

March 23, 2017

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: Henvey Inlet – Application for Leave to Construct Transmission Facilities
(EB-2016-0310) – Kaster Email**

We are counsel to Henvey Inlet Wind GP Inc. and Henvey Inlet Wind LP (together, “Henvey”) in respect of the above-referenced proceeding. This letter is filed in response to paragraph 4 of Procedural Order No. 2, issued by the Board on March 20, 2017. Paragraph 4 requires Henvey to provide information that clearly illustrates the location of the proposed transmission line in relation to the properties owned by Mr. Hull and the Kastars.

Background

In Procedural Order No. 1, dated February 16, 2017, the Board denied requests for intervenor status from Mr. Hull and the Kastars on the basis that (a) neither raised any issues related to price, reliability or quality of electricity service, and (b) neither Mr. Hull or the Kastars are directly affected landowners that will be offered land agreements, the form of which will be reviewed as part of the application. A Notice of Motion was filed on March 8, 2017 on behalf of Mr. Hull arguing that he should have been granted intervenor status because the proposed transmission line does affect his property directly. In addition, an email was submitted to the Board from the Kastars on March 9, 2017 objecting to the denial of intervenor status on the basis that the map on p. 61 of the application indicates that the Kastars’ property is within the boundaries of the proposed transmission corridor and has orange markings to indicate a permanent easement will be required. The Kastars did not contest the Board’s finding that they have not raised any issues relevant to the scope of the Board’s jurisdiction in the leave to construct proceeding.

On March 17, 2017, Henvey filed a letter advising that it had recently obtained historical information upon which it was able to determine that the ServiceOntario PIN Map previously relied upon contained an error and that Mr. Hull is in fact a directly affected landowner. Henvey further advised that it would offer a land agreement to Mr. Hull in the standard form it has used for other affected landowners.

In Procedural Order No. 2, the Board granted intervenor status to Mr. Hull and provided him with an opportunity to file interrogatories by March 27, 2017. By that same date, the Board has invited the Kasters to file any new information to support their request for intervenor status. In addition to being granted the opportunity to respond to each of the foregoing by April 3, 2017, Henvey has been asked to provide information that clearly illustrates the location of the proposed transmission line in relation to the properties owned by Mr. Hull and the Kasters.

Location of the Proposed Facilities Relative to Hull and Kaster Properties

Hull Property

To illustrate the location of the proposed transmission line in relation to the Hull property, please see the maps provided in Appendices 'A', 'B' and 'C' attached hereto.

Appendix 'A' contains an excerpt of the mapping from p. 78 of the original application (p. 60 of the amended application), as well as a detail of the portion of this map that shows the Hull property. The Hull property is shown in white, indicating that it was not considered to be a directly affected property.

Appendix 'B' contains a map, obtained from Teraview (a proprietary software from Teranet that provides electronic land registration information from the Government of Ontario's land records database). The areas shaded in blue depict the portions of the Hull property that Henvey previously understood to comprise the full extent of Mr. Hull's ownership of the lands shown. The area shaded in red depicts the additional lands that, based on historical information recently obtained, Henvey has confirmed do form part of the property owned by Mr. Hull.

Appendix 'C' contains a map, prepared by Henvey's land advisor CanACRE, based on review of the historical information, showing the proposed location of the transmission line, as well as existing Hydro One transmission lines, in relation to the Hull property (inclusive of the additional lands that Henvey now understands to be part of the property owned by Mr. Hull).

Kaster Properties

To illustrate the location of the proposed transmission line in relation to the Kaster properties, please see the maps provided in Appendices 'C', 'D' and 'E' attached hereto.

