

October 2, 2018

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

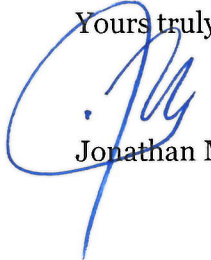
Dear Ms. Walli:

**Re: Wataynikaneyap Power LP - Application for Leave to Construct
Transmission Facilities (EB-2018-0190) – Affidavit of Service**

We are legal counsel to Wataynikaneyap Power GP Inc. and Wataynikaneyap Power LP (together, "WPLP"). On September 14, 2018 the Board issued a Letter of Direction in connection with the above-referenced proceeding. Enclosed please find an Affidavit of Service from Mr. Greg Beharriell confirming that the requirements set out in the Letter of Direction have been satisfied.

Please note that Exhibits 'D' and 'E' of the Affidavit contain the names and addresses of individuals to whom copies of the Notice and Application have been delivered. This personal information is being filed confidentially in accordance with the Board's *Practice Direction on Confidential Filings*.

Yours truly,



Jonathan Myers

Enclosure

cc: Ms. Margaret Kenequanash, WPLP
Mr. Duane Fecteau, WPLP
Mr. Charles Keizer, Torys LLP

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B) (the “Act”);

AND IN THE MATTER OF an application by Wataynikaneyap Power GP Inc. on behalf of Wataynikaneyap Power LP (“WPLP”) for an Order, pursuant to section 92 of the Act, granting leave to construct electricity transmission facilities from a point near Dinorwic to Pickle Lake, and extending north from each of Pickle Lake and Red Lake.

AFFIDAVIT OF SERVICE

I, Greg Beharriell, of the City of Niagara Falls, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am an employee of Canadian Niagara Power Inc. (“CNPI”), a wholly-owned indirect subsidiary of Fortis Inc. Fortis Inc. also holds a minority interest in WPLP, which is developing the above-referenced transmission facilities. In my role as Manager, Regulatory Affairs with CNPI, I have assisted in the development of WPLP applications to the Ontario Energy Board (the “Board”) and in that capacity have been responsible for overseeing service of the Notice of Application and Hearing issued on September 14, 2018 by the Board in proceeding EB-2018-0190 in respect of WPLP’s application for leave to construct transmission facilities (the “Notice”) and, as such, have personal knowledge of the matters herein deposed. Where the information set out in this affidavit is based upon information which I have received from others, I have stated the source of that information and believe it to be true.
2. Further to Section 1 of the Board’s Letter of Direction dated September 14, 2018 (the “Letter”) (a copy of which is attached hereto as **Exhibit “A”**), I can confirm that, on September 17, 2018, Sarah Orchard, Lands Technical Specialist for Wataynikaneyap Power PM Inc., the project manager for WPLP, updated and reviewed the title searches previously carried out for the project so as to confirm the current registered property owners and encumbrances with lands or interests in lands directly affected by the proposed transmission lines and associated facilities.
3. Further to Section 2 of the Letter and related correspondence between WPLP’s legal counsel and the Board’s Registrar, I oversaw and arranged for the English language Notice along with the French, Ojibway or Oji-Cree language version of the Notice as appropriate (copies of which are attached hereto as **Exhibit “B”**), together with a copy of the Application (a copy of which is attached hereto as **Exhibit “C”**), to be delivered by registered mail between September 19 and 21, 2018 to each of the persons referred to in Subsections 2(a) – (j) of the Letter, as evidenced by the registered mail tracking slips and receipts attached hereto as **Exhibit “D”**.

4. As of October 1, 2018, all of Notices and Applications sent out for delivery in accordance with paragraph 3, above, have been successfully delivered to their intended addressees, with the following exceptions:
- a. in respect of six of the intended recipients, for which the deliveries were sent out September 20, 2018, the Canada Post website indicates that notice cards have been left because the items were unable to be delivered as expected and that Canada Post will be advising as to where and when the delivered item can be picked up; and
 - b. in respect of seven of the intended recipients, for which the deliveries were sent out September 20, 2018, the Canada Post website indicates that the items are still in transit to their final destinations.
5. Given the delivery delays described in paragraph 4, I arranged for emails to be sent on October 1, 2018 from WPLP's legal counsel, Jonathan Myers of Torys LLP, to each of the 13 intended recipients identified in paragraph 4, with each such email explaining the delay in delivery, the time-sensitive nature of the materials, and containing attached copies of the Notice in the appropriate languages and the Application. A list of the intended recipients to whom emails have been sent, including the email address used, is attached hereto as **Exhibit "E"**.
6. Further to Section 3 of the Letter, I can confirm that as of September 26, 2018, WPLP has made copies of the Notice, the Application and the evidence, along with any amendments made thereto, available for public review at WPLP's head office, being 300 Anemki Place, Suite B, Fort William First Nation, ON, P7J 1H9, and in a prominent place on WPLP's project website at www.wataypower.ca. The Notice, Application and evidence as posted on WPLP's website are in an identical form to that which are posted on the Board's Regulatory Electronic Submission System in connection with EB-2018-0190.

SWORN BEFORE ME at the City of
 Fort Erie this 2 day of October, 2018.

A Commissioner for taking Affidavits

Craig Robert Arthur David

Greg Beharriell

Exhibit "A"

Letter of Direction

Wataynikaneyap Power LP

This Exhibit "A" referred to in the affidavit of Greg Beharriell
sworn before me this 2 day of October, 2018.



A Commissioner for taking Affidavits

Craig Robert Arthur David

**Ontario Energy
Board**

P.O. Box 2319
2300 Yonge Street
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Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**

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2300, rue Yonge
27^e étage
Toronto ON M4P 1E4
Téléphone: 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



BY E-MAIL

September 14, 2018

Margaret Kenequanash
Chief Executive Officer
Wataynikaneyap Power
300 Anemki Place, Suite B
Fort William First Nation ON P7J 1H9
margaret.kenequanash@wataypower.ca

LETTER OF DIRECTION

Dear Ms. Kenequanash:

**Re: Wataynikaneyap Power GP Inc. on behalf of Wataynikaneyap Power LP
(WPLP)
Application for leave to construct transmission lines and associated facilities
in northwestern Ontario
Ontario Energy Board File Number EB-2018-0190**

The Ontario Energy Board (OEB) has now issued its Notice of Hearing (Notice) for WPLP's application for leave to construct transmission lines and associated facilities in northwestern Ontario to connect sixteen remote First Nation communities (and permit the potential future connection of an additional community) north of Pickle Lake and Red Lake to the provincial electricity grid. The Notice will be published by the OEB, in accordance with directions to the OEB's agent which were copied to you. Please note that you must comply with the directions in paragraphs 1 and 2 below **prior to September 26, 2018**, which is the publication date of the newspaper in which the Notice will appear last. If you are unable to comply with the directions within this timeframe, you must inform the Registrar immediately at Registrar@oeb.ca.

