRIEUR**

## COMMANDE RÉGIME INTÉRIEUR

**REGISTERED  
DOMESTIC**

**R**  
**COMMANDE**  
**RÉGIME INTÉRIEUR**  
**DU CLIENT**



**REGISTERED  
DOMESTIC  
CUSTOMER RECEIPT**

**RECOMMANDÉ  
RÉGIME INTÉRIEUR**

**COMMANDE**  
**MEUBLE INTÉRIEUR**  
**PAR CLIENT**

**REGISTERED**  
**DOMESTIC**  
**CUSTOMER RECEIPT**

**COMMANDE**  
**ME INTÉRIEUR**  
**CLIENT**



FOR DELIVERY  
CONFIRMATION

CONFIRMATION  
DE LA LIVRAISON

www.canadapost.ca or/ou www.postescanada.ca

1 888 550-6333

100

FOR DELIVERY  
CONFIRMATION

www.canadapost.ca  
or/ou

CONFIRMATION  
DE LA LIVRAISON

www.postescanada.ca

1 888 550-6333

100

FOR DELIVERY  
CONFIRMATION

www.canadapost.ca  
or/ou

CONFIRMATION  
DE LA LIVRAISON

www.postescanada.ca

1 888 550-6333

33-086-584 (14-06)



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



TO YOUR CLIENT

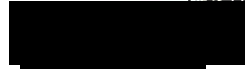
FOR DELIVERY  
CONFIRMATION

CONFIRMATION  
DE LA LIVRAISON

[www.canadapost.ca](http://www.canadapost.ca) [www.postescanada.ca](http://www.postescanada.ca)  
or/ou

1 888 550-6333

CPC Tracking Number Numéro de repérage de la CDP



+

Exhibit



REGISTERED  
DOMESTIC

RECOMMANDÉ  
RÉGIME INTÉRIEUR



TO YOUR CLIENT

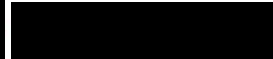
FOR DELIVERY  
CONFIRMATION

CONFIRMATION  
DE LA LIVRAISON

[www.canadapost.ca](http://www.canadapost.ca) [www.postescanada.ca](http://www.postescanada.ca)  
or/ou

1 888 550-6333

CPC Tracking Number Numéro de repérage de la CDP



**EXHIBIT 'G'**

This is Exhibit.....G.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....29th.....  
day of.....January.....20..15

[Original signed by]

.....Conrad A. Wilkerson.....  
A COMMISSIONER FOR TAKING AFFIDAVITS



NO SUCH ADDRESS // ADRESSE INEXISTANTE  
RETURN TO SENDER  
RENOI A L'EXPEDITEUR  
L6J 6J3



NO SUCH ADDRESS // ADRESSE INEXISTANTE  
RETURN TO SENDER  
RENOI A L'EXPEDITEUR  
L6J 6J3



CANADA POSTES	
POST CANADA	
Date 2015 01 16	Postage - Port 10.20
OAKVILLE ON L6J 1G0 0.031 kg	

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

**REGISTERED RECOMMANDÉ**  
CPC Tracking Number / Numéro de suivi de la SCP



Sender warrants that this shipment does not contain dangerous goods.  
L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses.



Signature Required  
Signature requise

CANADA POSTES	
POST CANADA	
Date 2015 01 16	Postage - Port 10.20
OAKVILLE ON L6J 1G0 0.031 kg	

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

**REGISTERED RECOMMANDÉ**  
CPC Tracking Number / Numéro de suivi de la SCP



Sender warrants that this shipment does not contain dangerous goods.  
L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses.

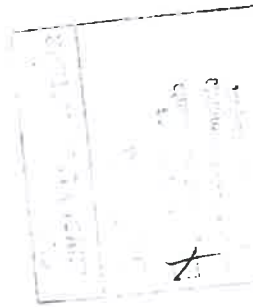


Signature Required  
Signature requise

**X** **Signature Required**



NO SUCH ADDRESS // ADRESSE INEXISTANTE  
RETURN TO SENDER  
RENOI A L'EXPEDITEUR  
L6J 6J3



UNCLAIMED // NON RECLAME  
RETURN TO SENDER  
RENOI A L'EXPEDITEUR  
L6J 6J3



CANADA POSTES	
POST CANADA	
Date 2015.01.16	Postage - Port 10.20
OAKVILLE ON L6J 6J3 1g	
1.00	

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

CANADA POSTES	
POST CANADA	
Date 2015.01.16	Postage - Port 10.20
OAKVILLE ON L6J 6J3 1g	
1.00	

REGISTERED RECOMMANDE

CPC Tracking Number SCP

Signature Required  
Signature Requise

CANADA POSTES	
POST CANADA	
Date 2015.01.16	Postage - Port 10.20
OAKVILLE ON L6J 6J3 1g	
1.00	