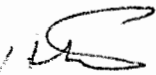
Appendix 'D' contains an excerpt of the mapping from [REDACTED], as well as a detail of the portion of this map that shows the Kaster properties. The Applicant acknowledges that this mapping appears to depict the proposed transmission corridor as crossing a portion of the Kasters' property [REDACTED] and showing highlighting that could suggest that a permanent easement may be required over certain portions of their property [REDACTED]. The Applicant has determined that, unfortunately, these aspects of this map do not accurately reflect the proposed routing and land rights needed for this portion of the proposed transmission facilities. Henvey apologizes for any confusion this may have caused. As demonstrated by Exhibit E-1-1, Appendix 'A' of the application (filed confidentially), the landowner line list does not include any parcels owned by the Kasters. The landowner line list accurately reflects the applicant's intention to avoid the Kaster properties in accordance with this landowner's wishes. Further evidence of the

Applicant's intentions for the location of the transmission line in this location can be found in the Plan and Profile Drawing at Exhibit C-2-1, Figure 4(a), [REDACTED]. This technical drawing, a copy of which is provided in **Appendix "D.1"**, shows the routing of the transmission line going around and not across the Kaster properties.

Appendix 'E' contains a map, obtained from Teraview, which identifies the property boundaries for a number of parcels in the vicinity of the Kaster properties. Note that not all of the PINs shown are owned by the Kasters.

Appendix 'F' contains a map, prepared by CanACRE, showing the Kaster-owned parcels outlined in black with their respective PIN numbers. Also shown in relation to those parcels is Henvey's proposed transmission easement area, the currently planned pole locations within that easement area, the MTO corridor and other properties parcels (not owned by the Kasters). This map further shows that, consistent with the landowner line list and the plan and profile drawing referred to above, Henvey does not require and therefore does not plan to obtain any land rights from the Kasters for purposes of the proposed transmission facilities. For greater certainty, as indicated in response to Board Staff Interrogatory #2, the applicant confirms that its planned alignment of the transmission line within the proposed corridor in this location, as shown, will meet all applicable technical standards, including for clearances and setbacks and having regard for sag or swing.

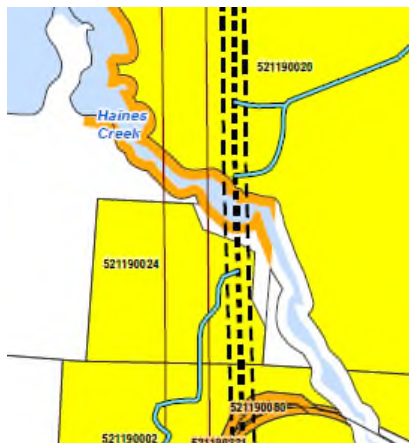
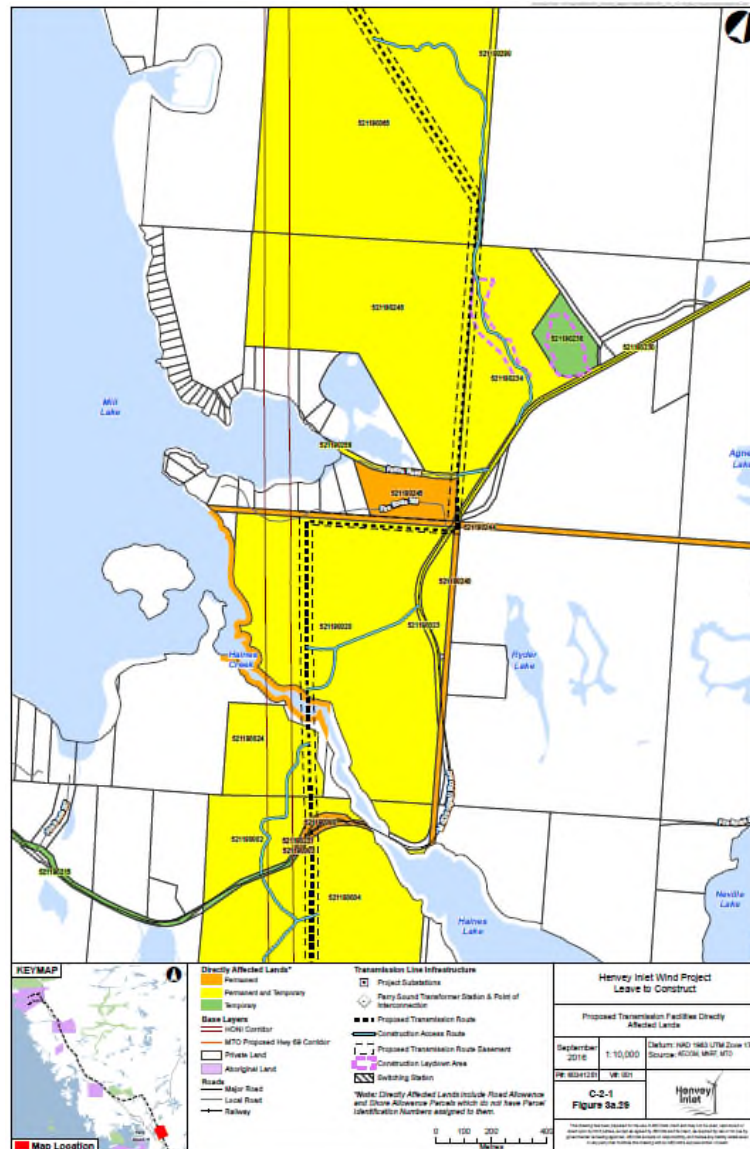
Yours truly,