WPLP's application states that certain discrete sections of the proposed route of the transmission lines are still being finalized and that upon completion of that process WPLP may be required to make minor modifications to the proposed route and will update its application to reflect the changes. Please be advised that if the OEB determines that the modifications to the route are material, such that the modifications affect landowners not identified in the current application or alters the map that was submitted as part of the

current application and is included in the Notice, the OEB may be required to re-issue its Notice. The re-issuance of the Notice could delay the OEB's review of WPLP's application.

You are directed:

1. To conduct a search of title forthwith, sufficient to determine the current registered property owners and encumbrancers with lands or interest in the lands directly affected by the proposed transmission lines and associated facilities.
2. No later than the date the Notice is posted on WPLP's website in accordance with paragraph 3, to arrange for the service personally, by courier, or by registered mail of the enclosed Notice, in the exact form accompanying this letter, the application and the evidence directly upon each of the following:
 - a. All directly affected property owners and encumbrancers with lands or interest in lands identified by the search of title referred to in paragraph 1 above
 - b. All electricity distributors in whose service areas the proposed transmission lines and associated facilities are or will be located
 - c. All generators impacted by the proposed transmission lines and associated facilities or by the construction of the proposed transmission lines and associated facilities
 - d. All owners and operators of rail lines, telecommunications (e.g. telephone) or other utilities along or crossing the route and location for the proposed transmission lines and associated facilities
 - e. The Clerks of all municipal or township offices of the communities that the transmission lines cross and associated facilities are located
 - f. The Clerks, Chiefs and Band Council Offices of all Aboriginal Communities identified in Appendices A, B and C of the Memorandum of Understanding between the Minister of Energy and WPLP, dated November 23, 2016
 - g. The Clerks, Chiefs and Band Council Offices of any Aboriginal Communities in addition to those identified in the Memorandum of Understanding, noted in part (g) above that were consulted by WPLP
 - h. The Chiefs of Ontario Toronto Administration Office Location: 1468 Queen St E, Suite 400, Toronto, ON, M5A 1T7 and to Ontario Regional Chief RoseAnne Archibald (c/o Robin Beauclair, Executive Assistant to the Ontario Regional Chief, Robin.Beauclair@coo.org)
 - i. The following provincial government ministries and agencies:
 - i. Ministry of Energy, Northern Development and Mines

- ii. Ministry of Infrastructure
- iii. Ministry of Environment, Conservation and Parks
- iv. Ministry of Natural Resources and Forestry
- v. Ministry of Economic Development, Job Creation and Trade
- vi. Ministry of Finance
- vii. Ministry of Indigenous Affairs
- viii. Ministry of Transportation
- ix. Ministry of Municipal Affairs and Housing
- x. Ministry of Tourism, Culture and Sport
- xi. Ministry of the Attorney General
- xii. Ministry of Agriculture, Food and Rural Affairs
- xiii. Ministry of Labour
- xiv. Infrastructure Ontario
- xv. Electrical Safety Authority
- xvi. Independent Electricity System Operator

j. The following federal government departments:

- i. Environment Canada
- ii. Fisheries and Oceans Canada
- iii. Transport Canada
- iv. Crown-Indigenous Relations and Northern Affairs Canada

3. To make a copy of the Notice, the application and evidence and any amendments thereto, available for public review at WPLP's head offices and in a prominent place on WPLP's website.
4. To file with the OEB, in both electronic and hard copy format, affidavit evidence proving completion of the matters in paragraphs 1 through 3 above immediately thereafter, with the relevant Notices and original post office registration receipts (where applicable), or courier confirmation lists attached as appendices.
5. To provide a copy of the Notice, application and evidence, and any amendments or additional materials as they are developed, to any person requesting the material.

You are further directed not to include any documents or materials when serving the Notice other than documents or materials expressly required by this letter of direction to be served.

Yours truly,

Original signed by

Rudra Mukherji
Acting Manager, Registrar

Encl.

cc: Duane Fecteau, WPLP c/o FortisOntario
Charles Keizer, Torys LLP
Jonathan Myers, Torys LLP

Exhibit "B"

Notice of Application

Wataynikaneyap Power LP

This Exhibit "B" referred to in the affidavit of Greg Beharriell
sworn before me this 2 day of October, 2018.



A Commissioner for taking Affidavit

Craig Robert Arthur David

ONTARIO ENERGY BOARD NOTICE

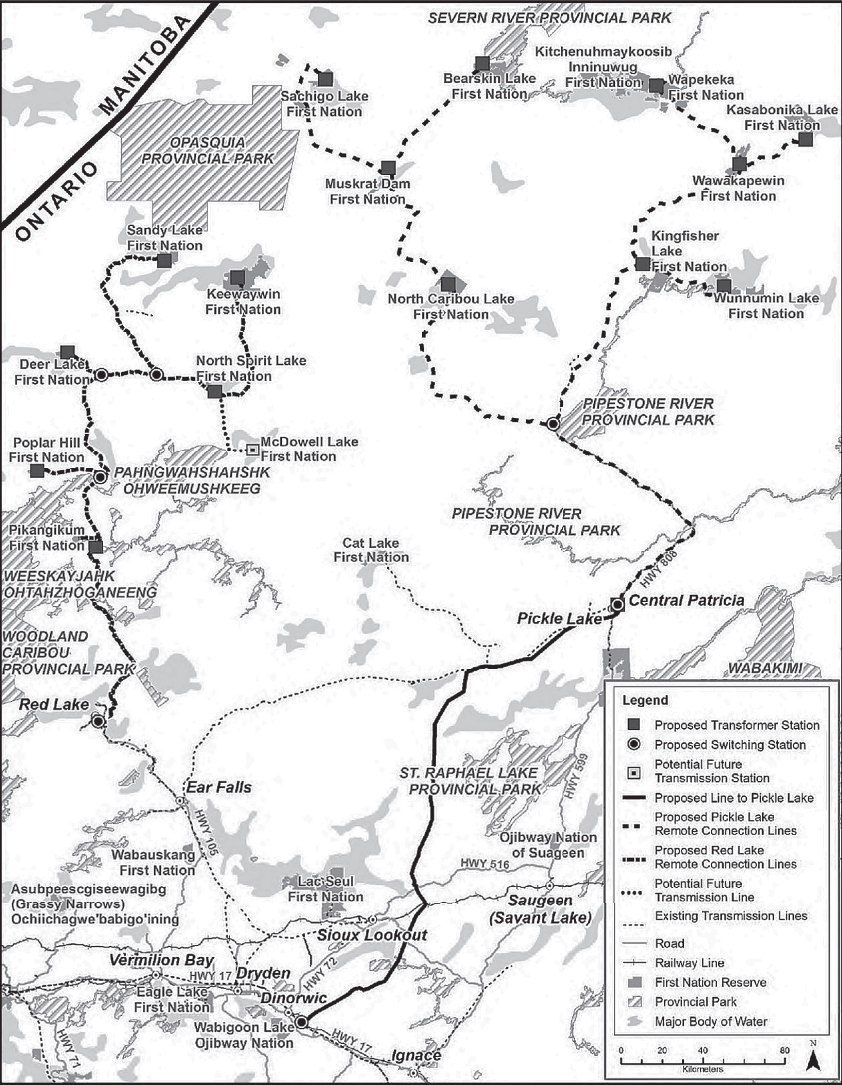
Wataynikaneyap Power GP Inc. on behalf of Wataynikaneyap Power LP (Wataynikaneyap Power) has applied to the Ontario Energy Board to build new transmission lines and associated facilities in northwestern Ontario.

