



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

**George Vegh**  
Counsel  
Direct Line: (416) 601-7709  
Direct Fax: (416) 868-0673  
Email: gvegh@mccarthy.ca

July 11, 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-2016-0196 – Application for leave to construct amending the relief requested in EB-2013-0203**

On March 14, 2016 and April 1, 2016, the Applicants in the above-noted application filed motions requesting variance of EB-2013-0203, an order granting leave to construct (the “Vary Motions”). The Vary Motions were filed so that the transmission route could be altered to accommodate requirements of the local municipality (the Municipality of West Lincoln) and the Ministry of Transportation.

Although the Board’s filing guidelines in regards to leave to construct applications provide that when a proponent obtains approvals after the LTC process, changes to the LTC may be required, including a change in route<sup>1</sup>, the Applicants understand that unlike the Renewable Energy Approval process, the Board does not have a process set out for changes in a route approved in a leave to construct.

Nonetheless, on June 2, 2016, the Board refused to hear the Vary Motions by declining to exercise its discretion to extend the time period for bringing a motion to vary and recommended that the applicant proceed by an filing an amended application.

Accordingly, on June 17, 2016, the Applicants filed the current application. Given the time that had passed since the Vary Motions were applied for (over 3.5 and 3 months from today’s date), the current application requested that the Board proceed with this application on an expedited basis. The reasons for this request are addressed in the application and may be summarized as follows:

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<sup>1</sup> See s. 4.2.2, Filing Requirements For Electricity Transmission Applications, Chapter 4, Applications under Section 92 of the Ontario Energy Board Act, available at <http://www.ontarioenergyboard.ca/oeb/ Documents/Regulatory/OEB Filing Req Tx Applications Ch4 201407 31.pdf>

- The route changes have been made at the request of public agencies so that the route is brought to be more in line with the public interest than the original order;
- The project is currently 85% completed and the transmission facilities are 82% complete and the project must adhere to timelines under the applicant's FIT contract with the IESO. The continued delay may threaten the economic viability of moving to the revised route which is fully supported, and even requested by public agencies;
- The route changes have been publicly vetted and approved under the Renewable Energy Approval ("REA") amendment process which had an open and transparent review as well as various notifications to the local community, as described in the application. The decisions of the Ministry of the Environment and Climate Change in regards to the amendments have not been challenged at the Environmental Review Tribunal;
- All landowner rights respecting the new route have been obtained; and
- Both Hydro One and the IESO have confirmed that the Customer Impact Assessment and the System Impact Assessment are not impacted by the new route.

The result is that, as a practical matter, the situation that the Applicants now find themselves in is that despite having advised the Board months ago of the Applicants' efforts to meet the requests of the Municipality of West Lincoln and the Ministry of Transportation by making the route modifications work, and despite having obtained all the approvals needed as part of the REA process to make these modifications possible, the Applicants still do not know whether the Board will provide an approval of the route modifications.

The Applicants are now in a situation where they face extremely tight timelines in regards to the completion of the transmission line. In other words, the Applicants need to complete the transmission line in order to connect the Niagara Region Wind Farm to the electricity transmission grid.

In light of the above, the Applicants respectfully request that the Board issue a decision as soon as possible in regards to the Application.

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

Sincerely,

*Signed in the original*

George Vegh

Cc: Peter Ascherl, Counsel to FWRN LP and NR Capital General Partnership  
Gael Gravenor, Enercon  
Chris Carter, CAO, West Lincoln  
Paul Nunes, Corridor Management Officer, Ontario Ministry of Transportation  
Hydro One (regulatory affairs)  
IESO (regulatory affairs)