for Jonathan Myers

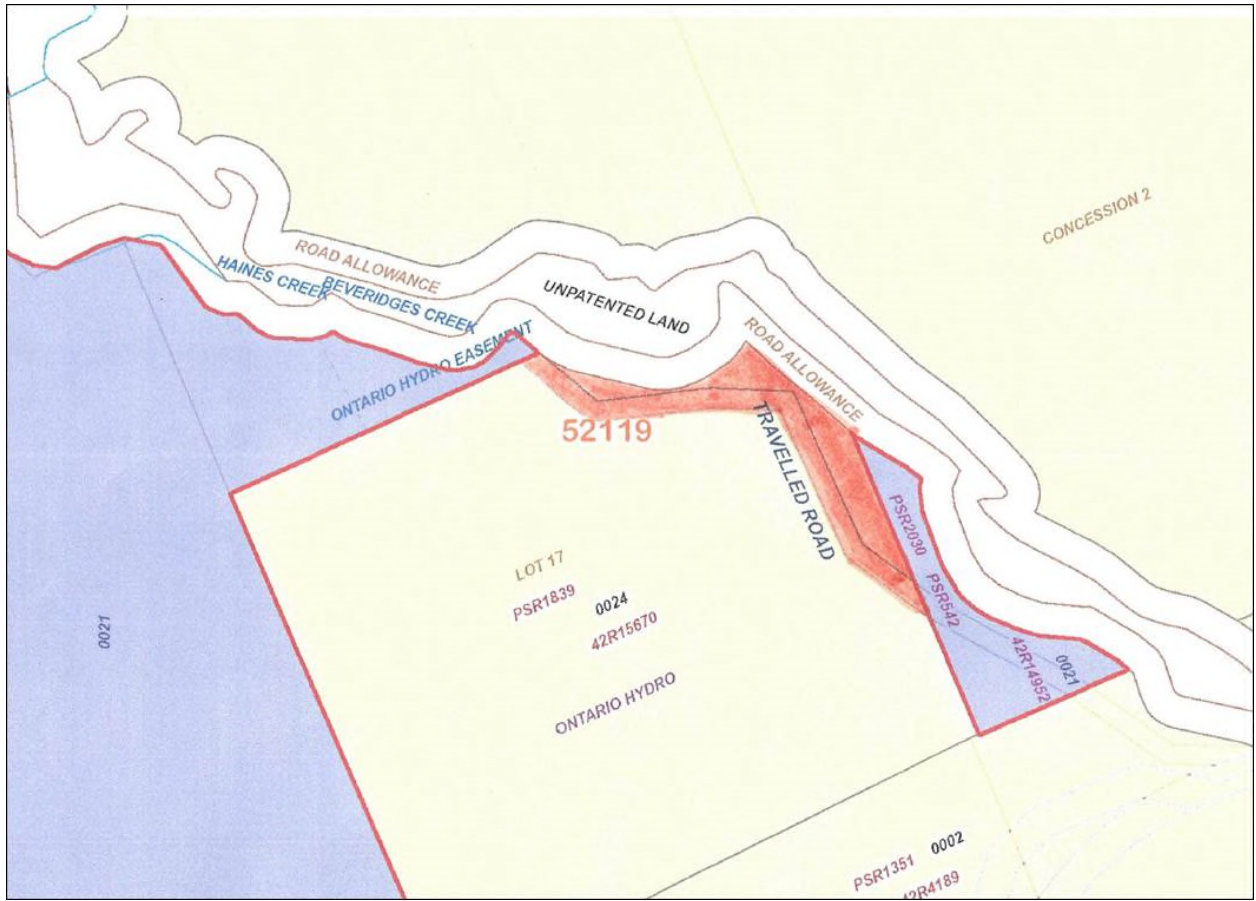
JM/pr

