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File No.: 128927.1001

Ms. Kirsten Walli
Ontario Energy Board
Yonge-Eglinton Centre
P.O. Box 2319, Suite 2700
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: Submissions of Iccon Transmission, Inc. on Phase I

Please find enclosed the submissions of Iccon Transmission Inc. Two hard copies will follow with proof of RESS filing.

Yours truly,



Glenn Zacher

/sc
Encl.

cc: All parties

TORONTO

MONTREAL

OTTAWA

CALGARY

VANCOUVER

NEWYORK

LONDON

SYDNEY

IN THE MATTER OF sections 70 and 78 of the
Ontario Energy Board Act, 1998;

AND IN THE MATTER OF A Board-initiated
proceeding to designate an electricity transmitter to
undertake development work for a new electricity
transmission line between Northeast and Northwest
Ontario: the East-West Tie Line.

Submissions of Iccon Transmission Inc. on Phase 1

May 7, 2012

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I. OVERVIEW

1. This proceeding is the first step in an inaugural process to introduce competition to a sector that until now has been almost entirely under the monopoly domain of Ontario's main incumbent transmitter, Hydro One Networks Inc. ("**Hydro One**"). Outside of Alberta and Texas, this proceeding is the first of its kind in North America.

2. Phase 1 of this proceeding is central to fulfilling the objective of introducing competition and selecting the most qualified and cost-effective transmission company to develop the East-West Tie Line. It will establish the "rules of the game" — how the Board chooses amongst competing proponents and plans, what information proponents will be required to file and what the consequences of designation will be. The rules are of critical importance — a fair and efficient outcome will only result from a fair and efficient process.

3. The rules established by the Board must be fair to all proponents and must adhere to the applicable legislative and regulatory framework. In this case, that framework is governed by the statutory provisions under which the Board is authorized to carry out this process — the Board's objects and its licensing and rate-making powers under sections 70 and 78 of the *OEB Act* — and the Board's *Policy Framework for Transmission Project Development Plans* (the "**Transmission Policy**").¹

4. It is this statutory and regulatory framework that must govern and inform the rules and processes the Board establishes in Phase 1 — in particular, the rules must adhere to certain overarching principles expressed in this framework. These principles are briefly addressed below and they are referenced in Icon's submissions on the Phase 1 issues.

(a) Economic efficiency is a paramount consideration

5. Economic efficiency is one of the Board's core statutory objectives and it animates all of the Board's regulatory activities, including application of the Board's licensing and rate-making powers. It is also the principal impetus for the Board's Transmission Policy,

¹ *Ontario Energy Board Act*, S.O. 1998, c. 15; *Board Policy: Framework for Transmission Project Development Plans*, EB-2010-0059 ("Transmission Policy"). Available at: http://www.ontarioenergyboard.ca/OEB/_Documents/EB-2010-0059/Framework_Transmission_Project_Dev_Plans_20100826.pdf

which expressly states that the purpose of introducing competition in the transmission sector is “to drive economic efficiency for the benefit of ratepayers”.²

6. The rules that the Board establishes in Phase 1, in particular the decision criteria which the Board uses to choose amongst transmission proponents, should hew closely to the principle of economic efficiency and the objective of selecting “the most qualified and cost-effective transmission company”.³

(b) Encouraging new entrants and introducing competition in transmission is imperative

7. The Board’s Transmission Policy is intended to encourage new entrants and competition in the transmission sector. That is because the Board’s statutory mandate to “facilitate economic efficiency in the development of the transmission system ... *will be best pursued by introducing competition in transmission service*”.⁴

8. The rules established in Phase 1 must reflect these twin objectives of encouraging new entrants and introducing competition – more specifically, as the Board acknowledges, they must aim to “level the playing field between incumbent and non-incumbent transmitters”.⁵ A level playing field is a prerequisite to fair competition.

9. Encouraging new entrants is a broader objective than simply introducing competition. It reflects the fact that, beyond instituting competitive processes, there are intrinsic benefits to adding new companies that “bring additional resources to project development”.⁶

10. The importance of these two objectives cannot be over-emphasized. With due respect, if the designation process permits Ontario’s Incumbent Transmitters to leverage their inherent advantages and does not appropriately value new entrants, the process will be (and will be seen to be) a failure.

² Transmission Policy, p. 1.