REGISTERED RECOMMANDE

CPC Tracking Number SCP

Signature Required  
Signature Requise

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

CANADA POSTES	
POST CANADA	
Date 2015.01.16	Postage - Port 10.20
OAKVILLE ON L6J 6J3 1g	
1.00	

REGISTERED RECOMMANDE

CPC Tracking Number SCP

Signature Required  
Signature Requise



February 27, 2015

**VIA COURIER**

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

Niagara Region  
Wind Corporation  
277 Lakeshore Road East  
Suite 211  
Oakville, ON L6J 6J3

905 842 4888 Phone  
905 842-4885 Fax

**Attention: Ms. Kirsten Walli,  
Board Secretary**

Dear Ms. Walli:

**Re: EB-2014-0298 – Application for an order under section 41(9) of the *Electricity Act*  
– additional Affidavit of Service**

Niagara Region Wind Corporation ("NRWC") encloses herein NRWC's additional Affidavit of Service pursuant to the requirements set out in the Board's letter of direction dated October 1, 2014.

Please note that due to the confidential nature of the names and addresses contained in the Affidavit of Service, it is being filed on a confidential basis with the Board. A redacted version of the affidavit will be filed electronically.

Yours truly,

[Original signed by]

Shiloh Berriman  
Project Coordinator, Niagara Region Wind Corporation

**ONTARIO ENERGY BOARD**

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

**AND IN THE MATTER OF** an application by Niagara Region Wind Corporation for an order under section 41(9) of the Electricity Act.

**AFFIDAVIT OF SERVICE**

I, Shiloh Berriman, of the City of Newmarket, in the Province of Ontario, **MAKE OATH and SAY:**

1. I am Project Coordinator at Niagara Region Wind Corporation (the "Applicant"). In my role as Project Coordinator, I am responsible for the coordination and completion of various activities related to the development of the Niagara Region Wind Farm and have directed the carrying out of certain activities on behalf of the Applicant and have personal knowledge of the matters herein disposed.
2. In accordance with the Board's letter of direction (the "Letter") dated October 1, 2014,<sup>1</sup> I arranged to serve the Municipality of Wainfleet a copy of the Notice of Application (the "Notice", such Notice in the form prescribed by the Board), together with a copy of the Application by courier. The Notice and Application, as sent to the Municipality of Wainfleet, are attached hereto as Exhibit 'A'.
3. The Notice and Application were sent to the Municipality of Wainfleet on February 12, 2015. The courier receipt is attached hereto as Exhibit 'B'.
4. Although not required by the Letter and as set out in the affidavit filed on January 29, 2015, I also arranged to serve, on January 16, 2015, owners of land located adjacent to the 6 km of Municipality of Wainfleet road allowances ("Adjacent Landowners") required for the distribution facilities. Copies of envelopes enclosing packages intended for

---

<sup>1</sup> Pursuant to Board staff's email of December 23, 2014, the directions in the Letter were applied in respect of the Municipality of Wainfleet and its road allowances only, that is, directions pertaining to the Municipality of West Lincoln and the Niagara Region and their road allowances were disregarded as the revised application filed December 18, 2014 is in respect of Municipality of Wainfleet road allowances only.

Adjacent Landowners but returned by Canada Post and not previously included in the affidavit filed on January 29, 2015, are attached hereto at Exhibit 'C'.

5. The Notice and Application sent to the Haudenosaunee Development Institute on January 14, 2015 pursuant to paragraph 3 of the Letter was returned by Canada Post. A copy of the envelope as returned by Canada Post is attached hereto as Exhibit 'D'.

SWORN BEFORE ME at the City of  
Oakville this 26<sup>th</sup> day of  
February 2015.

[Original signed by]

[Original signed by]

A commissioner for taking affidavits

Shiloh Berriman

Conrad A. Willemse, no expiry

EXHIBIT 'A'

This is Exhibit.....A.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....26<sup>th</sup>.....  
day of.....February.....20..15.....

[Original signed by]

.....  
A COMMISSIONER FOR TAKING AFFIDAVITS  
Conrad A. Wilkerson



February 12, 2015

Clerk of the Municipality of Wainfleet  
31940 Highway 3,  
Wainfleet, ON L0S 1V0

Niagara Region  
Wind Corporation  
277 Lakeshore Road East  
Suite 211  
Oakville, ON L6J 6J3

905 842 4888 Phone  
905 842-4885 Fax

Dear Clerk of the Municipality of Wainfleet:

**Re: *Niagara Region Wind Corporation - Notice of Application for an order under section 41(9) of the Electricity Act***

The Ontario Energy Board has directed that the enclosed Notice of Application (the "Notice") and Application be provided to you.