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

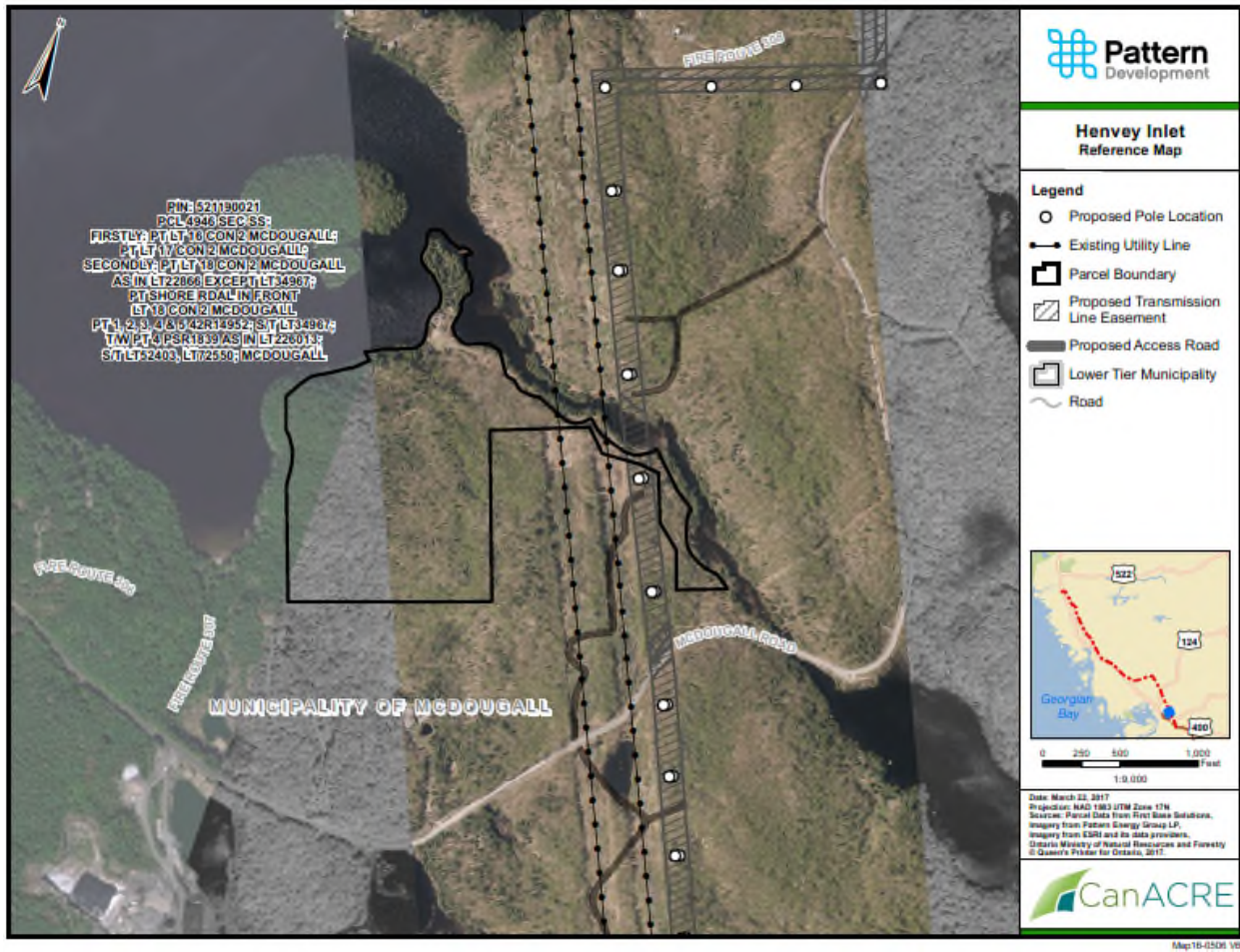
Appendix 'A'