³ Letter from Minister of Energy Brad Duguid to Ontario Energy Board Chair Cynthia Chaplin dated March 29, 2011. Available at: <http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/322660/view/>

⁴ Transmission Policy, p. 3.

⁵ Transmission Policy, p. 5. Hereinafter, Hydro One and Great Lakes Power Inc. (“GLP”) are collectively referred to as the “**Incumbent Transmitters**”.

⁶ Transmission Policy, p. 1.

(c) The Board is selecting a transmitter and a plan for *development work*

11. This proceeding is a “pre-development” process. Its purpose is to select a transmitter to undertake the development work necessary to later bringing a leave-to-construct the application.

12. The Board’s decision criteria and filing requirements should be commensurate with a pre-development process. The decision criteria and filing requirements should not presuppose or require that proponents do development work in order to be designated to do development work.

13. Certainly proponents should be scrutinized to ensure they have the requisite technical and financial capabilities to carry out the project. They should also be measured based on the economic efficiencies their plans offer vis-à-vis other proponents. But proponents should not be required at a pre-development phase — as Board Staff’s proposed new filing requirements demand — to submit the sort of detailed information on routing, schedule, consultation activities, environmental issues, etc. that can only be generated as the result of carrying out development work.

14. This would be inefficient, unduly burdensome and would offend the Board’s goal of “administrative efficiency” which aims to “avoid duplication and unnecessary effort for transmitters”⁷. It would also unfairly advantage EWT LP which through its Incumbent Transmitter partners has already carried out development work.

(d) The designated transmitter is the presumptive leave-to-construct applicant and the focus should therefore be on overall project delivery

15. While the immediate outcome of this proceeding will be the designation of a transmitter to do development work, the ultimate goal of the Board’s Transmission Policy is to introduce competition to the transmission sector generally by encouraging new companies to build, own and operate transmission in Ontario. It is this broader objective, not development work, that promises material and enduring benefits to Ontario ratepayers. This is the reason new entrants are participating in this process — they are not participating

⁷ Transmission Policy, pp. 3-4.

(and expending significant time and resources) solely for the right to develop and recover the costs of development work.

16. Indeed, the Board has made it clear — while cautioning that designation does not automatically translate into the right to construct, own and operate the new East-West Tie Line — that the designated transmitter will be expected to construct the new line.⁸

17. The rules the Board establishes in Phase 1 should reflect this larger objective. They should not myopically focus on development work (which is typically 2% - 5% of the total project cost)⁹ at the expense of the core policy goal of facilitating competition in all areas of transmission for the benefit of Ontario ratepayers. The decision criteria and associated filing criteria should therefore focus on overall cost by rewarding proponents and plans that offer cost effective solutions, not just to develop, but to build, operate and maintain the new East-West Tie Line.

II. PHASE 1 ISSUES

No. 1. What additions, deletions or changes, if any, should be made to the general decision criteria listed by the Board in its Policy Framework for Transmission Project Development Plans (EB-2010-0059)?

18. *Organization, technical capability, financial capacity, schedule, costs and landowner/other and consultations* — These criteria are all important and should be preserved as decision criteria (hereinafter the “**Decision Criteria**”). They are each relevant to the applicable statutory and regulatory framework and objective of selecting the most cost-effective transmission company to develop, build and operate the new East-West Tie Line.

19. *Introducing competition and encouraging new entrants* — A decision criterion should be added that addresses the important objective of introducing competition and encouraging new entrants in transmission. The current Decision Criteria do not address these objectives.

⁸ The Board’s Transmission Policy indicates that an undesignated transmitter could bring a competing s. 92 application but would have to fund the development costs and would need to explain why it did not take part in the designation process: Transmission Policy, p. 17

⁹ OPA, *Long Term Electricity Outlook for the Northwest and Context for the East-West Tie*, June 30, 2011, p. 19.

Available at:

http://www.ontarioenergyboard.ca/OEB/Documents/Documents/EWT_OPA%20Report_20110630.pdf

20. Conditions may be imposed to address information sharing/access by Hydro One and GLP, but these measures cannot altogether eliminate the inherent advantages the Incumbent Transmitters have. For instance, ordering the Incumbent Transmitters to disclose information concerning development of the East-West Tie Line will never address the Incumbent Transmitters' head-start or the institutional knowledge of EWT LP senior executives.