Due to an oversight, the Notice and Application were not sent to you at the time these were initially sent out pursuant to the Board's direction. As the Notice and Application are being provided to you now, please note that the deadline of January 26, 2015 set out in the Notice is extended to ten calendar days following your receipt of this letter and the enclosed Notice and Application.

Should you have any questions, please see the contact information for the Ontario Energy Board that is included in the enclosed, or please contact Shiloh Berriman, Project Coordinator at Niagara Region Wind Corporation, at (905)842-4888.

Yours truly,  
[Original signed by]

Shiloh Berriman  
Project Coordinator, Niagara Region Wind Corporation

## ONTARIO ENERGY BOARD NOTICE

**Niagara Region Wind Corporation has applied to the Ontario Energy Board to determine the location of electricity distribution lines within road allowances owned by the Municipality of Wainfleet.**

### **Learn More.**

Niagara Region Wind Corporation is constructing the Niagara Region Wind Farm. As part of this project, Niagara Region Wind Corporation is proposing to locate:

- 6 kilometers of distribution lines along municipal streets and highways owned by the Municipality of Wainfleet.

Niagara Region Wind Corporation says that it has not been able to reach an agreement with the Municipality of Wainfleet on the location of the distribution lines. As a result, Niagara Region Wind Corporation is asking the OEB to determine the location of the distribution lines within road allowances owned by the Municipality of Wainfleet.

A map showing the potentially affected road allowances is appended to this Notice.

### **THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING**

The OEB is an independent and impartial public agency. It will hold a public hearing to consider Niagara Region Wind Corporation's request. During this hearing, the OEB will consider evidence and arguments by Niagara Region Wind Corporation, the Municipality of Wainfleet, and others whose interests would be affected.

*The OEB hearing will consider specific issues determined by law. The Electricity Act, 1998 specifies that the OEB is strictly limited to determining the location of the distribution lines and related facilities within the road allowances in question. The OEB will not consider alternative locations for the distribution lines outside of the road allowances or any aspect of the Niagara Region Wind Farm in this case.*

### **BE INFORMED**

You have the right to information regarding Niagara Region Wind Corporation's application. You can read the application on the OEB's website (see below under "Learn More").

### **HAVE YOUR SAY**

If you would be affected by the location of the proposed distribution lines within the road allowances owned by the Municipality of Wainfleet, you may want to take a more active role in the hearing. You can:

- Send the OEB a letter with your comments within 60 calendar days from the date the notice is posted on Niagara Region Wind Corporation's website, 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 Niagara Region Wind Corporation (interrogatories). To be an intervenor, a party must be affected by the location of the 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 January 26, 2015.

### **LEARN MORE**

Our file number for this case is **EB-2014-0298**. To learn more about how to participate in this hearing, including how to file a letter with your comments or how to become an intervenor, go to [www.ontarioenergyboard.ca/participate](http://www.ontarioenergyboard.ca/participate). From that OEB web page you can also enter the file number **EB-2014-0298** to see all the documents related to this case. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