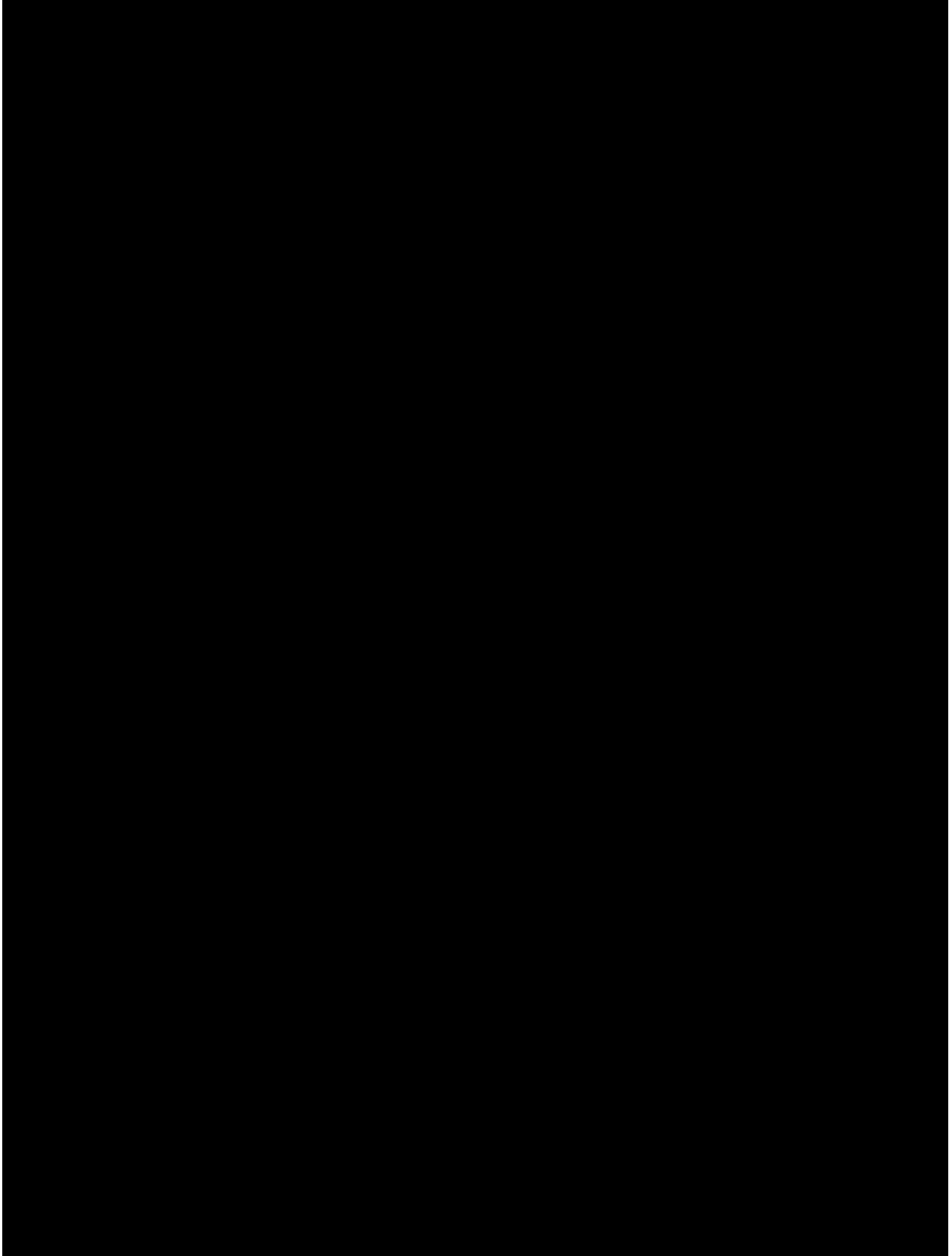
Appendix 'B'



