

March 22, 2013

Awanish Sinha
McCarthy Tetrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto, ON M5K 1E6

Dear Mr. Sinha,

Re: CEASE & DESIST DEMAND ON BEHALF OF NEXTERA ENERGY
CANADA, ULC (“NextEra”)

Thank you for the letter dated March 20, 2013 that was dropped between my doors the other day.

The reason I (and “we” the communities in rural Ontario) are referring to your client Nextera as “Nexterror”, is that we feel it is “fair comment” considering this companies actions and behaviour in the past and present in our communities.

We believe that Nextera creates “errors” and “terrors” in our community, and that these facts are well known to the public and therefore these facts are notorious.

At the same time, we have published these facts on our website: Ontario Wind Resistance.

These facts include:

Terror:

Eagle Nest/ Wildlife destruction

-The “First Video” clearly shows the destruction of an eagles nest.

-The “Second Video” shows Tom Bird of Nextera saying, “The authorization we got from the ministry of natural resources was to **destroy** this nest”.

Clearly this is terrorizing the community when 18 men with chainsaws and bulldozers descend on, and proceed to cut down an active eagles nest. Even those in favour of turbines are horrified by this despicable action.

You have no right to ask that these movies be removed, and in fact you did not give a single reason as to why you thought the “Second Video” should be removed, as “Nexterror” does not appear on it anywhere. It seems that Nextera would just like to bury this incident and remove the evidence from Youtube.

Below are some of the numerous reports published on Nextera’s destruction of the eagle nest and other wildlife and their habitats:

- **Video: Nextera workers remove Bald Eagle nest to put up wind turbines** <http://ontario-wind-resistance.org/2013/01/08/video-nextera-workers-remove-bald-eagle-nest-to-put-up-wind-turbines/>
- **Video: Nextera Energy in damage control mode on Eagle Nest removal** <http://ontario-wind-resistance.org/2013/01/11/video-nextera-energy-in-damage-control-mode-on-eagle-nest-removal/>
- **Nextera turbine within 100m of active bald eagle nest in Haldimand County** <http://ontario-wind-resistance.org/2012/11/27/nextera-turbine-within-100m-of-active-bald-eagle-nest-in-haldimand-county/>
- **Wind turbine company Nextera & MNR destroy Bald Eagle Nest & habitat** <http://ontario-wind-resistance.org/2013/01/08/wind-turbine-company-nextera-mnr-destroy-bald-eagle-nest-habitat/>
- **Nextera California Wind Project Kills Eagle One Month After Startup** <http://ontario-wind-resistance.org/2013/02/20/nextera-california-wind-project-kills-eagle-one-month-after-startup/>
- **Six Nations shocked NextEra takes eagles nest cuts down tree** <http://ontario-wind-resistance.org/2013/01/10/six-nations-shocked-nextera-takes-eagles-nest-cuts-down-tree/>
- **One option only: be proactive & remove NextEra/Summerhaven Wind LP from Ontario** <http://ontario-wind-resistance.org/2013/01/09/one-option-only-be-proactive-remove-nexterasummerhaven-wind-lp-from-ontario/>
- **Nextera ordered to pay \$2.5 million and replace turbines to reduce raptor deaths** <http://ontario-wind-resistance.org/2010/12/08/nextera-ordered-to-pay-2-5-million-and-replace-turbines-to-reduce-raptor-deaths/>
- **Energy company removes bald eagle nest to make way for wind turbine in Haldimand County** <http://ontario-wind-resistance.org/2013/01/07/energy-company-removes-bald-eagle-nest-to-make-way-for-wind-turbine-in-haldimand-county/>
- **Wind turbine no-fly zone** <http://ontario-wind-resistance.org/2013/03/15/wind-turbine-no-fly-zone/>
- **Southern Ontario Tundra Swan Spring Migration through wind projects** <http://ontario-wind-resistance.org/2013/03/02/southern-ontarios-spring-migration-of-the-tundra-swans-through-the-wind-projects-has-begun/>
- **McGuinty's legacy is a green nightmare** <http://ontario-wind-resistance.org/2013/02/02/mcguintys-legacy-is-a-green-nightmare/>
- **HDI concerned with removal of eagle's nest, no notification** <http://ontario-wind-resistance.org/2013/01/17/hdi-concerned-with-removal-of-eagles-nest-no-notification/>
- **Bureaucrats ignored advice from biologist to leave eagle's nest and move wind turbine in Haldimand County** <http://ontario-wind-resistance.org/2013/01/13/bureaucrats-ignored-advice-from-biologist-to-leave-eagles-nest-and-move-wind-turbine-in-haldimand-county/>
- **PoV: No room for eagles in Green Energy Act?** <http://ontario-wind-resistance.org/2013/01/11/pov-no-room-for-eagles-in-green-energy-act/>