Learn more.

Wataynikaneyap Power is asking the Ontario Energy Board (OEB) for permission to construct a total of approximately 1,724 kilometres of electricity transmission lines and associated facilities in northwestern Ontario. The transmission lines will connect sixteen remote First Nation communities (and permit the potential future connection of an additional community) north of Pickle Lake and Red Lake to the provincial electricity grid. This involves the construction of:

- Approximately 303 kilometres of a 230 kilovolt transmission line and associated facilities. The proposed transmission line will originate at a point near Dinorwic and terminate at Pickle Lake
- Approximately 890 kilometres of 115 kilovolt, 44 kilovolt and 25 kilovolt transmission lines running north from Pickle Lake and associated facilities. The transmission lines will connect to distribution systems operated or to be operated by Hydro One Remote Communities Inc. which serve or will serve customers in ten remote First Nation communities
- Approximately 531 kilometres of 115 kilovolt and 25 kilovolt transmission lines running north from Red Lake and associated facilities. The transmission lines will connect to distribution systems operated or to be operated by Hydro One Remote Communities Inc. which serve or will serve customers in six remote First Nation communities

A map of the proposed route for the transmission lines is provided below.



Wataynikaneyap Power is also asking the OEB to:

- Approve the forms of agreements **Wataynikaneyap Power** has offered or will offer to private landowners to use their lands for routing or constructing the proposed transmission lines and associated facilities
- Grant **Wataynikaneyap Power** authority to construct portions of the proposed transmission lines and associated facilities upon, under or over a highway, utility line or ditch
- Determine that certain segments of the proposed transmission lines are part of **Wataynikaneyap Power's** transmission system notwithstanding that the operating voltages of these segments will be less than 50 kilovolts
- Determine that the proposed transmission line to Pickle Lake and the proposed transmission lines extending north from Red Lake and Pickle Lake are in accordance with the scope recommended or supported, as applicable, by the Independent Electricity System Operator
- Amend **Wataynikaneyap Power's** electricity transmission licence to reflect a more detailed description of the transmission lines and associated facilities and approve and reflect certain exemptions from the OEB's Transmission System Code.
- Approve a cost recovery framework for the proposed transmission lines and associated facilities
- Approve a deferral account to track construction costs

THE OEB IS HOLDING A PUBLIC HEARING

The OEB is an independent and impartial public agency. It will hold a public hearing to consider **Wataynikaneyap Power's** requests. During this hearing, the OEB will consider evidence and arguments by **Wataynikaneyap Power** and by individuals, municipalities and others whose interests would be affected.

While the OEB's review will consider all of the requests noted above, when considering the request for approval to construct the proposed transmission lines and associated facilities, the *Ontario Energy Board Act, 1998* (the Act) specifies the issues the OEB can consider. If you wish to participate in the OEB hearing, it is important for you to understand what these issues are.

As required by the Act, the OEB will consider three issues in relation to the request to build the proposed transmission lines and associated facilities:

- The interests of consumers with respect to prices and the reliability and quality of electricity service



Ontario

Ontario Energy Board Commission de l'énergie de l'Ontario

ONTARIO ENERGY BOARD NOTICE

- The promotion of the use of renewable energy sources in a manner consistent with the policies of the Government of Ontario
- The forms of agreements that **Wataynikaneyap Power** offers to landowners affected by the route or location of the transmission lines

The Lieutenant Governor in Council made an order effective July 20, 2016 declaring that the construction of electricity transmission lines to Pickle Lake and extending north from Red Lake and Pickle Lake required to connect sixteen named remote First Nation communities to the provincial electricity grid are needed as “priority projects” (Priority Project Designation). The Priority Project Designation affects the OEB’s review of an application for approval to construct an electricity transmission line. In particular, the OEB is required to accept that the construction is needed when it considers the three issues listed above. The Priority Project Designation is available under the “Priority Transmission Projects” section of the OEB’s website at: <https://www.oeb.ca/industry/policy-initiatives-and-consultations/priority-transmission-projects#pickle>.

The OEB hearing is not the only approval process required before a line is built.

For example, most transmission lines are subject to the Ministry of the Environment, Conservation and Parks’ environmental assessment process. The OEB’s review will only address the three factors outlined above and will not address other factors, such as environmental, health, aesthetics or property value impacts.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding **Wataynikaneyap Power’s** application and to be involved in the process.

- You can view **Wataynikaneyap Power’s** application on the OEB’s website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can ask the OEB for permission to be an active participant in the hearing (an intervenor). Intervenors can provide evidence, argue their positions and submit relevant questions to be answered by **Wataynikaneyap Power** (interrogatories).

To be an intervenor, a party must be affected by the application in a way that relates directly to the issues the OEB will consider. If you wish to be an intervenor, the OEB must receive your request by **October 9, 2018**.

LEARN MORE

To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to read the documents related to this case, please enter the file no.

EB-2018-0190 on the OEB website: www.oeb.ca/noticeltrc. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. Wataynikaneyap Power has applied for a written hearing. The OEB is considering this request. If you think an oral hearing is needed, you can write to the OEB to explain why by **October 9, 2018**.

PRIVACY

If you write a letter with your comments, your name and the content of your letter will be put on the OEB’s public record and the OEB website. However, your personal telephone number, address and email address will be removed. If you are a business, all your information will be public. If you apply to become an intervenor, all your information will be public.

Wataynikaneyap Power’s application was filed under sections 74, 78, 84, 92, 97 and 101 of the Act.

Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street, Toronto, ON M4P 1E4
Attention: Board Secretary
Filings: <http://www.pes.ontarioenergyboard.ca/eservice>
E-mail: boardsec@oeb.ca
Fax: 416-440-7656



Ontario

Ontario Energy Board Commission de l'énergie de l'Ontario

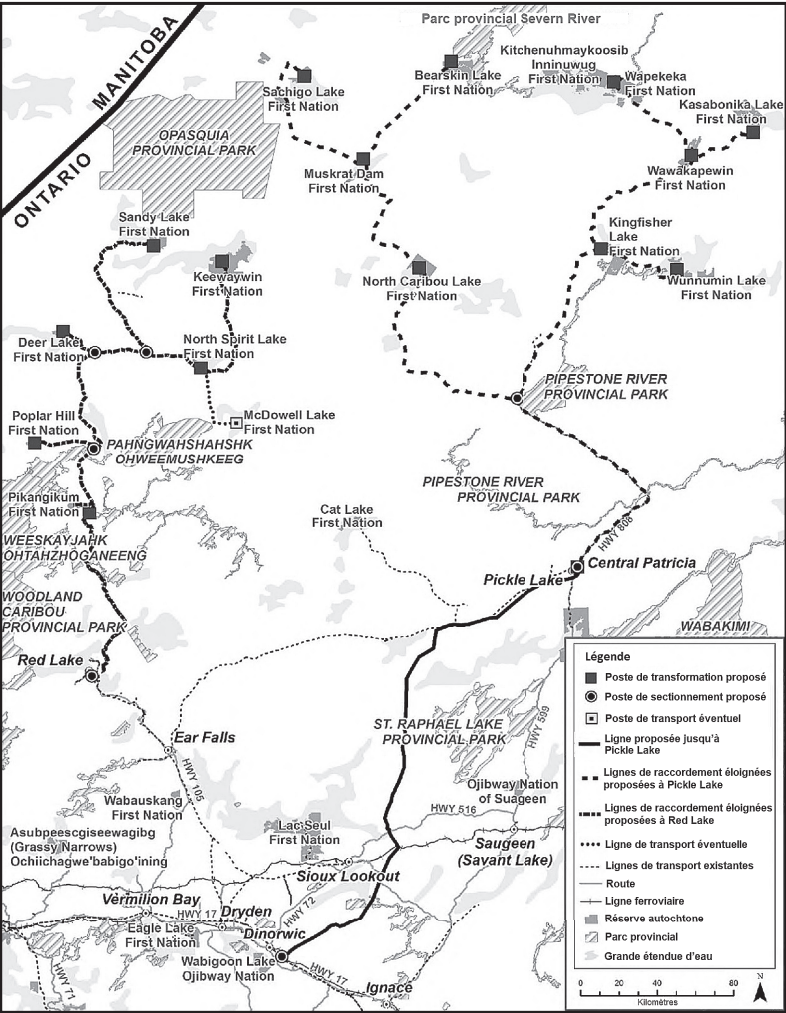
Wataynikaneyap Power GP Inc. agissant au nom de Wataynikaneyap Power LP (Wataynikaneyap Power) a déposé une requête auprès de la Commission de l'énergie de l'Ontario en vue de construire une nouvelle ligne de transport et les installations connexes dans le nord-ouest de l'Ontario.

Apprenez-en plus.

Wataynikaneyap Power demande à la Commission de l'énergie de l'Ontario (CEO) l'autorisation de construire des lignes de transport d'électricité d'environ 1724 kilomètres au total ainsi que les installations connexes dans le nord-ouest de l'Ontario. Les lignes de transport relieront seize collectivités éloignées des Premières Nations (et permettront le raccordement éventuel d'une autre collectivité) au nord de Pickle Lake et de Red Lake au réseau électrique provincial. Ce projet comprend la construction :

- d'environ 303 kilomètres de ligne de transport de 230 kilovolts et les installations connexes; la ligne de transport proposée partira d'un point près de Dinorwic et se terminera à Pickle Lake;
- d'environ 890 kilomètres de lignes de transport de 115 kilovolts, de 44 kilovolts et de 25 kilovolts en direction nord à partir de Pickle Lake et les installations connexes; les lignes de transport seront raccordées aux réseaux de distribution exploités ou devant être exploités par Hydro One Remote Communities Inc. qui desservent ou desserviront des clients dans dix collectivités éloignées des Premières Nations;
- d'environ 531 kilomètres de lignes de transport de 115 kilovolts et de 25 kilovolts en direction nord à partir de Red Lake et les installations connexes; les lignes de transport seront raccordées aux réseaux de distribution exploités ou devant être exploités par Hydro One Remote Communities Inc. qui desservent ou desserviront des clients dans six collectivités éloignées des Premières Nations.

Un plan du tracé proposé pour les lignes de transport est fourni ci-dessous.



Wataynikaneyap Power demande également à la CEO :

- d'approuver la forme de l'entente que **Wataynikaneyap Power** propose aux propriétaires fonciers afin d'utiliser leurs terres pour le tracé ou la construction des lignes de transport proposées et des installations connexes;
- d'accorder à **Wataynikaneyap Power** le pouvoir de construire des parties des lignes de transport proposées et les installations connexes sur, sous ou au-dessus d'une route, d'une ligne de services publics ou d'un fossé;
- de déterminer que certains segments des lignes de transport proposées font partie du réseau de transport de **Wataynikaneyap Power**, même si les tensions de service utilisées par ces segments seront inférieures à 50 kilovolts;
- de déterminer que la ligne de transport proposée jusqu'à Pickle Lake et les lignes de transport proposées qui s'étendent vers le nord depuis Red Lake et Pickle Lake sont conformes à la portée recommandée ou appuyée, selon le cas, par la Société indépendante d'exploitation du réseau d'électricité;
- de modifier le permis de transport d'électricité de **Wataynikaneyap Power** afin de tenir compte d'une description plus détaillée des lignes de transport et des installations connexes et d'approuver et de refléter certaines exemptions au code du système de transport de la CEO;
- d'approuver un cadre de recouvrement des coûts pour les lignes de transport proposées et les installations connexes;
- d'approuver un compte de report pour suivre les coûts de construction.

LA CEO TIENDRA UNE AUDIENCE PUBLIQUE

La Commission de l'énergie de l'Ontario est une agence publique indépendante et impartiale. Elle tiendra une audience publique afin d'étudier les demandes de **Wataynikaneyap Power**. Au cours de cette audience, la CEO prendra en compte les preuves et arguments apportés par **Wataynikaneyap Power**, ainsi que par les personnes physiques, les municipalités et toute autre entité dont les intérêts seraient lésés.

Même si l'examen de la CEO tient compte de toutes les demandes susmentionnées, au moment d'examiner la demande d'approbation pour la construction des lignes de transport proposées et des installations connexes, la Loi de 1998 sur la Commission de l'énergie de l'Ontario (la Loi) précise les éléments que la CEO peut prendre en considération. Si vous souhaitez participer à l'audience de la CEO, il est important que vous compreniez quels sont ces éléments.

AVIS DE LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Comme l'exige la Loi, la CEO examinera trois éléments relativement à la demande de construction des lignes de transport proposées et des installations connexes :

- Les intérêts des consommateurs en ce qui concerne les prix ainsi que la fiabilité et la qualité du service d'électricité;
- La promotion de l'utilisation des sources d'énergie renouvelables conformément aux politiques du gouvernement de l'Ontario;
- La forme des ententes que **Wataynikaneyap Power** propose aux propriétaires fonciers touchés par le tracé ou l'emplacement des lignes de transport.