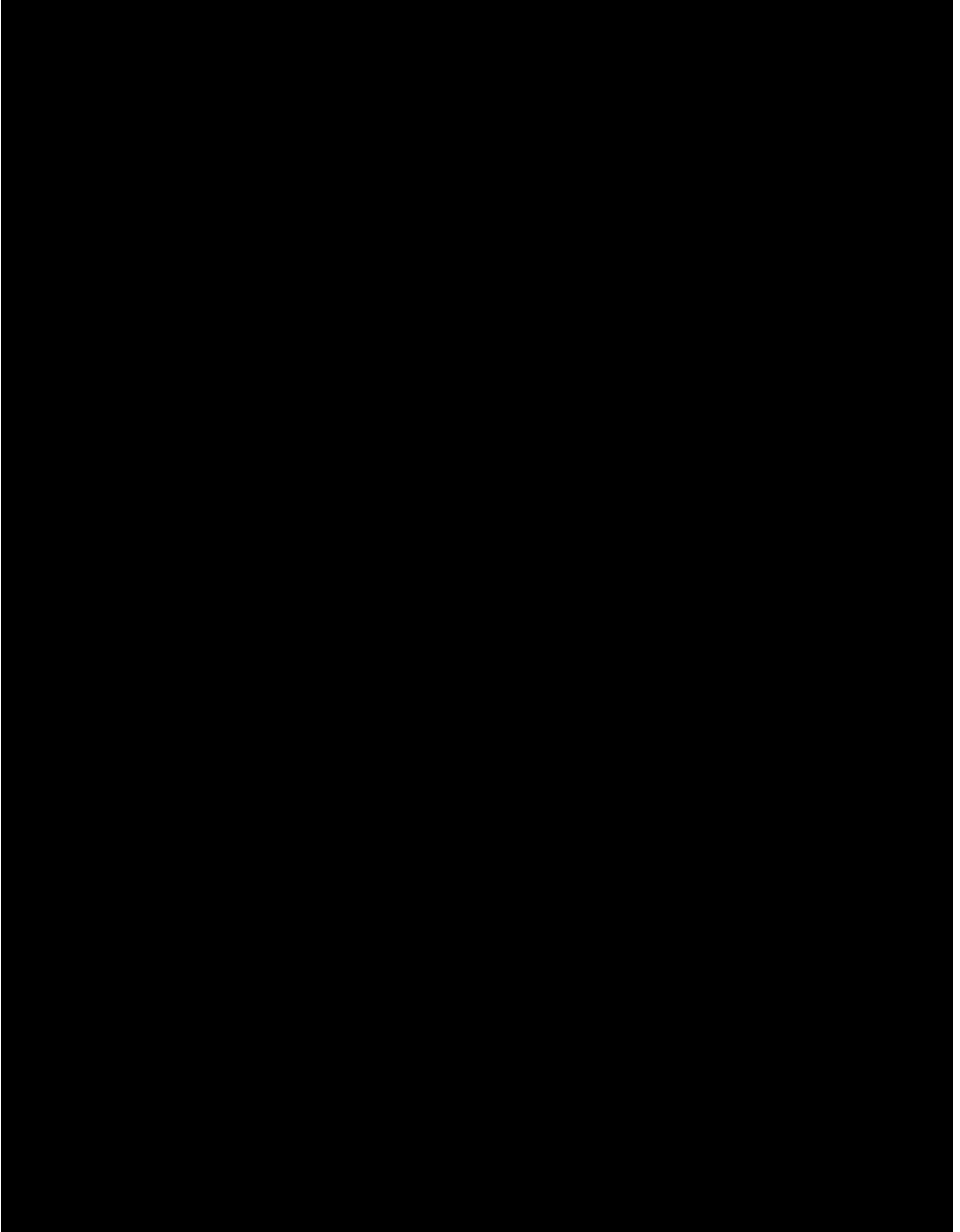
Appendix 'C'