21. Other jurisdictions which have sought to introduce competition to transmission have restricted participation by incumbents. For instance, in Brazil, federally-owned transmitters, which were being privatized at the time, required a Minister's authorization to participate in competitive transmission auctions. In the United Kingdom, National Grid was excluded from Ofgem's competitive process to select companies to develop and operate offshore wind facilities.¹⁰ In the telecommunications sector, Industry Canada conducted spectrum auctions in which it set aside portions of the spectrum for new entrants.¹¹ All of these measures were in one way or another instituted to reduce barriers to entry, increase private sector participation and enhance competition.

22. Information sharing/access protocols also do not reflect the Board's policy that, quite apart from the goal of instituting competitive processes in transmission, there is value in adding new transmission companies who bring fresh resources, ideas and practices. This was, as the Board's Transmission Policy notes, a motivating factor for Ofgem's process.¹² Similarly, in Texas, the PUCT specifically gave weight to "selecting a large pool of [Transmission Service Providers] to participate in the [CREZ Transmission Plan] in order to spread financial risk, introduce novel technologies, and diversify sources of skills and materials". Further, the PUCT ultimately found that an appropriate "balance was struck through the selection of several incumbent TSPs as well as the strongest new entrants".¹³

¹⁰ See *Review of Experience with Competitive Procurement for Transmission Facilities* dated December 14, 2010, for AESO by Power Advisory ("Review of Experience with Competitive Procurement") at pp. 16, 29 - 32. Available at: http://www.aeso.ca/downloads/Appendix_B_-_Power_Advisory_Report.pdf

¹¹ *Policy Framework for the Auction for Spectrum Licenses for Advanced Wireless Services*, Industry Canada, November 2007; *Framework for Spectrum Auctions in Canada*, Issue No. 3, March 2011, Industry Canada.

¹² Transmission Policy, p. 4.

¹³ *Review of Experience with Competitive Procurement for Transmission Facilities*, p. 11.

23. If this proceeding is to truly fulfill its intended and laudable objective of introducing competition and encouraging new entrants, it must include decision criteria which expressly value these attributes.

24. *Other factors* — This criterion should be deleted. One of the principles that underscores the Board’s Transmission Policy is “regulatory predictability” which:

... allows proponents to understand how and on what basis regulatory decisions are likely to be made. The Board achieves this through policy statements and guidance to the industry and through transparent processes leading to consistency in the determination it makes and the orders it issues.¹⁴

25. Proponents must be made aware of the decision criteria upon which their plans will be assessed. Proponents are investing significant amounts of time and money to participate in this process and selection should not be made based on unknown or undefined criteria. A fair outcome (and an outcome that is seen to be fair) requires a defined and transparent decision-making process. Selection based, in part, on unknown criteria may provide grounds for an appeal of the Board’s decision by unsuccessful proponents.

26. This does not mean proponents cannot be innovative or creative in designing their plans. Proponents should be free to submit any information they consider relevant to the defined Decision Criteria, but the Board should not consider or base its selection on information that is not relevant to these Decision Criteria.

No. 2. Should the Board add the criterion of First Nations and Métis participation? If yes, how will that criterion be assessed?

No. 3. Should the Board add the criterion of the ability to carry out the procedural aspects of First Nations and Métis consultation? If yes, how will that criterion be assessed?

No. 4. What is the effect of the Minister’s letter to the Board dated March 29, 2011 on the above two questions?

27. *First Nations and Métis consultation* — The duty to consult rests with the Crown, but the Crown may delegate the procedural aspect of this duty. Proponents should therefore be

¹⁴ Transmission Policy, p. 3.

required to demonstrate that they have the *ability* to carry out this important obligation if and when it is delegated to them.

28. The ability to carry out the procedural aspects of First Nations and Métis consultation does not need to be made a separate criterion because it falls under the current Decision Criterion “landowner or other consultations”; however, if the Board believes it is appropriate to make this a separate criterion to highlight its unique importance, Iccon does not object.

29. Iccon agrees with Board Staff’s submission that “applicants who have commenced consultation with First Nations and Métis groups before they apply for designation should not be regarded more favourably than those who have not commenced consultation but have a comprehensive and practical plan for consultation that should be initiated upon designation”.

30. In addition to the reasons cited by Board Staff — i.e., that the Board deleted this requirement from earlier draft versions of its Transmission Policy and that consultation is a duty of the Crown which has not as of yet been delegated — it would be inefficient and burdensome on First Nations and Métis communities if the rules of this process encouraged all proponents to engage the same affected First Nations prior to any of the proponents being designated.