Le 20 juillet 2016, la lieutenante-gouverneure en conseil a pris un décret déclarant que la construction de lignes de transport d'électricité jusqu'à Pickle Lake et s'étendant vers le nord à partir de Red Lake et de Pickle Lake, nécessaire pour relier seize collectivités des Premières Nations éloignées désignées au réseau électrique provincial est nécessaire en tant que «projets prioritaires» (désignation de projet prioritaire). La désignation de projet prioritaire influe sur l'examen d'une demande d'autorisation de construction d'une ligne de transport d'électricité auquel procède la CEO. Plus particulièrement, la CEO est tenue d'accepter le caractère nécessaire de la construction lorsqu'elle prend en compte les trois éléments susmentionnés. Il est possible de consulter la désignation de projet prioritaire (en anglais seulement) dans la section «Projets prioritaires - transport d'électricité» du site Web de la CEO : <https://www.oeb.ca/fr/industrie/initiatives-et-consultations/projets-prioritaires-transport-deelectricite>.

En plus de l'audience de la CEO, d'autres processus sont requis avant de pouvoir construire une ligne. Par exemple, la plupart des lignes de transport doivent être soumises au processus d'évaluation environnementale du ministère de l'Environnement, de la Protection de la nature et des Parcs. L'examen de la CEO ne portera que sur les trois éléments susmentionnés et ne portera pas sur d'autres éléments comme les répercussions sur l'environnement, la santé, l'esthétique ou la valeur des propriétés.

INFORMEZ-VOUS ET DONNEZ VOTRE AVIS

Vous avez le droit d'être informé relativement à la demande de **Wataynikaneyap Power** et de participer au processus.

- Vous pouvez désormais consulter la demande de **Wataynikaneyap Power** sur le site Web de la CEO.
- Vous pouvez déposer une lettre de commentaires qui sera prise en compte au cours de l'audience.
- Vous pouvez demander à la CEO la permission de participer activement à

l'audience (à titre d'intervenant). Les intervenants peuvent fournir des preuves, défendre leur position et soumettre des questions pertinentes auxquelles **Wataynikaneyap Power** devra répondre (interrogatoires). Pour obtenir le statut d'intervenant, une partie doit être concernée par la demande de façon directement liée aux éléments qui seront pris en compte par la CEO. Si vous souhaitez agir à titre d'intervenant, la CEO doit recevoir votre demande avant le **9 octobre 2018**.

APPRENEZ-EN PLUS

Pour obtenir de plus amples renseignements sur cette audience, sur les démarches à suivre pour déposer une lettre ou participer en tant qu'intervenant, ou pour consulter les documents relatifs à ce dossier, veuillez entrer le numéro de référence **EB-2018-0190** sur le site Web de la CEO : <https://www.oeb.ca/fr/participez/applications/requetes-tarifaires-en-cours>. Pour toute question, vous pouvez également communiquer avec notre centre des relations avec les consommateurs au 1 877 632-2727.

AUDIENCES ORALES OU AUDIENCES ÉCRITES

Il existe deux types d'audiences à la CEO : les audiences orales et les audiences écrites. **Wataynikaneyap Power** a demandé une audience écrite. La CEO examine cette demande à l'heure actuelle. Si vous pensez qu'une audience orale est nécessaire, faites parvenir vos arguments par écrit à la CEO avant le **9 octobre 2018**.

PROTECTION DES RENSEIGNEMENTS PERSONNELS

Si vous écrivez une lettre de commentaires, votre nom et le contenu de cette lettre apparaîtront dans le dossier public et sur le site Web de la CEO. Toutefois, votre numéro de téléphone, votre adresse et votre adresse électronique ne seront pas rendus publics. Si vous représentez une entreprise, tous les renseignements de l'entreprise demeureront accessibles au public. Si vous participez à titre d'intervenant, tous vos renseignements personnels seront rendus publics.

*La requête de **Wataynikaneyap Power** a été déposée conformément aux articles 74, 78, 84, 92, 97 et 101 de la Loi.*

Commission de l'énergie de l'Ontario
C.P. 2319, 27^e étage
2300, rue Yonge, Toronto (Ontario) M4P 1E4
À l'attention de : Secrétaire de la Commission
Dépôts : <http://www.pes.ontarioenergyboard.ca/eservice>
Courriel : boardsec@oeb.ca
Téléc. : 416 440-7656



Ontario

Ontario Energy Board Commission de l'énergie de l'Ontario

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Ontario Energy Board Commission de l'énergie
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☎ 416-440-7656



Ontario

Ontario Energy Board Commission de l'énergie
de l'Ontario

Exhibit "C"

Application

Wataynikaneyap Power LP

This Exhibit "C" referred to in the affidavit of Greg Beharriell
sworn before me this 2 day of October, 2018.



A Commissioner for taking Affidavits

Craig Robert Arthur David

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B) (the “Act”);

AND IN THE MATTER OF an application by Wataynikaneyap Power GP Inc. on behalf of Wataynikaneyap Power LP (“WPLP”) for an Order, pursuant to section 92 of the Act, granting leave to construct electricity transmission facilities from a point near Dinorwic to Pickle Lake, and extending north from each of Pickle Lake and Red Lake;

AND IN THE MATTER OF an application by WPLP for approval, pursuant to section 97 of the Act, of the forms of land agreements that it has offered or will offer to landowners directly affected by the proposed transmission facilities;

AND IN THE MATTER OF an application by WPLP for an Order, pursuant to section 101 of the Act, granting authority to construct portions of the proposed transmission facilities upon, under or over a highway, utility line or ditch;

AND IN THE MATTER OF an application by WPLP for a determination, pursuant to subsection 84(b) of the Act, that the 44 kV and 25 kV segments of the proposed facilities are part of the applicant’s transmission system notwithstanding that the voltages of these segments will be less than 50 kV;

AND IN THE MATTER OF an application by WPLP for a determination, pursuant to section 13.1 and Schedule 1 of the applicant’s electricity transmission licence (ET-2015-0264), that the proposed transmission facilities are in accordance with the scope recommended or supported, as applicable, by the Independent Electricity System Operator;

AND IN THE MATTER OF an application by WPLP for an Order, pursuant to section 74 of the Act, amending the applicant’s electricity transmission licence (ET-2015-0264) to reflect the Board’s determination under section 84(b), to update Schedule 1 to reflect the proposed transmission facilities and to approve certain exemptions from the Transmission System Code; and

AND IN THE MATTER OF an application by WPLP for approval, pursuant to subsection 78(2) of the Act, of a cost recovery framework for the proposed transmission facilities.