### **ORAL AND WRITTEN HEARINGS**

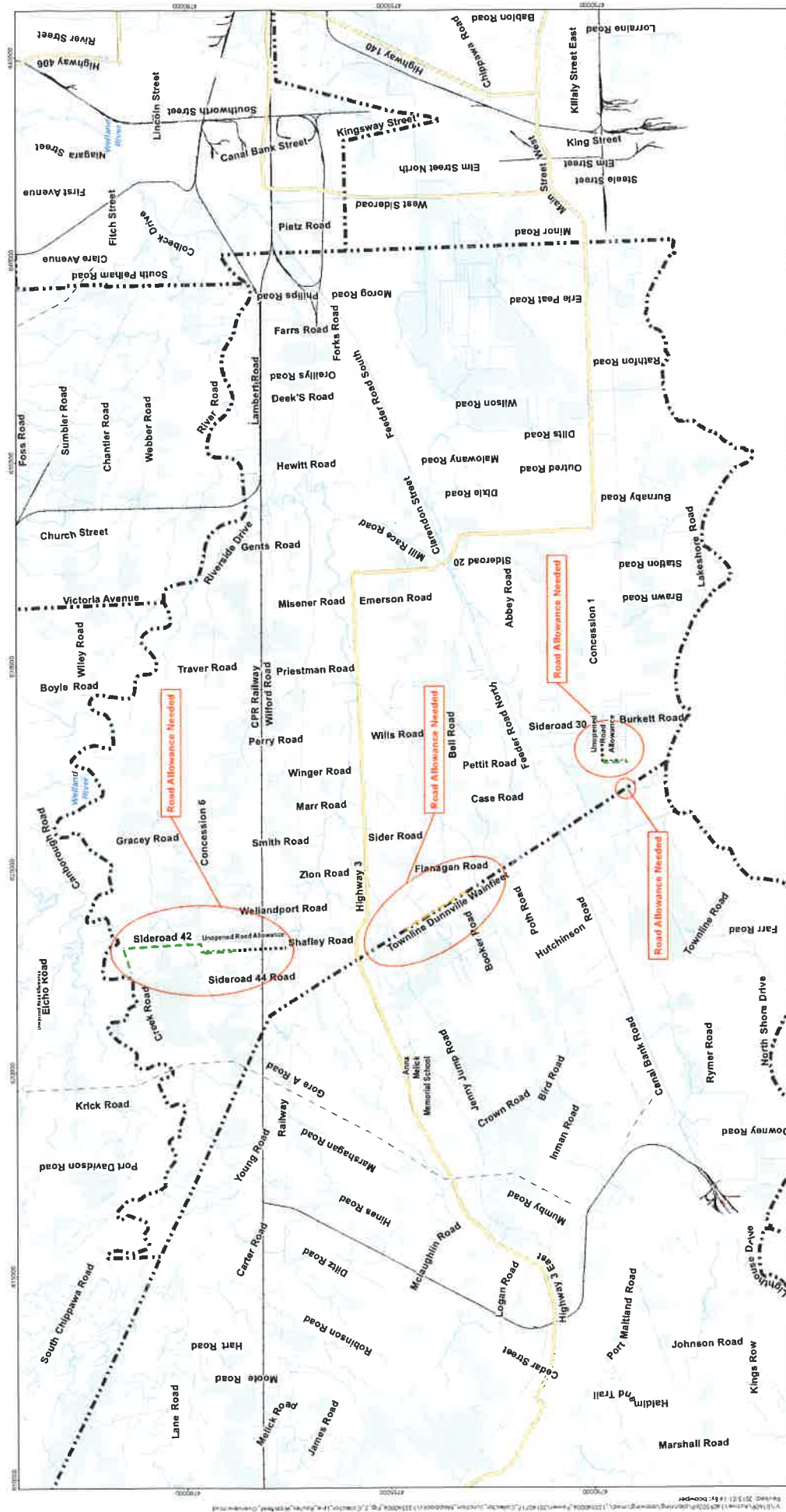
There are two types of OEB hearings – oral and written. For this category of applications, the OEB normally proceeds by way of a written hearing. If you think an oral hearing is needed, you can write to the OEB to explain why.

### **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 section 41(9) of the *Electricity Act, 1998 S.O. 1998, c. 15, Schedule A*.





Legend

- Road
  - Expressway / Highway
  - Unopened Road Allowance
  - Active Railway
  - Abandoned Railway
  - Failing Transmission Line
  - Pipeline
  - Watercourse (MHR)
  - Municipally Lower Tier
  - Wooded Area
- Number of Collector Lines
  - 1
  - 2
  - 3

Notes

- Coordinate System: NAD 83 UTM Zone 18N
- Map data provided by Esri, DeLorme, GeoEye, IGN, Aerotech, Earthstar, IGN, etc.
- Map data provided by Esri, DeLorme, GeoEye, IGN, Aerotech, Earthstar, IGN, etc.
- Map data provided by Esri, DeLorme, GeoEye, IGN, Aerotech, Earthstar, IGN, etc.
- Map data provided by Esri, DeLorme, GeoEye, IGN, Aerotech, Earthstar, IGN, etc.
- Map data provided by Esri, DeLorme, GeoEye, IGN, Aerotech, Earthstar, IGN, etc.

Stantec

Client/Project  
Niagara Region Wind Corporation

Figure No.  
2

Title  
Collector Line Routes –  
Wainfleet Only – Municipal Roads  
Overview Map

## ONTARIO ENERGY BOARD

**IN THE MATTER OF** the *Ontario Energy Board Act*, S.O. 1998, c. 15, Sch. B, as amended;

**AND IN THE MATTER OF** an application by Niagara Region Wind Corporation for an order under section 41(9) of the *Electricity Act*, 1998, S.O. 1998, c. 15, Sch. B, as amended.