- **Bald eagles versus industrial wind turbines** <http://ontario-wind-resistance.org/2013/01/11/bald-eagles-versus-industrial-wind-turbines/>
- **“People have a lot of questions, and so do I” : Bird Studies Canada, Jody Allair** <http://ontario-wind-resistance.org/2013/01/07/people-have-a-lot-of-questions-and-so-do-i-bird-studies-canada-jody-allair/>
- **Outrage in Haldimand over bald eagle nest removal** <http://ontario-wind-resistance.org/2013/01/07/outrage-in-haldimand-over-bald-eagle-nest-removal/>
- **MNR authorizes removal of Bald Eagle nest in Haldimand Wind Development!!!** <http://ontario-wind-resistance.org/2013/01/04/mnr-authorizes-removal-of-bald-eagle-nest-in-haldimand-wind-development/>
- **Justifying deaths of birds and bats from wind projects – sends chills down spine** <http://ontario-wind-resistance.org/2012/12/10/justifying-deaths-of-birds-and-bats-from-wind-projects-sends-chills-down-spine/>
- **Are birds and turbines on collision course?** <http://ontario-wind-resistance.org/2012/10/10/are-birds-and-turbines-on-collision-course/>
- **Please Comment on NextEra Permit re Bobolink in Haldimand County** <http://ontario-wind-resistance.org/2012/02/26/please-comment-on-nextera-permit-re-bobolink-in-haldimand-county/>

Community destruction

Nextera is not transparent in its interactions with communities, whether it be with local officials, or with those who will live with wind turbines. Below are articles that demonstrate the ‘terror’ tactics this company uses in our communities:

- **Beware of big wind’s big gifts, foes say** <http://ontario-wind-resistance.org/2013/02/04/beware-of-big-winds-big-gifts-foes-say/>
- **No wind energy help to be found** <http://ontario-wind-resistance.org/2013/02/01/no-wind-energy-help-to-be-found/>
- **NextEra takes questions during open house** <http://ontario-wind-resistance.org/2013/01/20/nextera-takes-questions-during-open-house/>
- **NextEra’s Mock Scavenger Hunt** <http://ontario-wind-resistance.org/2012/06/08/nexteras-mock-scavenger-hunt/>
- **Wind turbine neighbours could find their land at risk** <http://ontario-wind-resistance.org/2013/02/05/wind-turbine-neighbours-could-find-their-land-at-risk/>
- **Councils must break the law!** <http://ontario-wind-resistance.org/2013/01/01/councils-must-break-the-law/>
- **WARWICK: Mayor frustrated with lack of communication and common sense in planning** <http://ontario-wind-resistance.org/2012/11/29/warwick-mayor-frustrated-with-lack-of-communication-and-common-sense-in-planning/>

Leases/Agreements

Nextera has been excessively aggressive with pressuring people and municipalities to sign agreements and easements. These tactics have Nextera coming across as bullies.

A quote from the first article below: “Some landowners are refusing NextEra an easement for transmission lines and may ultimately be forced to co-operate through provincial orders. “We take legal action if we have to,” [Nextera] said.