APPLICATION

1. Wataynikaneyap Power GP Inc.¹ (“Wataynikaneyap GP”) is an Ontario corporation and the general partner of Wataynikaneyap Power LP (“Wataynikaneyap LP”), an Ontario limited partnership. Wataynikaneyap GP on behalf of Wataynikaneyap LP (“WPLP” or the “Applicant”) holds an electricity transmission licence (ET-2015-0264) from the Ontario Energy Board (the “Board”). WPLP was established for the purposes of developing, constructing, owning and operating a new electricity transmission system in northwestern Ontario that will (i) reinforce transmission from a point near Dinorwic to Pickle Lake, and (ii) provide transmission connections to remote First Nation communities through transmission facilities extending north of Pickle Lake and north of Red Lake (collectively, the “Transmission Project”).
2. The Applicant is a partnership between 22 First Nations (the “Participating First Nations”) and Fortis Inc., with the Participating First Nations indirectly holding, in equal shares, a 51% interest in the Applicant, and Fortis Inc. indirectly holding a 49% interest in the Applicant.
3. The Participating First Nations² are each situated in northwestern Ontario and have formed a partnership on the basis of their shared interest in developing, owning and operating transmission facilities to connect remote First Nation communities (currently powered by diesel generation) to the provincial electricity grid, so as to provide reliable and accessible power to residents and businesses in the region. The electricity transmission facilities that

¹ Formerly known as 2472883 Ontario Limited

² Bearskin Lake First Nation, Cat Lake First Nation, Deer Lake First Nation, Kasabonika Lake First Nation, Keewaywin First Nation, Kingfisher Lake First Nation, Kitchenuhmaykoosib Inninuwug, Lac des Mille Lacs First Nation, Lac Seul First Nation, McDowell Lake First Nation, Muskrat Dam First Nation, North Caribou First Nation, North Spirit Lake First Nation, Pikangikum First Nation, Poplar Hill First Nation, Sachigo Lake First Nation, Sandy Lake First Nation, Slate Falls First Nation, Wabigoon Lake Ojibway Nation, Wapekeka First Nation, Wawakapewin First Nation, and Wunnumin Lake First Nation.

are the subject of this Application will enable WPLP to connect sixteen of the Participating First Nations to the provincial electricity system.³

4. Fortis Inc. is a leading North American electricity and gas utility company. Its regulated utilities serve more than 3 million customers across Canada and in the United States and the Caribbean. Fortis Inc. currently owns and operates a total of approximately 37,917 km of transmission lines and 234,365 km of distribution lines. Through its wholly owned subsidiary, FortisOntario Inc., Fortis owns and operates Canadian Niagara Power Inc., Cornwall Street Railway Light & Power Company Ltd. and Algoma Power Inc., each of which is regulated by the Board.
5. WPLP hereby applies to the Board, pursuant to section 92 of the *Ontario Energy Board Act, 1998* (the “Act”), for an order or orders granting leave to construct the following transmission and interconnection facilities:

The Line to Pickle Lake

- (a) a 230 kV switching station located adjacent to the existing Hydro One Networks Inc. (“Hydro One”) circuit D26A approximately 9 km southeast of Dinorwic (the “Wataynikaneyap SS”);
- (b) an approximately 303 km single circuit, overhead, 230 kV transmission line running from the Wataynikaneyap SS generally in a northeasterly direction to the Wataynikaneyap TS (described below) (the “Line to Pickle Lake”);
- (c) a 230/115 kV transformer station located near the intersection of Hwy 599 and Cohen Avenue in Central Patricia, which is approximately 3 km northeast from the Town of Pickle Lake (the “Wataynikaneyap TS”);

³ The Project is designed to permit the potential future connection of a 17th community, McDowell Lake First Nation.

The Pickle Lake Remote Connection Lines

- (d) approximately 890 km of single circuit, overhead, 115 kV, 44 kV and 25 kV⁴ transmission lines running from the Wataynikaneyap TS generally in a northerly direction to one switching station and subsequently to a series of nine transformer stations from which transmission service will be provided to distribution systems owned and operated by Hydro One Remote Communities Inc., which will serve customers in ten remote First Nation communities⁵ (the “Pickle Lake Remote Connection Lines”);

The Red Lake Remote Connection Lines

- (e) a 115 kV switching station located approximately 4 km southeast of Hydro One’s Red Lake TS adjacent to Hydro One’s existing circuit E2R (the “Red Lake SS”); and
- (f) approximately 531 km of single circuit, overhead, 115 kV and 25 kV⁶ transmission lines running from the Red Lake SS generally in a northerly direction to a series of three switching stations and six transformer stations from which transmission service will be provided to distribution systems owned and operated by Hydro One Remote Communities Inc., which will serve customers in six remote First Nation communities⁷ (the “Red Lake Remote Connection Lines”);⁸

⁴ The designation of low voltage facilities as transmission is subject to a request under Section 84(b) of the Act, as set out in paragraph 12, below.

⁵ (1) Wunnumin Lake First Nation, (2) Kingfisher Lake First Nation, (3) Wawakapewin First Nation, (4) Kasabonika Lake First Nation, (5) Wapekeka First Nation, (6) Kitchenuhmaykoosib Inninuwug, (7) North Caribou Lake First Nation, (8) Muskrat Dam First Nation, (9) Bearskin Lake First Nation, and (10) Sachigo Lake First Nation.

⁶ See note 4 above.

⁷ (1) Pikangikum First Nation, (2) Poplar Hill First Nation, (3) Deer Lake First Nation, (4) Sandy Lake First Nation, (5) North Spirit Lake First Nation, and (6) Keewaywin First Nation.

⁸ The Remote Connection Lines North of Red Lake include approximately 112 km of an approximately 117 km line that the Applicant intends to construct in advance of the Proposed Transmission Facilities and operate, on an interim basis, as a distribution line running from a connection point on Hydro One’s distribution system in Red

all of which are collectively referred to in this Application as the “Proposed Transmission Facilities”. The Proposed Transmission Facilities include ancillary facilities, such as necessary access roads and construction laydown areas.

6. Also described in this Application are certain facilities that will be designed, constructed, owned and operated by Hydro One and which are necessary to enable the interconnection of the Applicant’s Proposed Transmission Facilities to Hydro One’s transmission system. As WPLP will not be constructing those facilities, they do not form part of WPLP’s Proposed Transmission Facilities. However, the Hydro One facilities do form part of the Transmission Project. Moreover, as the Hydro One facilities are comprised of interconnection facilities linking its transmission system with WPLP’s adjacent transmission system, together with short line taps that are less than 2 km in length, Hydro One is exempt from having to seek leave to construct for its facilities pursuant to section 6.2(1)(c) and (f) of O. Reg. 161/99 under the *Ontario Energy Board Act, 1998*.
7. Through an Order-in-Council issued by the Lieutenant Governor in Council on July 20, 2016, the Province of Ontario has declared that the Proposed Transmission Facilities are needed as a “priority project” pursuant to Section 96.1 of the Act and, as such, the Board is required to accept that the construction of the Proposed Transmission Facilities is needed when forming its opinion under Section 96 of the Act.
8. In response to a Ministerial Directive issued pursuant to Section 28.6.1 of the Act (authorized by an Order-in-Council issued on July 20, 2016), the Board amended WPLP’s transmission licence (ET-2015-0264) on September 1, 2016 so as to include a requirement

