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April 9, 2024

Filed Electronically

Canada Energy Regulator
517 Tenth Avenue SW
Suite 210
Calgary, AB T2R 0A8

Attention: Ms. Ramona Sladic
Secretary of the Commission

Dear Ms.Sladic:

Re: **Lake Erie Connector Project (“Project”) Update**
Application to Amend Condition No. 2 to Certificate AO-002-EC-0056
Board file OF-Fac-IPL-1175-2015-01-02

We are legal counsel to LEC GP Inc. (“**LEC**”), on behalf of Lake Erie LP, and Lake Erie Canada Holdings, ULC, an indirect wholly-owned subsidiary of NextEra Energy, Inc. (“**NextEra**”).

LEC, on behalf of Lake Erie LP, is the holder of Amended Certificate AO-002-EC-056 (“**Certificate**”).¹ This Certificate approved construction and operation of the Lake Erie Connector International Power Line Project (“**Project**”).

On January 31, 2024 all of the outstanding ownership interests in LEC were acquired by wholly-owned indirect subsidiaries of NextEra. Notification of this transaction was posted on the Project’s existing and new websites.² LEC is also in the process of communicating this change directly with Project stakeholders.

While LEC’s new owners are now directly involved in the Project, LEC will continue to be the owner of all Project assets and responsible for the Project’s construction and ongoing operation following its completion. This transaction therefore does not trigger the requirements found in Conditions 5 and 6 to the Certificate.

Certificate Condition No. 2 addresses the Certificate’s expiration timing and which timing is based on the commencement of Project construction. Amendments to this condition were previously

¹ CER Certificate [EC-056](#), 19 January 2017.

² See: <http://www.itclakeerieconnector.com>
<https://www.nexteraenergytransmission.com/lake-erie-connector.html>

approved on two occasions: March 5, 2021³, and August 25, 2022.⁴ The current “sunset date” associated with Condition 2 is June 26, 2024.

In view of LEC’s change in ownership, and in accordance with section 280(1) of the *Canadian Energy Regulator Act*, LEC, on behalf of Lake Erie LP, is hereby requesting a further amendment to Condition 2 so that Project construction commencement may occur on or before June 26, 2026.

This amendment request is needed in order to provide LEC’s new ownership team regulatory certainty as essential development activities continue. These activities include:

- Obtaining all necessary amendments to existing and any new permits required for the Project, including permitting in Canada and the United States.⁵
- Recommencement of commercial negotiations with the Government of Ontario and the Independent Electric System Operator (“**IESO**”) in order to take into account significant policy changes that have been announced in Ontario. This includes steps now underway to address energy transition initiatives (as are more particularly described in the IESO’s *Pathways to Decarbonization*) and the Government of Ontario’s *Powering Ontario’s Growth Report*.⁶
- Continuation of consultation initiatives with potentially affected Indigenous Communities.
- Ongoing identification and the evaluation of financial support opportunities with market participants in the United States as well as the continuation of discussions with the United States Department of Energy on the potential application of US federal financing tools that may improve value or reduce costs of the Project.⁷

LEC submits that expedited approval of the relief sought is in the public interest for the following reasons:

- Efforts undertaken to advance the Project’s development to date have been significant and would otherwise be lost or compromised if Condition 2 to the Certificate was not amended as requested.
- Commercial development efforts with the IESO have recommenced. The IESO is supportive of the requested Condition 2 amendment as is evidenced in their attached correspondence. This support demonstrates an ongoing willingness to pursue and conclude necessary pre-construction commercial outcomes before final investment decisions may be taken. Approval of the requested amendment provides regulatory certainty for parties. This will allow commercial efforts to progress in a far timelier manner and with greater certainty over in-service timing and related grid planning requirements as compared to expiration of the Certificate.

³ CER Variance Approval [Letter](#), 24 November 2021.

⁴ CER Variance Approval [Letter](#), 25 August 2022.