31. For the reasons cited below, requiring First Nations and Métis consultation prior to designation would also confer an advantage on EWT LP which would be unfair to the non-incumbent transmitters.

32. *First Nations and Métis Participation* — If designated, Iccon is committed to fostering relations with First Nations and Métis communities, but it would be premature and unfair to all non-incumbent transmitter proponents to make First Nations and Métis participation a decision criterion.

33. Hydro One has developed working relationships with First Nations and Métis communities and has undertaken extensive consultation, all funded by Ontario ratepayers. As Hydro One stated in earlier submissions on the Board’s Transmission Policy:

Hydro One also observes that incumbent transmitters have relationships with landowners and First Nations/Métis groups along existing corridors that have been established and nurtured over many years. These relationships could be affected if another transmitter were to own and operate a line infringing on those corridors.¹⁵

34. EWT has leveraged these relationships by forming a partnership which includes six of the First Nations whose territories lie along the East-West Tie Line (“**Bamkushwada LP**” or “**BLP**”). The details of this partnership and the agreements between Hydro One/GLP and the six First Nations are not clear because EWT has refused to produce them.¹⁶ Needless to say, this partnership and related agreements constitute a major barrier to negotiation between new entrants and the BLP member communities.

35. In response to interrogatory questions in EWT’s licensing proceeding, EWT refused to directly address whether its relationship with any of the six First Nations was exclusive or whether any would be willing to work with other new entrant transmitters on development of the East-West Tie Line. EWT simply said that there is nothing in the structure of its partnership or underlying agreement which prohibits the six First Nations from “participating in consultation and accommodation with *the Crown* ... or participating in any consultation or negotiating any form of accommodation with a *designated* transmitter that is not [EWT]”.¹⁷

36. In the circumstances, Icon and other non-incumbent transmitter proponents are significantly prejudiced, if not prevented, from developing relationships with interested First Nations prior to designation. Further, even if they could, it would be inefficient and enormously burdensome on First Nations and Métis communities to expect all transmitter proponents to try to simultaneously engage the same First Nations and Métis in the absence of any one of them having been designated. The appropriate time for negotiation with First Nations and Métis is after a transmitter has been designated.

¹⁵ Submissions of Hydro One Regarding Staff Discussion Paper, May 31, 2010, p. 7. Available at: <http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/196371/view/>

¹⁶ EWT Responses to Upper Canada Transmission Inc.’s Interrogatories, EB-2011-0350, at p. 6 (Response to Interrogatory 5(a)). Available at:

<http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/312374/view/>

¹⁷ EWT Responses to AltaLink Ontario L.P.’s Interrogatories, EB-2011-0350, at p. 12 (Response to Interrogatory 4(b)). Available at:

<http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/312374/view/>

37. If designated, Iccon intends to develop relationships and explore mutually beneficial arrangements with interested First Nations and Métis communities, but at this stage, Iccon cannot (and should not) presume to know what sorts of participation arrangements might be agreeable to interested First Nations and Métis communities. It is therefore inappropriate to include this as a decision criterion and to require any information to be filed on this matter until after designation.

38. *Minister's letter* — The Minister's letter is not a directive within the meaning of sections 27 or 28 of the *OEB Act*.

39. Iccon therefore respectfully disagrees with Board Staff's statement that the Board should "give serious consideration to the Minister's expectations" and that there ought to be "expanded informational requirements in these areas to recognize the importance of the Minister's letter". The Board is an independent tribunal and this is an adjudicative proceeding; absent a formal directive from the government, the Board must independently decide matters before it based on the applicable law.

No. 5. Should the Board assign relative importance to the decision criteria through rankings, groupings or weightings? If yes, what should those rankings, groupings or weightings be?

No. 6. Should the Board articulate an assessment methodology to apply to the decision criteria? If yes, what should this methodology be?

40. The Board should apply the Decision Criteria and should assign relative importance to them in a manner that furthers and is consistent with the purpose and nature of this proceeding.

41. *Organization, technical capability, financial capability and land owner/other consultations* — Requisite organizational, technical, financial and consultation ability are essential criteria for selection. Iccon agrees with the Board Staff that proponents should satisfy a minimum threshold and failure on any of these requirements should lead to failure of proponents' plans.

