

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE *PUBLIC UTILITIES ACT*

- and -

IN THE MATTER OF Nova Scotia Power Incorporated having filed a work order application with the Nova Scotia Utility and Review Board for approval of the Nuttby Mountain Wind Project, a 45 megawatt (MW) project located in Colchester County in the total amount of \$120 Million. NSPI also seeks approval to resell a portion of the facility, if necessary, to comply with Nova Scotia's Renewable Energy Standards

BEFORE: Peter W. Gurnham, Q.C., Chair
Kulvinder S. Dhillon, P. Eng., Member
Roberta J. Clarke, Q.C., Member

ORDER

WHEREAS an application was filed with the Nova Scotia Utility and Review Board (the "Board") by Nova Scotia Power Inc. ("NSPI") on September 11, 2009, for approval of the Nuttby Mountain Wind Project ("Project"), a 45 megawatt project located in Colchester County in the total amount of \$120 Million; and approval to resell a portion of the facility, if necessary, to comply with Nova Scotia's Renewable Energy Standards;

AND WHEREAS the Board established an application process to consider this request and to allow input from Intervenor;

AND WHEREAS the Board considered submissions filed by Intervenor and NSPI; letters of comment from the public; and a rebuttal submission filed by NSPI;

AND WHEREAS the Board was pleased to render its decision on the 30th day of November, 2009.

IT IS HEREBY ORDERED that the Board approves the following capital work orders:

- (a) CI# 36882 Nuttby Mountain Wind Project Development;
- (b) CI# 37942 Nuttby Mountain Wind Project Substation;
- © CI# 37944 Nuttby Mountain Wind Project Transmission Interconnection,

subject to the following conditions:

- (1) If, during construction of the Project, NSPI foresees any material change in the wind generation or capital cost estimates, the Board and parties are to be notified forthwith;
- (2) If any affiliate of NSPI is involved in any portion of planning or construction of the Project, strict compliance with the Code of Conduct is required.

IT IS FURTHER ORDERED that NSPI's request to approve the sale of 51% of the Project is refused at this time.

DATED at Halifax, Nova Scotia, this 30th day of November, 2009.

Clerk of the Board