### **AMENDED APPLICATION FOR ORDER UNDER SECTION 41(9)** **OF THE ELECTRICITY ACT**

#### ***Introduction and Overview***

1. Niagara Region Wind Corporation (the “**Applicant**”) is an Ontario corporation established for the development, construction and operation of the Niagara Region Wind Farm (“**NRWF**”). The NRWF is a proposed 230 MW wind energy generation facility which was awarded a 20-year power purchase agreement under the Ontario Power Authority’s (“**OPA**”) Feed-in Tariff program (the “**FIT Program**”) in February 2011.
2. The NRWF will be located in the Niagara Region in the municipalities of West Lincoln, Lincoln, Wainfleet and in Haldimand County. The NRWF will be connected to the Independent Electricity System Operator (“**IESO**”)–controlled grid by way of a transmission interconnection facility (the “**Transmission Facility**”). The Applicant was granted leave to construct the Transmission Facility by Ontario Energy Board (the “**OEB**” or the “**Board**”) Decision and Order issued July 3, 2014 (EB-2013-0203).
3. In addition to the Transmission Facility, the Applicant will be constructing distribution facilities in order to transport electricity generated by the NRWF to the Transmission Facility. In all, the distribution facilities will consist of 156 km of 34.5 kilovolt (“**kV**”) overhead and underground distribution lines.
4. The Applicant will locate approximately 6 km of the distribution lines for the NRWF along municipal streets and highways owned by the Municipality of Wainfleet (“**Wainfleet**”), (see Appendix “1”).
5. The Applicant initially filed this application on September 17, 2014. When initially filed, the application was in relation to the location of the Applicant’s distribution infrastructure on West Lincoln and Niagara Region road allowances, as well as the

location of distribution infrastructure on Wainfleet's road allowances. Since initially filing this application, the Applicant has entered into road use agreements with West Lincoln and the Niagara Region. The Applicant entered into a road use agreement with West Lincoln on October 9, 2014 and with the Niagara Region on November 14, 2014. As a result, the location of the Applicant's distribution infrastructure within West Lincoln and Niagara Region road allowances has been determined. The Applicant therefore hereby withdraws the Application filed on September 17, 2014, and requests that the Board replace the Application filed on September 17, 2014 with this amended application (the "**Application**").

6. As further described below, the Applicant attempted to work with Wainfleet to enter into a road use agreement, but at present has not been able to reach an agreement with Wainfleet in respect of same, and in particular, has not been able to come to an agreement on the location of distribution facilities along Wainfleet's municipal streets and highways. As a result, the Applicant is seeking the assistance of the OEB by way of an order under section 41(9) of the *Electricity Act, 1998* (the "**Electricity Act**") to determine the location of distribution facilities along the municipal streets and highways required for these facilities in Wainfleet.
7. The reasons for this Application are set out in detail below.

#### ***Consultation and Negotiations with Wainfleet***

8. Approximately 6 km of distribution lines will be located within Wainfleet road allowances. The Applicant sought to begin work on a road use agreement with Wainfleet in April 2013. Unfortunately, Wainfleet immediately indicated to the Applicant that it would not communicate with the Applicant in respect of a road use agreement until the Applicant had been granted a Renewable Energy Approval ("**REA**") for the NRW. The Applicant submits that there is no basis whatsoever for Wainfleet to have taken this position; the REA is not a pre-requisite to discussions regarding a municipal road use agreement.
9. Attached as Appendix "1" is the correspondence between the Applicant and Wainfleet confirming the Applicant's proposal for a road use agreement and, in particular, setting out the location where the facilities will be installed (the "**September 16, 2014 Letter to Wainfleet**"). Since this correspondence, the Applicant has been in communications with Wainfleet and Wainfleet is no longer objecting to any communications with the Applicant regarding a road use agreement (the Applicant notes that it received its REA on November 6, 2014). The Applicant has exchanged drafts of a road use agreement but unfortunately, the Applicant and Wainfleet have not reached an agreement at this time. The Applicant notes that Wainfleet has not raised issues with respect to the location of the distribution facilities.
10. Attached as Schedule "A" to the September 16, 2014 Letter to Wainfleet are maps which set out the Wainfleet road allowances which the Applicant will require for the distribution facilities it will be building in relation to the NRW, and the proposed location of these distribution facilities within the Wainfleet road allowances.

### ***Legislative Context***

11. Section 41 of the Electricity Act sets out a comprehensive set of rights of access to public streets and highways pursuant to which a distributor or transmitter's rights of access to and installation on public streets or highways are prescribed by legislation. Specifically, section 41 provides that electricity transmitters and distributors have the right to:
  - Install structures, equipment and other facilities over, under or on any public street or highway (ss. 41(1));
  - Inspect, maintain, repair, alter, remove or replace any structure, equipment or facilities (ss. 41(2)); and
  - Enter onto land to exercise statutory powers (ss. 41(3) and (4)).
12. Under s. 41, all of these rights are exercisable without the consent of the owner or other person having an interest in the street or highway (ss. 41(5)).
13. Pursuant to s. 41(9), when a distributor has not been able to come to an agreement with a municipality in respect of the location of distribution facilities, the location may be determined by the OEB.

### ***The Applicant is a Transmitter and Distributor***

14. The Applicant's 156 km of distribution lines which will transport electricity to the Transmission System constitute a distribution system as that term is defined under section 2(1) of the Electricity Act.<sup>1</sup>
15. Consequently, the Applicant is a distributor and transmitter<sup>2</sup> under the Electricity Act, including for the purposes of section 41(9), and may install structures, equipment and other facilities over, under or on any public street or highway.