- **Nextera threatening legal action against uncooperative Haldimand residents** <http://ontario-wind-resistance.org/2012/03/19/summerhaven-wind-project-approved-by-province/>
- **The company comes to tea** <http://ontario-wind-resistance.org/2012/09/04/the-company-comes-to-tea/>
- **Nextera Project Hits Snag** <http://ontario-wind-resistance.org/2012/11/12/nextera-project-hits-snag/>
- **Field Notes from a Landowner/NextEra Meeting** <http://ontario-wind-resistance.org/2013/01/16/field-notes-from-a-landownernextera-meeting/>
- **NexTerror Wind and Rural Fear** <http://ontario-wind-resistance.org/2012/12/10/nexterror-wind-and-rural-fear/>
- **Video: Nextera asks Middlesex County for transmission on right of way** <http://ontario-wind-resistance.org/2012/11/28/video-nextera-asks-middlesex-county-for-transmission-on-right-of-way/>
- **Nextera’s transmission troubles in Middlesex & Lambton** <http://ontario-wind-resistance.org/2012/11/26/nexteras-transmission-troubles-in-middlesex-lambton/>
- **Questions persist about NextEra’s Bluewater project** <http://ontario-wind-resistance.org/2012/06/26/questions-persist-about-nexteras-bluewater-project/>
- **NextEra’s ‘double secret’ transmission lines** <http://ontario-wind-resistance.org/2012/06/10/nexteras-double-secret-transmission-lines/>
- **Council closes in on agreement with NextEra for wind farm** <http://ontario-wind-resistance.org/2012/06/09/council-closes-in-on-agreement-with-nextera-for-wind-farm/>
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- **Activist question why wind companies surveyed Rock Glen** <http://ontario-wind-resistance.org/2013/03/18/activist-question-why-wind-companies-surveyed-rock-glen/>
- **County setting parameters for transmission lines** <http://ontario-wind-resistance.org/2013/02/27/county-setting-parameters-for-transmission-lines/>
- **Conservation Authority’s wind energy lease “a messy web” to wind activists** <http://ontario-wind-resistance.org/2013/02/10/conservation-authoritys-wind-energy-lease-a-messy-web-to-wind-activists/>
- **Opponents say wind company donations to conservation authority “a violation of public trust”** <http://ontario-wind-resistance.org/2013/02/06/opponents-say-wind-company-donations-to-conservation-authority-a-violation-of-public-trust/>

Lawsuits

Nextera has been extremely aggressive lately with their legal actions and threats, as shown in the numerous published articles below.

A quote from the Tyson Dyck, legal counsel for NextEra in the first article below: “*You may also know that under Ontario law there is potential liability, not only for municipalities, but also for individual municipal officials,*” Dyck continued, “*where there are actions taken that result in damages based on unlawful legal actions, such as the passage of a bylaw.*”

- **Bluewater passes \$434,000 wind turbine building permit fee** <http://ontario-wind-resistance.org/2013/03/14/bluewater-passes-434000-wind-turbine-building-permit-fee/>
- **The travelling NexTerror bully show: recently in Bluewater, then West Grey...where next?** <http://ontario-wind-resistance.org/2013/03/19/the-travelling-nexterror-bully-show-recently-in-bluewater-then-west-grey-where-next/>
- **NextEra threatens legal action against Bluewater Township** <http://ontario-wind-resistance.org/2013/02/28/nextera-threatens-legal-action-against-bluewater-township/>
- **NextEra holds final meetings for wind project** <http://ontario-wind-resistance.org/2013/01/17/nextera-holds-final-meetings-for-wind-project/>
- **Summerhaven Nextera Haldimand : Final Decision on Appeal** <http://ontario-wind-resistance.org/2012/10/02/summerhaven-nextera-haldimand-final-decision-on-appeal/>
- **Your letter – I consider it a legal threat on an individual.**

Health/Safety

Nextera ignores the health and safety concerns of the citizens of Ontario and abroad. The threat of hundreds of turbines coming to my community and destroying our health, my kids' health, most definitely terrorizes me, and most others in my community.

