

February 7, 2017

EMAIL, RESS & 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: Henvey Inlet - Application for Leave to Construct Transmission Facilities
(EB-2016-0310) – Response to Intervenor Requests**

We are counsel to Henvey Inlet Wind GP Inc. and Henvey Inlet Wind LP (together, “Henvey”) in respect of the above-referenced proceeding. Henvey understands that, in response to the publication and service of the Notice of Application, the Board has received two intervention requests, two letters of comment and one request to monitor the proceeding. The applicant has concerns with the requests for intervenor status that it wishes to bring to the Board’s attention.

Intervention Request of Richard and Anne Kaster

The first intervention request was filed by Richard and Anne Kaster on January 18, 2017. The concern raised by the Kaster’s is that the placement of the line will affect their business and residence. They refer to several routing options that Henvey had previously considered in consultation with them. Ultimately, the Kaster’s indicated that they preferred not to have the proposed transmission facilities cross any portions of their properties. Consequently, in its application Henvey has proposed transmission line routing that runs within the Highway 69 corridor in this location such that no transmission facilities are proposed to be located on or across any portion of the Kaster properties. The Board’s jurisdiction to approve Henvey’s forms of land agreements will therefore not be engaged in relation to this landowner as no land rights are needed from them.

Moreover, the Kaster’s letter does not demonstrate that they have any concerns that would be relevant to the Board’s jurisdiction to consider the interests of consumers with respect to prices and the reliability and quality of electricity service, or with respect to the promotion of the use of renewable energy sources in a manner consistent with provincial government policy.

Therefore, it is the applicant’s view that it would not be appropriate for the Board to grant intervenor status to the Kaster’s.

Intervention Request of Jeffrey Todd Hull

The second intervention request, filed on behalf of Mr. Jeffrey Todd Hull on January 23, 2017, raises two concerns. First, Mr. Hull appears to have assumed that the proposed transmission facilities will directly affect a property that he owns when, in fact, this is not the case. Second, the factors cited by Mr. Hull as the basis for his request all appear to be outside the scope of the Board's jurisdiction in this proceeding. These concerns are discussed below.

In Mr. Hull's request, he states that the project "will result in transmission towers and lines crossing Mr. Hull's private property located at [REDACTED]." In fact, this is not the case. While the property referenced in Mr. Hull's letter (which corresponds to PIN [REDACTED]) is owned by him and is near the proposed transmission line, no transmission facilities are proposed to be located on or across any portion of this property. Rather, Mr. Hull was served with the Notice because he also holds a registered interest, consisting of a right of way for access purposes, on a property that is owned by Hydro One (PIN [REDACTED]). The applicant has reviewed the registered Plan that shows the specific location of Mr. Hull's right of way on the Hydro One property and confirms that it is not in conflict with Henvey's proposed location for transmission facilities across that property. As such, the proposed transmission facilities do not directly affect any interests in land held by Mr. Hull.

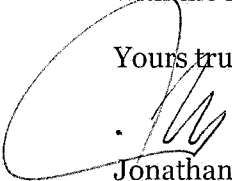
Mr. Hull's request also sets out the nature of his concerns as being in relation to (1) construction impacts on wildlife, (2) impacts of maintenance and tree/brush clearing on fish and aquatic organisms, (3) landowner permission to apply certain herbicides for maintaining rights-of-way, (4) health issues arising from proximity to transmission lines, and (5) impacts on property value due to a reduction in useable space. The Board's Notice of Application states that it will only consider three issues as required by the *Ontario Energy Board Act* and that the Board will not address other factors, such as environmental, health, aesthetics or property value impacts.

Given that Mr. Hull does not appear to have raised any concerns that are relevant to the proceeding and that he has no interests in land that would be directly affected by the proposed transmission facilities, it is the applicant's view that it would not be appropriate for the Board to grant intervenor status to Mr. Hull.

Letters of Comment and Request to Monitor

Henvey notes that one of the letters of comment, filed on behalf of the Wasauksing First Nation, is in support of the application. The other letter of comment raises a discrete concern from an individual who may be indirectly affected by the proposed transmission line. The applicant intends to reach out to this individual in an effort to address his concern. Henvey takes no issue with the request to monitor that has been filed in this proceeding.

Yours truly,



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cc: Mr. J. Law, Henvey
Mr. C. Keizer, Torys LLP