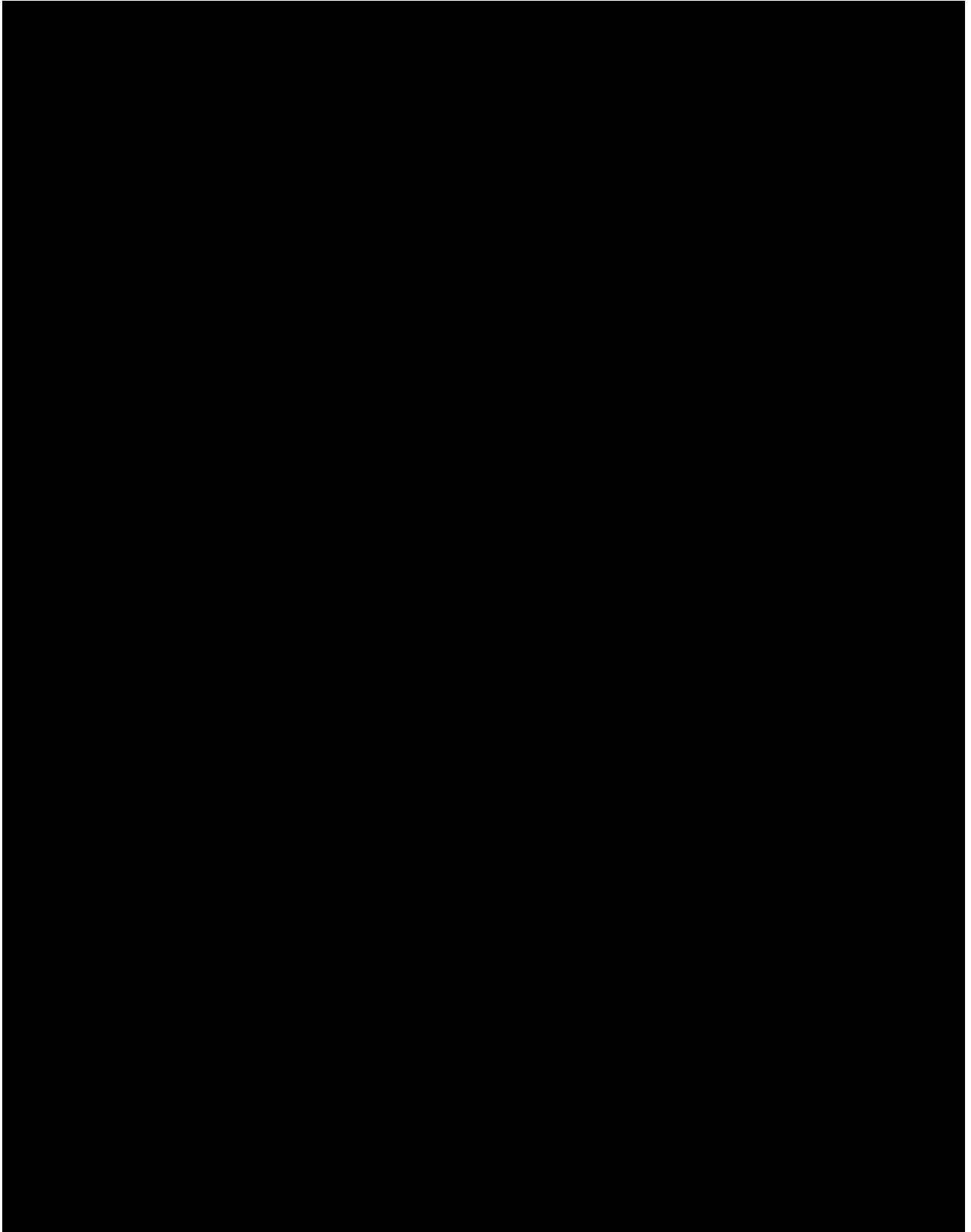
Appendix 'D'



Appendix 'D.1'



Appendix 'E'



Appendix 'F'

