



EB-2010-0253

IN THE MATTER OF the *Electricity Act, 1998* as amended (the "*Electricity Act*");

AND IN THE MATTER OF an application by Plateau Wind Inc. for an order or orders pursuant to section 41(9) of the *Electricity Act* establishing the location of Plateau Wind Inc.'s distribution facilities within certain road allowances owned by the Municipality of Grey Highlands.

PROCEDURAL ORDER NO. 1

Plateau Wind Inc. ("Plateau" or the "Applicant") filed an application dated July 30, 2010 with the Ontario Energy Board (the "Board") under subsection 41(9) of the *Electricity Act* for an order or orders establishing the location of Plateau's distribution facilities within road allowances owned by the Municipality of Grey Highlands ("Grey Highlands"). The Board issued a Notice of Application and Hearing (the "Notice") on August 19, 2010. The Notice was published and served by the Applicant as directed by the Board.

Participants to the Proceeding

Grey Highlands has been granted intervenor status in this proceeding. Appendix A to this procedural order provides the contact information for the Applicant and intervenor.

In addition, nine parties requested and were granted observer status and two additional parties were deemed observers by the Board. The observers filed a number of letters of comment which can be viewed on the Board's website using the Advanced Regulatory Document Search. These letters were primarily articulations of concerns related to health effects as well as the aesthetic impact of the proposed wind turbines development and the impact of the development on property values.

Scope of this Proceeding

The scope of the Board's authority in this proceeding is derived from section 41 of the *Electricity Act*. Subsections 41 (1) and 41 (9) read as follows:

Subsection 41 (1)

- (1) A transmitter or distributor may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines. 1998, c. 15, Sched. A, s. 41 (1).

Subsection 41 (9)

- (9) The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the Board. 1998, c. 15, Sched. A, s. 41 (9).

In its pre-filed evidence, Plateau submitted that Plateau and Grey Highlands have not been able to reach an agreement with respect to the location of Plateau's distribution facilities and has therefore requested, pursuant to section 41(9) of the *Electricity Act*, that the Board determine the location of Plateau's distribution facilities within certain road allowances owned by Grey Highlands.

The above-noted legislation limits the Board's role in this proceeding to determination of the location of Plateau's proposed distribution facilities within the prescribed road allowances owned by Grey Highlands. It is not the Board's role in this proceeding to approve or deny the distribution facilities, to consider its merits, prudence or any environmental, health or economic impacts associated with it or to consider alternative routes for the distribution facilities that are outside of the prescribed road allowances. Furthermore, it is not within the Board's jurisdiction in this proceeding to consider any aspect of Plateau's proposed wind generation facilities.

Procedural Steps

In the Notice, the Board indicated that it may choose to proceed with this application by way of a written or an oral hearing. The Board has decided to proceed by way of a written hearing. In addition, Plateau and Grey Highlands have agreed to proceed directly to submissions without an interrogatory phase.

The Board considers it necessary to make provision for a number of procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Plateau shall file with the Board and serve on Grey Highlands by **Monday, November 8, 2010**, a written submission that includes:
 - a summary description (including map(s)) of the proposed location of the distribution facilities within the road allowances described in Plateau's application and shown in the map accompanying the Notice of Application;
 - rationale for the proposed location and any supporting documentation; and
 - description of any alternative location within the road allowances that Plateau considers feasible including comparisons with the proposed location.
2. If Grey Highlands or Board Staff wishes to make a submission, it must file that submission with the Board, and copy it to Plateau by **Thursday November 18, 2010**.
3. If Plateau wishes to make a reply submission, it must file that submission with the Board, and serve on Grey Highlands by **Thursday, November 25, 2010**.

All filings to the Board must quote file number EB-2010-0253. You must file two paper copies and an electronic copy through the OEB Web Portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. Alternately, the electronic

copy of your intervention request may be submitted by e-mail to the Board Secretary at BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit the electronic copy on a CD. All electronic filings are to be in searchable/unprotected PDF format. Parties must also include the Case Manager, Robert Caputo at robert.caputo@oeb.gov.on.ca and Board Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto, October 29, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**APPENDIX A
TO
Procedural Order No. 1
Applicant and List of Intervenors
Board File No: EB-2010-0253
DATED: October 29, 2010**

**Plateau Wind Inc.
EB-2010-0253**

APPLICANT & LIST OF INTERVENORS

October 29, 2010

APPLICANT

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INTERVENORS

Rep. and Address for Service

Plateau Wind Inc.

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APPLICANT & LIST OF INTERVENORS

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October 29, 2010

**Municipality of Grey
Highlands**

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