Lake to a switching station serving the Pikangikum First Nation. Approximately 94 km of the 112 km portion of the line will be constructed to a 115 kV standard but, during the interim period, will be supplied by Hydro One’s 44 kV system and will therefore only be capable of operating at 44 kV. Approximately 18 km of the 112 km portion of the line will be constructed to a 25 kV standard. As part of the present application, the Applicant is requesting (a) approval to deem this 18 km segment to be part of the Applicant’s transmission system, and (b) approval to convert the 94 km portion of the line to a transmission voltage by changing its connection point from Hydro One’s 44 kV distribution system to the Applicant’s proposed Red Lake Switching Station. Approximately 4 km of the distribution line would not form part of the Proposed Transmission Facilities. See the Applicant’s distribution licence application in EB-2017-0236.

that the Applicant develop and seek approvals for the Line to Pickle Lake, the Pickle Lake Remote Connection Lines and the Red Lake Remote Connection Lines in accordance with the scope recommended and supported by the Independent Electricity System Operator (“IESO”). The Proposed Transmission Facilities are in accordance with the IESO’s recommended and supported scope, which is set out in the IESO’s October 13, 2016 *Report on the Recommended Scope for the New Line to Pickle Lake and Supported Scope for the Remotes Connection Project*.

9. The Applicant requests the Board’s approval pursuant to Section 97 of the Act for the forms of land agreements it has offered or will offer to conventional landowners identified through title searches as being directly affected by the Transmission Project.⁹ The Applicant’s proposed forms of land agreements address all of the essential easement considerations set out in Appendix ‘A’ of the Board’s Filing Requirements.
10. WPLP requests the Board’s approval pursuant to Section 101 of the Act for authority to construct portions of the Proposed Transmission Facilities upon, under or over a highway, utility line or ditch. The Applicant plans to enter into crossing agreements or similar arrangements with the conventional owners or persons in control of the highways, utility lines and ditches along or across which the Proposed Transmission Facilities will run. The Applicant requires authority under Section 101 in the event that it is unable to conclude such agreements or arrangements.
11. The Applicant requests a determination, pursuant to Section 13.1 and Schedule 1 of WPLP’s transmission licence (ET-2015-0264), that WPLP’s development of the Line to Pickle Lake and the Remote Connection Lines is in accordance with the scope recommended or supported, as applicable, by the IESO. The Applicant has developed the

⁹ Conventional landowners refers to parties who hold registered freehold land rights and from whom WPLP requires registered land rights, such as freehold, leasehold and easement rights, for the Proposed Transmission Facilities, as well as the Province of Ontario, which asserts authority over lands (commonly referred to as “crown lands”) and from whom WPLP requires rights through various permits and Provincial Crown Easements. Such conventional land rights are different from the Aboriginal, Treaty and Inherent rights in lands held by Aboriginal peoples.

Proposed Transmission Facilities in accordance with the parameters set out in the IESO's *Report on the Recommended Scope for the New Line to Pickle Lake and Supported scope for the Remotes Connection Project* dated October 13, 2016.

12. WPLP requests a determination, pursuant to Section 84(b) of the Act, that the 44 kV and 25 kV segments of the Proposed Transmission Facilities are part of the Applicant's transmission system notwithstanding that the voltages of these segments are less than 50 kV. These segments have been designed to be constructed and operated at lower voltages as part of the Applicant's efforts to optimize the Transmission Project design so as to minimize construction activity, as well as to minimize costs during the development, construction and operational phases. However, for all functional purposes, these segments will be part of the Applicant's transmission system.
13. The Applicant requests the Board's approval, pursuant to Section 74 of the Act, for certain amendments to its electricity transmission licence (ET-2015-0264). These amendments are required (a) to reflect the determination of the Board under Section 84(b) of the Act deeming the segments of the Proposed Transmission Facilities that would be constructed and operated at voltages of 50 kV or less to be part of the Applicant's transmission system, as requested above, (b) to update Schedule 1 of the licence, as contemplated therein, to reflect the more detailed description of the facilities to be owned and operated by the licensee under the licence based on the description of the Proposed Transmission Facilities in this Application, and (c) to approve, and reflect in Schedule 2 of the licence, exemptions from certain requirements of the Transmission System Code in relation to the Proposed Transmission Facilities. For instance, to align with the Applicant's proposed cost recovery framework (discussed below), it is seeking an exemption from the requirement to collect a capital contribution from Hydro One Remote Communities Inc. in respect of each of the 16 remote communities to be connected and, given that the Applicant has obtained impact assessments covering the Transmission Project as a whole, it is seeking exemptions from requirements to carry out further impact assessments prior to connecting Hydro One Remote Communities Inc. in each of the 16 remote communities.

14. WPLP requests the Board's approval, pursuant to Section 78(2) of the Act, for a cost recovery framework in respect of the Proposed Transmission Facilities under which the revenue requirement impact arising from the Remote Connection Lines capital and OM&A expense (direct and indirect) would be charged through a transmission rate applicable to service provided from the Remote Connection Lines and the revenue requirement impact arising from all other in-service capital costs and OM&A costs would be recovered through the Uniform Transmission Rate. WPLP requires approval of this framework because it is critical to the success of the Transmission Project and the financial viability of WPLP.
15. The Applicant also requests the Board's approval for an accounting order establishing a Construction Work in Progress Deferral Account into which WPLP would transfer costs that are recorded in its existing development costs deferral account and record capital costs from and after the date of the Board's order granting leave to construct until such time that the Board approves the inclusion of those amounts in WPLP's rate base. WPLP would record interest costs using the interest rate prescribed by the Board for Construction Work in Progress accounts. The proposed account would enhance tracking of costs in a transparent manner to facilitate future prudence review.
16. The Proposed Transmission Facilities will be located on lands that are subject to the Treaty, Aboriginal and Inherent rights of the Anishinabe and Anishinninuwig. As further discussed in Exhibit F, Tab 1, Schedule 1, the Applicant respects the Treaty, Aboriginal and Inherent rights of the Anishinabe and Anishinninuwig and is therefore committed to complying with their laws and customs in respect of spiritual and land rights, namely by following the Anishinabe and Anishinninuwig land sharing and traditional protocols.
17. The Proposed Transmission Facilities will also be located on lands over which the Province of Ontario, through the Ministry of Natural Resources and Forestry and the Ministry of Transportation, asserts authority. Moreover, a small proportion of the Proposed Transmission Facilities will be situated on First Nation Reserve lands and a relatively small number of privately owned parcels. The Applicant has secured land rights over some of

the privately owned parcels and is in discussions with provincial and federal authorities, as well as with the affected First Nations, regarding the lands that are required under legislation and by operation of provincial policy.