### ***The Board's Jurisdiction in a Section 41(9) Proceeding***

16. Pursuant to section 41(9) of the Electricity Act, when a distributor has not been able to come to an agreement with a municipality in respect of the location of distribution facilities, the location may be determined by the Board.
17. The Board's jurisdiction under section 41(9) is limited. As noted by the Board in EB-2010-0253 in its determination of an application by Plateau Wind, Inc. for an order under section 41(9):

[The legislation, i.e., section 41(1) and section 49(9))] limits the Board's role in this proceeding to a determination of the location of Plateau's proposed Distribution Facilities within the Road Allowances. Given the legislative restriction

---

<sup>1</sup> A "distribution system" is defined as "a system for distributing electricity, and includes any structures, equipment or other things used for that purpose", see section 2, *Electricity Act*.

<sup>2</sup> The Applicant will own and operate the Transmission Facility, as described in paragraph 2, above.

on the Board's jurisdiction, it is not the Board's role in this proceeding to approve or deny the Project or the Distribution Facilities, to consider the merits, prudence or any environmental, health or economic impacts associated with it or to consider alternatives to the project such as routes for the Distribution Facilities that are outside of the prescribed Road Allowances. Also, it is not within the Board's jurisdiction in this proceeding to consider any aspect of Plateau's proposed wind generation facilities.

18. Similarly, in a recent application by East Durham Wind, Inc., for an order under section 41(9), the Board made the following comments in respect of letters of comment that included general concerns about the project, or renewable energy policy:

Given the scope of subsection 41(9), it is not the Board's role in this proceeding to decide whether the Project should be approved, consider issues relating to wind turbines or renewable energy policy generally, or consider alternatives to the Project such as routes for the Distribution System that are outside of the Road Allowances. Accordingly, the concerns in the letters of comment described above are not within the scope of this proceeding.

19. In sum, the Applicant submits that the Board's jurisdiction in a section 41(9) proceeding is limited to making a determination of the location of the distribution facilities which the Applicant proposes to locate on streets and highways owned by Wainfleet.

#### ***Proposed Distribution System***

20. The Applicant has attached at Schedule A of Appendix 1 maps indicating its proposed location of the distribution system.
21. The distribution system will be designed and installed in accordance with the Ontario Electrical Safety Code as per the Electrical Safety Authority and applicable CSA standards. The distribution lines are expected to be installed between one meter to six meters from the property edge of the road right of way depending on width of the right of way and width of existing travelled roads.

#### ***Consultation with Stakeholders Generally***

22. For the Board's information, the Applicant notes that the NRWF is subject to the environmental screening process prescribed by *Ontario Regulation 359/09, Renewable Energy Approvals under Part V.0.1 of the Act* made pursuant to *Environmental Protection Act*, R.S.O. 1990, c. E.19. Accordingly, the Applicant has conducted extensive consultation with interested stakeholders and submitted its REA application to the Ministry of the Environment on April 22, 2013. The Applicant received its REA on November 6, 2014.
23. In addition to the environmental screening process, the Applicant has received final interconnection reports issued by the Independent Electricity System Operator (the "IESO") and Hydro One Networks Inc. ("HONI").

***Order Requested***

24. Accordingly, the Applicant hereby applies to the Board for:
- (i) an order under section 41(9) of the Electricity Act to determine the location of distribution facilities along the municipal streets and highways needed for these facilities in the Municipality of Wainfleet.
25. The Applicant requests that the Board determine this Application by way of a written hearing.
26. Pursuant to rule 7.01 of the Board's Rules of Practice and Procedure, the Applicant requests that the Board expedite this proceeding.
27. The following Appendix consists of the Applicant's pre-filed evidence.
28. The individuals below are the authorized representatives of the Applicant for the purpose of serving documents throughout this proceeding:

Appendix 1

September 16, 2014 Letter to Municipality of Wainfleet including Schedule "A" showing Proposed Location of distribution infrastructure in Municipality of Wainfleet

George Vegh  
Héloïse Apestéguy-Reux  
McCarthy Tétrault LLP  
Toronto Dominion Bank Tower  
66 Wellington St. W  
Toronto, ON M5K 1E6

Tel: 416.601.7809  
Fax: 416.868.0673  
Email: hapesteguyreux@mccarthy.ca

Darren Croghan  
Niagara Region Wind Corporation

Tel: 905.842.4888  
Fax: 905.842.4885

Dated December 18, 2014 at Toronto, Ontario.

Niagara Region Wind Corporation  
by its counsel McCarthy Tétrault LLP

Per: *Signed in the Original*

---

George Vegh

EXHIBIT 'B'

This is Exhibit.....B.....referred to in the  
affidavit of.....Shilah Berriman.....  
sworn before me, this.....26th.....  
day of.....February.....2015.  
[Original signed by]

✓  
A COMMISSIONER FOR TAKING AFFIDAVITS

Conrad A. Wilkerson

[REDACTED]

---

**From:** customerservice@abcourier.com  
**Sent:** February-26-15 4:06 PM  
**To:** [REDACTED]  
**Subject:** A&B Courier Order 5017210

Good Afternoon [REDACTED]

Attached are the tracking details as well as the scanned signature for the aforementioned order.

