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May 13, 2016

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-2016-0126 – Request to vary leave to construct approval re Highway 3 Bypass

On March 14, 2016, FWRN LP and NR Capital General Partnership (the “**Applicants**”),¹ filed a motion with the Ontario Energy Board (the “**Board**”) pursuant to Rule 40.01 of the Board’s *Rules of Practice and Procedure* for the Board to vary the LTC Order in the manner described in the motion. More specifically, at the request of the Ontario Ministry of Transportation (the “**MTO**”), the Applicants are proposing to modify the route of the transmission line in the area of the Municipality of Wainfleet and Haldimand County border such that the transmission line not run along Highway 3 (the “**Highway 3 Bypass**”).

The purpose of this letter is to make a request of the Board in respect of timing of the Board’s decision on this motion. The Applicants have received the approval of the Ministry of the Environment and Climate Change (“**MOECC**”) in respect of the Renewable Energy Approval amendment (the “**REA Amendment**”) required for the Highway 3 Bypass. The approval of the REA Amendment was received on May 12, 2016. Moreover, the Applicants’ transmission line is currently over 65% built. Finally, as the Board is aware, FWRN LP is party to a FIT contract with the Independent Electricity System Operator and must adhere to the timelines under that contract.

In light of the above, the Applicants hereby respectfully request that the Board issue a decision in regards to this motion the week of May 16th, 2016. Should the Board decide to approve the

¹ As the transfer of transmission assets described in FWRN LP’s application for leave to transfer in EB-2015-0290 has not yet occurred (i.e., FWRN LP will soon be transferring the transmission assets to NR Capital General Partnership, but has not yet done so), the leave to construct is still held by FWRN LP and therefore FWRN LP is filing this application jointly with NR Capital General Partnership, to whom it will soon be transferring the leave to construct.

Highway 3 Bypass, the Applicants request that the Board please make such an approval conditional on:

- (i) the filing by the Applicants of a letter with the Board confirming that the Applicants will proceed with the Highway 3 Bypass.

The above condition is necessary because if the REA Amendment in relation to the Highway 3 Bypass is appealed to the Environmental Review Tribunal ("**ERT**"), the Applicants will require some flexibility in respect of whether or not to proceed with the Highway 3 Bypass. More specifically, the Applicants may have to wait until the ERT appeal is completed before proceeding or not proceeding with the Highway 3 Bypass. However, it is also likely that unless a stay of the REA Amendment is granted by the ERT, the Applicants will have to make a decision as to whether or not to proceed with the Highway 3 Bypass while an appeal before the ERT is in progress. The reason that the Applicants may have to proceed while an ERT appeal is in progress is in order to adhere to the tight timelines under which the Applicants are working, which timelines must be adhered to under the FIT contract.

Please contact the undersigned if you have any questions in regards to the foregoing.

Yours truly,

McCarthy Tétrault LLP

Per:

Signed in the original

Héloïse Apestéguy-Reux
Associate

Cc: Peter Ascherl, Counsel to FWRN LP and NR Capital General Partnership
Gael Gravenor, Enercon
Paul Nunes, Corridor Management Officer, Ontario Ministry of Transportation