18. The Applicant has received final System Impact Assessment Reports from the IESO for each of the Line to Pickle Lake and the Remote Connection Lines North of Pickle Lake (the “Pickle Lake SIA”) and the Remote Connection Lines North of Red Lake (the “Red Lake SIA”). In the final Pickle Lake SIA, which was issued together with a Notification of Conditional Approval of Connection Proposal on June 1, 2018, the IESO concludes that, subject to the requirements specified therein, the proposed connection of the Line to Pickle Lake and the Pickle Lake Remote Connection Lines to the IESO-controlled grid is expected to have no material adverse impacts on the reliability of the integrated power system. Similarly, in the final Red Lake SIA, which was issued together with a Notification of Conditional Approval of Connection Proposal on June 7, 2018, the IESO concludes that, subject to the requirements specified therein, the proposed connection of the Red Lake Remote Connection Lines to the IESO-controlled grid is expected to have no material adverse impacts on the reliability of the integrated power system.
19. The Applicant has also received two draft Customer Impact Assessment Reports from Hydro One Networks Inc. (“Hydro One”). One is in respect of the Line to Pickle Lake and the Remote Connection Lines North of Pickle Lake (the “Pickle Lake CIA”) and the other is in respect of the Remote Connection Lines North of Red Lake (the “Red Lake CIA”). In the draft Pickle Lake CIA, issued on June 5, 2018, Hydro One concludes that the proposed connection of the Line to Pickle Lake and the Pickle Lake Remote Connection Lines to Hydro One’s transmission system will not adversely impact existing Hydro One customers in the relevant area. Similarly, in the draft Red Lake CIA, also issued on June 5, 2018, Hydro One concludes that the proposed connection of the Red Lake Remote Connection Lines to Hydro One’s transmission system will not adversely impact existing Hydro One customers in the relevant area. The Applicant is expecting the final Pickle Lake CIA and final Red Lake CIA to be issued by early Q3 2018.

20. The Applicant is undertaking two distinct environmental assessment (“EA”) processes for the Proposed Transmission Facilities. In particular, an Individual EA process under the provincial *Environmental Assessment Act* is being followed for the Line to Pickle Lake and, for the Pickle Lake Remote Connection Lines and the Red Lake Remote Connection Lines, the Applicant is implementing a comprehensive engagement plan and effects assessment that will address, in an integrated manner, all provincial class EA requirements under the provincial *Environmental Assessment Act* and certain additional environmental requirements from Indigenous and Northern Affairs Canada (“INAC”) based on its consideration of environmental effects. Although WPLP acknowledges that there are currently some differences between the routing and locations for transmission facilities proposed in this Application and those under consideration in the EA process, those differences are relatively minor and a process is in place to bring them into alignment through minor changes to be reflected in the final EA documents and a corresponding update to the evidence in the present Application, which is expected in approximately mid-July 2018. The Applicant’s evidence describes these differences, along with the process by which WPLP intends to bring the routing into alignment.
21. Subject to receipt of all necessary permits and approvals, as well as conventional land rights, the Applicant plans to commence construction of the Proposed Transmission Facilities in Q1 2019, beginning with the Line to Pickle Lake. Construction of the Remote Connection Lines will commence shortly thereafter in Q3 2019. The Line to Pickle Lake is expected to be in-service by Q4 2020, the first community connected in Q1 2021 and all construction completed by Q4 2023. Due to the seasonal availability of access roads and environmental restrictions, many construction activities can only be carried out during winter months. As such, it is critical for the project schedule that a decision be issued on this Application by early Q1, 2019. This would enable WPLP to mobilize and commence construction during the winter season.
22. The total cost of the Transmission Project, including all costs related to development, construction, contingency and capitalized interest, is \$1.65B. As WPLP is constrained by

its licence conditions and other factors with respect to the scale and scope of the Transmission Project and many aspects of its technical design, WPLP does not anticipate any material scope changes. Notwithstanding these constraints, WPLP has sought opportunities to mitigate costs in a number of ways during the development and construction periods through its approaches to project execution, engagement and partnership with First Nations, pursuit of funding contributions, project design and procurement strategies. Of particular significance is that WPLP has entered into a Memorandum of Understanding with Canada and the Province of Ontario, which will provide funding of \$1.56B conditional on appropriation of the funding by Parliament and the finalization of definitive documents. Also significant is the experience and expertise of the Participating First Nations and their unique capability to work with potentially affected First Nation communities and other stakeholders, which has been instrumental in project development efforts to date and will be essential to mitigating cost and execution risk through further development and during construction of the Transmission Project.

23. WPLP estimates that, without accounting for any federal government funding for the Transmission Project, the total bill impact to a typical residential customer in Ontario consuming 750 kWh per month would be \$0.75 per month, or 0.64%.
24. The evidence in support of this Application has been prepared in accordance with the requirements set out in the Board's *Filing Requirements for Electricity Transmission Applications – Chapter 4, Applications Under Section 92 of the Ontario Energy Board Act*, as amended July 31, 2014, as well as other applicable requirements under the Act.
25. The Applicant requests that copies of all documents filed with or issued by the Board in connection with this Application be served on the Applicant and its counsel as follows:

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26. Additional written evidence, as required, may be filed in support of this Application, which may be amended from time to time prior to the Board's final decision.
27. The Applicant requests that the Board proceed by way of written hearing, pursuant to Section 32.01 of the Board's *Rules of Practice and Procedure*.

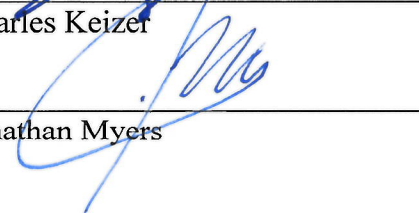
Dated at Toronto, Ontario, this 8th day of June, 2018.

**WATAYNIKANEYAP POWER GP INC.
on behalf of WATAYNIKANEYAP POWER LP**

By its counsel, Torys LLP



Charles Keizer



Jonathan Myers

Exhibit "D"

Registered Mail Tracking Slips and Receipts

Wataynikaneyap Power LP

This Exhibit "D" referred to in the affidavit of Greg Beharriell
sworn before me this 2 day of October, 2018.



A Commissioner for taking Affidavits

Craig Robert Arthur David

**[INTENTIONALLY DELETED - FILED IN ACCORDANCE WITH THE ONTARIO
ENERGY BOARD'S *PRACTICE DIRECTIONS ON CONFIDENTIAL FILINGS*]**

Exhibit "E"

List of Intended Recipients Additionally Served by Email

Wataynikaneyap Power LP

This Exhibit "E" referred to in the affidavit of Greg Beharriell sworn before me this 2 day of October, 2018.



A Commissioner for taking Affidavits

Craig Robert Arthur David

**[INTENTIONALLY DELETED - FILED IN ACCORDANCE WITH THE ONTARIO
ENERGY BOARD'S *PRACTICE DIRECTIONS ON CONFIDENTIAL FILINGS*]**