42. For those proponents who satisfy minimum requirements, it would be appropriate to rank proponents in these areas. In this respect, the Board should focus most closely on

proponents' track record for developing, constructing and operating major transmission projects.

43. Descriptions of project teams, CVs for key individuals, proposed consultants and contractors, financing plans, consultation plans, etc. will all be informative and should be considered, but the truest indicators of proponents' capabilities will come from scrutinizing their experience — i.e., what other major transmission projects have proponents built and operated; what challenging physical terrains and climate have proponents confronted; have proponents delivered major transmission projects on time and within budget; etc. Ultimately, on these important metrics the proof will lie not in what proponents say they will do but in what they have done.

44. Icon therefore agrees with Board Staff that “at a basic level, the Board should be seeking to choose the transmitter who ... has the best track record of meeting similar challenges in the past”. Conversely, Icon disagrees with the emphasis placed on the “transmitter who has the best plan for meeting those challenges”. At a pre-development stage, proponents will not have done (and cannot reasonably be expected to have done) the development work necessary to prepare a plan which identifies and addresses the specific challenges of building the new East-West Tie Line — that is the purpose of development work.

45. Staff asked in its Submission for comments on whether some of the information proposed to be filed was too specific to be available at the time of designation.¹⁸ Icon submits that in general it is. “Development work” is defined as including consultation, specification and costing, routing and siting, pre-engineering, environmental assessment and preparation of necessary approvals¹⁹ — yet the filing requirements proposed by Board Staff would require proponents to undertake much of this work in order to submit a plan for designation.

¹⁸ Board Staff Submissions, pp. 10-11.

¹⁹ OPA E-W Tie Report, p.19 and OPA's Role and Background/Highlights with East-West Tie Project, January 10, 2012 at slide 8. Available at: http://www.ontarioenergyboard.ca/OEB/_Documents/EB-2011-140/pres_OPA.pdf

46. Requiring proponents to carry out development work in advance of designation and file details of it would also advantage EWT which, through its Incumbent Transmitter partners, has already carried out significant development work.

47. The filing requirements for these four Decision Criteria should emphasize experience and track record, not plan-specific details. Icon therefore proposes that the Board stipulate that :

- All proponents will be required to meet minimum standards;
- The Board will rank proponents; and
- In assessing these criteria, the Board will emphasize proponents' experience and track record on major transmission projects and will place less emphasis on pre-development plans.

48. *Cost* — Cost is an important decision criterion, but it is distinct from organization, technical, financial and consultation criteria. The latter criteria are measures of *capability* to develop, construct and operate the project; cost, on the other hand, is a largely measure of what proponents are willing to be paid in exchange for designation. It is the central criterion upon which proponents may compete and it ultimately promises the greatest economic efficiencies for the benefit of Ontario ratepayers. It should be assessed and weighted in a manner that reflects this.

49. Further, the costs which should be focused on are the overall costs to develop, build and operate the East-West Tie Line, not development costs which are a small proportion of overall costs. In Brazil, Texas and the UK, proponents were required, albeit in different ways, to compete on overall cost.²⁰

50. Board Staff's submission and its proposed filing criteria focus too much on development costs. This misses the big picture. Certainly, proponents should be required to compete on development costs, but it is not necessary that they provide a detailed breakdown. If a designated proponent exceeds its budgeted development costs, then it is at risk of not recovering any overage. But it is not necessary to provide a detailed breakdown;

²⁰ See *Review of Experience with Competitive Procurement*, pp. 4-25, 29-31

nor is it realistic to expect proponents to provide such detailed breakdowns prior to carrying out development work.

51. More importantly, development costs are a drop in the bucket of total costs. The focus should be on the lion's share of the costs — the costs to build, operate and maintain the new line. In this respect, proponents should be incented to demonstrate to the Board how they will deliver the most-effective solution. There should not be any strictures on how proponents may do this. That is one of the key benefits of a competitive process; it spawns new, diverse and innovative solutions and encourages competitors to find efficiencies and "sharpen their pencils". The Board will ultimately judge proponents' cost proposals, but it should be left open to proponents as to how they demonstrate promised efficiencies.

