

November 15, 2016

**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: Windlectric Inc. - Application for Leave to Construct Transmission Facilities  
(EB-2014-0300) – Request for Extension**

We are counsel to Windlectric Inc. (“Windlectric”) in respect of its application for leave to construct transmission facilities in EB-2014-0300 (the “Application”). On December 10, 2015 the Ontario Energy Board (the “Board”) issued a Decision and Order granting Windlectric leave to construct its proposed transmission facilities (the “Decision and Order”). Condition 1 of the Decision and Order requires Windlectric to commence construction within 12 months. On behalf of Windlectric, we are hereby requesting an extension to the date by which construction of the transmission facilities must commence, from December 10, 2016 to May 31, 2017.

As a result of significant delays encountered in its Renewable Energy Approval (“REA”) process and the implications of those delays on its project schedule, Windlectric will not be in a position to begin construction of the transmission facilities prior to December 10, 2016.

As indicated in the Application, Windlectric’s REA application was deemed complete by the Ministry of the Environment and Climate Change (the “Ministry”) in January 2014, with issuance of the REA being anticipated, at that time, by Fall 2014. However, the REA was not actually issued by the Ministry until August 24, 2015. A subsequent appeal of the REA decision was not concluded until it was dismissed by the Environmental Review Tribunal (the “ERT”) on August 3, 2016, which was significantly longer than the 6-month appeal review period mandated for the ERT by O. Reg. 359/09 under the *Environmental Protection Act*.


Since the decision dismissing the REA appeal was issued, Windlectric has completed its purchase of the main power transformer for the project substation, completed its purchase of turbines for the related generation facility and received delivery of the submarine cable that forms part of the transmission line. However, as a result of the aforementioned delays, project construction has been delayed. Of particular significance is that Windlectric needs to construct docks to enable delivery of materials and equipment from the mainland to Amherst Island.

Dock construction was considered as part of the REA. As a result of delays in the REA process, Windlectric was delayed in completing its detailed engineering of the docks and, as a further consequence, Windlectric has been delayed by the need to satisfy certain conditions under its permit from the local conservation authority in relation to the docks. Windlectric expects to confirm that it has met the permit conditions shortly and complete construction of the docks over the winter. The requested extension would accommodate the revised schedule, while enabling Windlectric to meet its contractual obligations in respect of the in-service date for the related generation facilities.

As no person would be adversely affected by this request, Windlectric asks that the Board consider this request and vary the construction commencement date in the Decision and Order without a hearing pursuant to section 21(4)(b) of the *Ontario Energy Board Act*.

We trust that this is satisfactory. Please let us know if the Board requires anything further.

Yours truly,



Jonathan Myers

Tel 416.865.7532  
jmyers@torys.com

cc: Mr. J. Stewart, Windlectric Inc.  
Mr. A. Bautista, Windlectric Inc.  
Mr. M. Lesychyn, OEB