⁵ See for e.g.: Application dated March 29, 2024 by Lake Erie Connector Transmission, LLC For the Amendment Or, In the Alternative, Recission and Reissuance of a Presidential Permit made to the United States Department of Energy Docket No. PP-412-2. This document will be available at <https://www.energy.gov/gdo/pending-applications-0>

⁶ See: <https://www.ieso.ca/en/Learn/The-Evolving-Grid/Pathways-to-Decarbonization>; and <https://www.ontario.ca/page/powering-ontarios-growth>

⁷ See: <https://www.energy.gov/gdo/federal-financing-tools>

- Discussions with the Mississaugas of the Credit First Nation (through its wholly-owned entity, Mississaugas of the Credit Business LP (“**MCBC**”)) concerning Project economic opportunities have also recommenced. LEC submits that the success of these efforts will be facilitated through approval of the applied-for relief. A letter of support from MCBC is enclosed and provides important support for LEC’s application.
- LEC’s application is further supported by the Six Nations of the Grand River Development Corporation (“**SNGRDC**”), a wholly owned economic development agency of Six Nations of the Grand River Elected Council. As noted in SNGRDC’s attached correspondence, ongoing support from the Elected Council is expected because the Project has not changed. Energy transition initiatives have grown. The Project is expected to provide local economic opportunities and remains an important way for the Ontario electricity transmission grid to remain efficient.
- No material reductions to the Project’s intended benefits of providing greater reliability to the Ontario electricity grid have been identified. As evidenced by NextEra’s new ownership investment, the Project continues to be viable and LEC now seeks to pursue continued commercial negotiations with counterparties and assess whether even greater benefits can and will materialize when taking into account energy transition initiatives underway in Ontario.
- The proposed extension in timing is not likely to cause any material incremental adverse impacts to stakeholders given the continued applicability of the remaining terms and conditions attached to the Certificate.
- All remaining Certificate Conditions will continue to be in effect and complied with by LEC.

LEC is mindful that the Commission’s consideration of this application may entail regulatory steps that could interfere with the current June 26, 2024 sunset date found in Condition No. 2. As such, LEC, on behalf of Lake Erie LP, further requests and/or consents to the CER imposing a temporary extension to the sunset clause date in order to preserve and allow timely consideration of this amendment application.

Yours truly,



Gordon M. Nettleton
Partner | Associ 

Encl.

- IESO correspondence dated April 4, 2024
- MCBC correspondence dated April 1, 2024
- SNGRDC correspondence dated April 4, 2024



April 04, 2024

Canadian Energy Regulator (CER)
517 Tenth Avenue SW
Suite 210
Calgary, AB T2R 0A8
Attn: Ms. Ramona Sladic, Secretary of the Commission

Independent Electricity System Operator

1600-120 Adelaide Street West
Toronto, ON M5H 1T1
t 416.967.7474
www.ieso.ca

Dear Ms. Sladic:

Re: Lake Erie Connector Project
Application Dated 22 May 2015
Board File OF-Fac-IPL-1175-2015-01-02
Certificate EC-056 dated June 26, 2017 (Certificate)

We are writing regarding the Lake Erie Connector Project ("the Project") in relation to the request by LEC GP on behalf of Lake Erie LP ("LEC"), to vary the expiration clause in Condition 2 of the Certificate, from 26 June 2024 to 26 June 2026.

The Project remains under active review by the IESO and the Government of Ontario. The IESO is continuing to review the Project in light of growing electricity system needs in Ontario driven by broader macroeconomic shifts. In addition, there are a number of project updates that should be noted:

- Commercial negotiations between the Government of Ontario, the IESO, and LEC were paused in Q3 2022.
- We understand that in January 2024, Lake Erie Canada Holdings ULC (a wholly owned, indirect subsidiary of NextEra Energy Inc.) acquired the Project and the associated corporate entities from ITC, the original owner of Lake Erie LP.
- Since the Project was last assessed by the IESO and the Government of Ontario, a number of electricity-sector shifts have occurred or are underway, including publication of the IESO's landmark [Pathways to Decarbonization Study](#), and the Government of Ontario's [Powering Ontario's Growth Report](#). In addition, with the expected introduction of the federal *Clean Electricity Regulations*, the Ontario electricity system is poised to continue to transform. It is important to re-assess the Project in light of these various changes.
- The IESO is aware that LEC is pursuing funding support from the United States Department of Energy and Grid Deployment Office, which may provide further value to the Ontario electricity system and ratepayers.
- With the support of the Minister of Energy, the IESO is in discussions with LEC regarding a revised assessment of the Project.

The IESO understands that the Certificate related to the Project, as varied under Orders AO-001-EC-056 and AO-002-EC-056, is set to expire on June 26, 2024 unless construction in respect of the Project has commenced by that date, and that LEC has requested a two-year extension to that Certificate condition. The IESO is providing this letter at LEC's request, to express support for LEC's request to extend the expiry of the Certificate. In order to enable the IESO and the Government of Ontario to complete its updated assessment of the Project, the IESO and LEC require certainty that the Certificate will not expire to ensure the project could be executed in a timely fashion, should there be a case to proceed.