## Tracking Information

### Order Details:

Order # : 5017210
Delivery City, Province : Wainfleet, ON
Service : DIRECT
Delivery Date : 2/12/2015
Delivery By :
Status : Finalized
Picked Up Date & Time : 2/12/2015 12:57:00 PM
Delivered Date & Time : 2/12/2015 2:17:00 PM
POD : [REDACTED]



# COURIER SERVICES

Direct ☒ Overnight ☐  
 Rush ☒ 9:30 a.m. ☐  
 4 Hour ☐ 10:30 a.m. ☐  
 Sameday ☐ Canada Ground ☐  
 USA Air ☐  
 USA Ground ☐  
 International ☐

# TRANSPORTATION SE

LTL Direct ☐ LTL D  
 LTL Rush ☐ LTL U  
 LTL Sameday ☐ FTL

TORONTO (905) 881-9444

YORK REGION (905) 853-4444

ORDER ONLINE AT: [www.abcourier.com](http://www.abcourier.com)

A & B COPY

SHIPPER'S SIGNATURE	
COMPANY NAME	
ADDRESS	SUITE
CITY	PROV.
PHONE NO.	POSTAL CODE

CONSIGNEE NAME (PLEASE PRINT)
COMPANY NAME
ADDRESS
CITY
PHONE NO.

<b>AGREEMENT TO TERMS</b> By sending and/or receiving your shipment with us, you agree, regardless of whether you sign the front of this waybill, for yourself and as an agent for and on behalf of any other person having interest in this shipment, to all terms on this non-negotiable waybill, in any applicable tariff, and in our current Terms and Conditions of carriage, copies of which are available upon request. No one is authorized to alter or modify the terms of our agreement. You agree that the terms limiting our liability set out on the reverse side of this page and in our Terms and Conditions at <a href="http://www.abcourier.com">www.abcourier.com</a> , apply to this shipment. <b>GST #R106248461</b>
--

DIMENSIONAL WEIGHT	TOTAL
X X (IN)	
NO SIGNATURE REQUIRED	DECLARED VALUE FOR INSURANCE COVERAGE
PLEASE INITIAL (See Reverse)	CDN

SPECIAL INSTRUCT

Regards,

Customer Service Representative  
**A & B Courier Services Ltd.**  
[www.abcourier.com](http://www.abcourier.com)  
[customerservice@abcourier.com](mailto:customerservice@abcourier.com)  
 (905) 853-4444 ext. 255

EXHIBIT 'C'

This is Exhibit.....C.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....26<sup>th</sup>.....  
day of.....February.....2015.....  
[Original signed by]

=====

A COMMISSIONER FOR TAKING AFFIDAVITS

Conrad A. Willense

nrwc

WELLANDPORT PO  
WELLANDPORT PO  
5171 CANBOROUGH RD  
WELLANDPORT ON L0R 2J0  
905-386-6871

RETURN TO SENDER  
RENOI À L'EXPÉDITEUR

☒ Unclaimed  
Non réclamé

☐ No such address  
Adresse inexistante

☐ Address incomplete  
Adresse incomplète

☐ Moved / Déménagé

☐ Defunct / Décédé

☐ No such office  
Bureau inexistant

☐ Refused by addressee  
Refusé par le destinataire



CANADA POSTES  
POST CANADA

Date 2015.01.16  
Postage - Port 10.20  
OAKVILLE ON L6J 6J3 0.031 kg  
CRN5891

1.00 6011258 0394494 0385255

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

UNCLAIMED // NON RECLAME  
RETURN TO SENDER  
RENOI À L'EXPÉDITEUR  
L6J 6J3

31-086-584 (1-800) L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses. Signature Required

nrwc

WELLANDPORT PO  
WELLANDPORT PO  
5171 CANBOROUGH RD  
WELLANDPORT ON L0R 2J0  
905-386-6871

RETURN TO SENDER  
RENOI À L'EXPÉDITEUR

☒ Unclaimed  
Non réclamé

☐ No such address  
Adresse inexistante

☐ Address incomplete  
Adresse incomplète

☐ Moved / Déménagé

☐ Defunct / Décédé

☐ No such office  
Bureau inexistant

☐ Refused by addressee  
Refusé par le destinataire



CANADA POSTES  
POST CANADA

Date 2015.01.16  
Postage - Port 10.20  
OAKVILLE ON L6J 6J3 0.031 kg  
CRN5891

1.00 6011258 0394494 0385255

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

UNCLAIMED // NON RECLAME  
RETURN TO SENDER  
RENOI À L'EXPÉDITEUR  
L6J 6J3

31-086-584 (1-800) L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses. Signature Required

nrwc



WELLANDPORT PO  
WELLANDPORT PO  
5171 CANBOROUGH RD  
WELLANDPORT ON L0R 2J0  
905-386-6871



CANADA	POSTES
POST	CANADA
Date 2015.01.16	
Postage - Port 10.20	
OAKVILLE ON L6J 6J3 0.001 kg	
60112581	0394494 0385255