- **Nextera: “historically stray voltage comes from hanging lines.”** <http://ontario-wind-resistance.org/2012/12/05/nextera-historically-stray-voltage-comes-from-hanging-lines/>
- **“We need to ask you (NextEra, MOE & ERT) about harm.”** <http://ontario-wind-resistance.org/2012/05/31/we-need-to-ask-you-nextera-moe-ert-about-harm/>
- **Nextera Tries to Buy Off Victims** <http://ontario-wind-resistance.org/2010/04/20/nextera-tries-to-buy-off-victims/>
- **Meanwhile in Haldimand, Nexterror works into the night to get turbines up** <http://ontario-wind-resistance.org/2013/02/22/meanwhile-in-haldimand-nexterror-works-into-the-night-to-get-turbines-up/>

- **NextEra's Varna wind application is being hurt by transmission line opposition** <http://ontario-wind-resistance.org/2013/01/18/nexteras-varna-wind-application-is-being-hurt-by-transmission-line-opposition/>
- **Hydro One says "No" to shared 115kV transmission lines with Nextera** <http://ontario-wind-resistance.org/2012/12/19/hydro-one-says-no-to-shared-115kv-transmission-lines-with-nextera/>
- **Anti-wind groups watching transmission line battle** <http://ontario-wind-resistance.org/2012/12/05/anti-wind-groups-watching-transmission-line-battle/>

Police and Security

Nextera is notorious for having heavy security at their public meetings. Some of the threatening and demeaning tactics used have been documented and published below. Yes, this has brought a level of terror into our communities that many of us have never experienced before in our lives.

- **OPP save wind developers from "us"** <http://ontario-wind-resistance.org/2012/09/18/opp-save-wind-developers-from-us/>
- **Nextera adds video for security... or to stir the pot?** <http://ontario-wind-resistance.org/2012/08/15/nextera-adds-video-for-security-or-to-stir-the-pot/>
- **Nextera Hired Goons: Holding a Sign? That's Jail Time!** <http://ontario-wind-resistance.org/2009/12/09/nextera-hired-goons-holding-a-sign-thats-jail-time/>

Error:

Nextera became notorious for having 'booking errors' in the last year. Nextera advertised and booked a meeting in a school that was closed for the summer & a township office that was too small. Nextera advertised, but forgot to book a community centre in the summer of 2012, and again in February 2013. This is why they are also known as NextError in our communities.

- **Ministry looking into wind meeting mixups:** <http://ontario-wind-resistance.org/2012/07/25/ministry-looking-into-wind-meeting-mixups/>
- **Nextera's Jericho Final Public Meetings:** <http://ontario-wind-resistance.org/2012/12/04/nexteras-jericho-final-public-meetings-feb-678/>
- **NextEra Adelaide and Bornish public meetings July 10,11,12** <http://ontario-wind-resistance.org/2012/05/10/nextera-adelaide-and-bornish-public-meetings-july-101112/>
- **Nextera shooting for a parking lot open house meeting?** <http://ontario-wind-resistance.org/2012/07/09/nextera-shooting-for-a-parking-lot-open-house-meeting/>

- **NextEra Adelaide and Bornish public meetings July 10,11,12** <http://ontario-wind-resistance.org/2012/05/10/nextera-adelaide-and-bornish-public-meetings-july-101112/>
- **MOE begrudgingly adds 15 day extension to Bornish Wind comment period** <http://ontario-wind-resistance.org/2012/11/07/moe-begrudgingly-adds-15-day-extension-to-bornish-wind-comment-period/>
- **Turbine firm still looking for a venue** <http://ontario-wind-resistance.org/2012/07/19/turbine-firm-still-looking-for-a-venue/>
- **Turbine foes fight ‘the good fight’** <http://ontario-wind-resistance.org/2012/07/10/turbine-foes-fight-the-good-fight/>
- **Battle of the bookings** <http://ontario-wind-resistance.org/2012/07/10/battle-of-the-bookings/>

Over the years these numerous articles have been published and the therefore your client is frequently referred to as Nexterror in our communities because of the above established notoriety. This demonstrates why we believe it is “fair comment” to refer to Nextera as “NexTerror” and “NextError”

Yours truly,

Esther Wrightman