In closing, we trust this letter provides helpful insight into Project developments since the IESO's last letter in May 2022. Should you have any questions on this Project, please feel free to reach out to myself or members of my team.

Yours truly,

DocuSigned by:

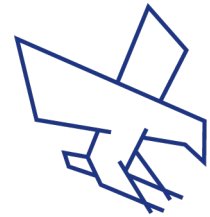
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Chuck Farmer
Vice President, Planning, Conservation and Resource Adequacy

CC: Marko Cirovic, Senior Manager, Resource Development & Procurement, IESO
Meaghan McConnell, Senior Legal Counsel, IESO



78 First Line, Unit 203, Hagersville, Ontario N0A 1H0



April 1, 2024

NextEra Energy Transmission Investments LLC
700 Universe Blvd.,
Juno Beach, FL 33408

Re: Lake Erie Connector Project – Letter of Support

Mississaugas of the Credit Business LP ("**MCB-LP**") is a wholly-owned entity of the Mississaugas of the Credit First Nation ("**MCFN**") and operates as its economic development arm, responsible for identifying economic opportunities and benefits for **MCFN**, including as a result of the development of projects that may have an impact on **MCFN's** Aboriginal and Treaty rights that are protected by section 35 of the *Constitution Act, 1982*. We are writing this letter to express our support for the proposal being made by NextEra Energy ("**NextEra**") to complete the development of the Lake Erie Connector ("**LEC**") project a proposed 1,000 MW, bi-directional, high-voltage direct current (HVDC) underwater transmission line between Ontario and the PJM electricity market in the United States (the "**Project**").

MCB-LP serves as the steward of a diverse portfolio of for-profit enterprises, all dedicated to benefitting its sole shareholder, the Mississaugas of the Credit First Nation ("**MCFN**"). Spanning almost all of Ontario's Greater Golden Horseshoe, the treaty lands and territory of **MCFN** hold strategic economic importance, constituting approximately two-thirds of Ontario's GDP and one-fifth of Canada's GDP. With a population of approximately 8 million people, this region represents the largest single population concentration in Canada.

Our primary purposes at **MCB-LP** are to create both long-term wealth and short-term income opportunities for **MCFN** while fostering career and employment opportunities for our community members. We take great pride in conducting our business with integrity and strive to be reputable in all our dealings. By doing so, we aim to enhance the profile of **MCFN** within the broader business community and represent with honour the rich history, culture, and values of our First Nation.

The Canadian end point of the **LEC** project will be located on the Lake Erie shoreline in Nanticoke, Ontario which is within the traditional Treaty Lands of the **MCFN**. For this reason **MCB-LP** looks forward to working closely with **NextEra** on many aspects of this project. **MCB-LP** and **NextEra** are building a productive and respectful relationship, which includes facilitating the recognition of **MCFN's** rights and **MCB-LP's** economic participation in the **LEC** project.

MCB-LP's participation in the broader economy is a fundamental aspect of reconciliation with Indigenous people in Canada, which is highlighted in Call to Action 92 of the report of the Truth and Reconciliation Commission of Canada. In keeping with these objectives, **MCB-LP** and **NextEra** intend to collaborate on many aspects of the **LEC** project.

We trust this letter of support meets your requirements and leads to mutual benefits for both parties.

Sincerely,

A handwritten signature in cursive script that reads "Dion Willier". The ink is dark and the signature is fluid.

Dion Willier,
President and CEO



NextEra Energy Transmission Investments LLC
700 Universe Blvd
Juno Beach, Florida 33408

April 4, 2024

Re: Lake Erie Connector Project – Support Letter

Six Nations of the Grand River Development Corporation (“SNGRDC”) is a wholly owned economic development agency of Six Nations of the Grand River Elected Council (“SNEC”).

In 2021, SNGRDC completed extensive community engagement with respect to the potential development of a 1,000 MW bi-directional high-voltage direct current underwater transmission line crossing Lake Erie (the “Project”).

In response to this successful outreach, SNEC unanimously approved a resolution approving the Project. Although the SNEC resolution is no longer valid (since the project was paused by the previous developer) SNGRDC believes the view of SNEC will not change because: i) there will be options for economic participation that can ultimately benefit the Six Nations of the Grand River community; ii) the Project will provide a tool that will enable the Independent Electricity System Operator to make better use of existing energy assets and reduce green house gases; and iii) the Project will make better use of existing transmission assets at the site of the retired Nanticoke Generation Station.

I trust this letter of support is sufficient for your needs.

Many thanks,

Matt Jamieson
President & CEO