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

RETURN TO SENDER RENOI A L'EXPEDITEUR	<input type="checkbox"/> Unclaimed Non Reclamé
<input checked="" type="checkbox"/> No such address Adresse inexistante	<input type="checkbox"/> Address incomplete Adresse incomplète
<input type="checkbox"/> Damaged / endommagé	<input type="checkbox"/> No such Post Office Bureau inexistant
<input type="checkbox"/> Refused by addressee Refusé par le destinataire	

nrwc



WELLANDPORT PO  
WELLANDPORT PO  
5171 CANBOROUGH RD  
WELLANDPORT ON L0R 2J0  
905-386-6871



CANADA	POSTES
POST	CANADA
Date 2015.01.16	
Postage - Port 10.20	
OAKVILLE ON L6J 6J3 0.001 kg	
60112581	0394494 0385255

Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

RETURN TO SENDER RENOI A L'EXPEDITEUR	<input checked="" type="checkbox"/> Unclaimed Non Reclamé
<input type="checkbox"/> No such address Adresse inexistante	<input type="checkbox"/> Address incomplete Adresse incomplète
<input type="checkbox"/> Damaged / endommagé	<input type="checkbox"/> No such Post Office Bureau inexistant
<input type="checkbox"/> Refused by addressee Refusé par le destinataire	

UNCLAIMED // NON RECLAME  
RETURN TO SENDER  
RENOI A L'EXPEDITEUR  
L6J 6J3

Sender warrants that this shipment does not contain dangerous goods.  
Expéditeur garantit que cet envoi ne contient pas de matières dangereuses.

Signature Required  
Signature requise

nrwc



RETURN TO SENDER  
RENOI A L'EXPEDITEUR

☐ Unclaimed  
Non réclamé

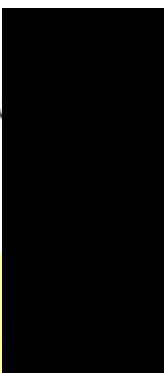
☐ No such address  
Adresse inexistante

☐ Address incomplete  
Adresse incomplète

☐ Moved / Unknown  
Déménagement / Inconnu

☐ No such Post Office  
Bureau inexistant

☒ Refused by addressee  
Refusé par le destinataire



Ltr Std  
Lettre (Standard)

Do not cover chevron  
Ne couvrez pas le chevron

CANADA POSTES	
POST CANADA	
Date	Postage - Port
2015.01.16	10.20
OAKVILLE ON L5H 1G0 0.051 kg	
1.00	CANADA
6011258	0394494 0385255

REFUSED // REFUSE  
RETURN TO SENDER  
RENOI A L'EXPEDITEUR  
L6J 6J3

Sender warrants that the addressee does not contain dangerous goods.  
L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses.

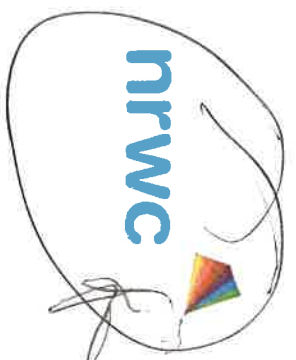
☒ Signature Required  
Signature requise

**EXHIBIT 'D'**

This is Exhibit.....D.....referred to in the  
affidavit of.....Shiloh Berriman.....  
sworn before me, this.....26<sup>th</sup>.....  
day of.....February.....2015.....  
[Original signed by]

.. ..  
A COMMISSIONER FOR TAKING AFFIDAVITS

Conrad A. Wilkense



RRR



Destination: Canada

CANADA POSTES	
POST CANADA	
Date	Postage - Port
2015.01.14	10.20
OAKVILLE ON L6J 1G0 0.051 kg	
CANADA	
1.00	0394377
6011258	0385255

Do not cover chevron  
Ne couvrez pas le chevron

RETURN TO SENDER  
RENOI À L'EXPÉDITEUR

☒ Unclaimed  
Non réclamé

☐ No such address  
Adresse inconnue



[Redacted address block]

Old Oakville Postal Outlet  
338 Lakeshore Road East  
Oakville, Ontario  
L6J 1G0  
(905) 338-9547



UNCLAIMED // NON RECLAME  
RETURN TO SENDER  
RENOI À L'EXPÉDITEUR  
L6J 6J3