52. In order to make proponents' cost proposals meaningful — and discourage "underbidding" — the Board should make it clear that a designated proponent will be held accountable for its cost proposal. That is, while capital budgets and operating costs will ultimately be subject to review by future panels in leave-to-construct and/or rate applications, proponents must be cautioned that an important factor future panels will consider are the costs submitted in order to win designation.²¹

53. Iccon proposes that the Board stipulate that:

- Cost will be weighted heavily. In particular, where some proponents may be relatively even in terms of capabilities, the Board will focus on cost.
- Proponents will be required to compete on all costs, but substantially more weight will be attached to construction, operation and maintenance costs, which constitute the large majority of the costs of the new East-West Tie Line.
- A designated proponent will only be guaranteed recovery of their budgeted development costs; they will be at risk for any subsequent overages.

²¹ This does not require the Board to bind a future panel, but merely to put proponents on notice by cautioning that the costs proponents bid to win designation will invariably be taken into account by a future panel. In the Board's decision on Phase 1 of the OPA's IPSP proceeding, the Board made this very observation. It noted that while a decision on the IPSP would not formally satisfy the need requirement in a future leave to construct or other proceeding, a future panel would likely place "significant reliance upon and be informed by any decisions arising from the IPSP": Integrated Power System Plan Issues, EB-2007-0707 at p. 33. Available at : http://www.ontarioenergyboard.ca/documents/cases/EB-2007-0707/dec_reasons_OPA_20080326.pdf

- A designated proponent will be held accountable for its budgeted construction, operation and maintenance costs by future panels who will take these into account in subsequent leave-to-construct and/or rate proceedings.

54. *Schedule* — The importance of schedule as a Decision Criteria will depend on the need date for the new East-West Tie Line. At present, the OPA has indicated a target in-service date of 2017, although the OPA has cautioned that:

Proceeding with this project after development work has been completed will depend on many factors, including the capital cost of the E-W Tie and the extent of the developments in the Northwest described in Section 3.2.

...

The development work for the E-W Tie project will provide the necessary information to guide a final decision on whether to proceed with the project through the OEB Leave to Construct process.²²

55. Staff also notes in its Submissions that “the OPA has stated that it is seeking input on the proposed in-service date for the line, and economic efficiency cannot be assessed in the absence of an in-service date”.²³

56. Given the uncertainty regarding need and timing of need — and that this will in large part be determined as the result of carrying out development work — the Board should not place importance on a detailed project schedule. Board Staff’s proposed filing criteria requiring a detailed development/construction schedule, chart of major risks, strategy to mitigate risks, etc., is inappropriate at this stage.

57. The Board should require transmitters to provide indicative schedules and should, as with the other Decision Criteria, place the most emphasis on proponents’ track records for completing major transmission projects on time. As well, the Board may want to consider any innovative practices that proponents propose to complete the project by 2017 (or accelerate it) if this need and timing are established. Iccon therefore agrees with filing criteria 6.4 and 6.5 in Board Staff’s proposed filing requirements.

²² OPA E-W Tie Report, pp. 19, 22.

²³ Board Staff Submissions, p. 10.

58. *Introducing competition and encouraging new entrants* — Iccon recommends that the Board value non-incumbent transmitters and their plans more highly on this criteria on the basis that they will further the objectives of introducing competition in transmission and encouraging new entrants. The Board may also distinguish amongst and score certain non-incumbent transmitters more highly than others to the extent their plans further promote these policy goals.

No. 7. What additions, deletions or changes should be made to the Filing Requirements (G-2010-0059)?

59. Attached as Appendix “A” is a blackline showing Iccon’s recommended changes to Board Staff’s proposed filing requirements. These changes reflect Iccon’s comments on the Decision Criteria and, in particular, Iccon’s position that the Decision Criteria and associated filing requirements should adhere to applicable legislative and regulatory principles articulated above in Section I.

No. 8. May applicants submit, in addition or in the alternative to plans for the entire East-West Tie Line, plans for separate segments of the East-West Tie Line?

60. The Board should permit proponents to submit, in addition or in the alternative to plans for the entire East-West Tie Line, plans for separate segments of the East-West Tie Line. This will further the Board’s objectives of encouraging competition/new entrants and promoting economic efficiency.

61. The East-West Tie Line is, in effect, two separate and roughly equidistant line segments, one running from Wawa TS to Marathon TS and one running from Marathon TS to Lakehead TS.²⁴ From a technical perspective, the East-West Tie Line is amenable to being split into two separate projects undertaken by two different transmission proponents. Further, the individual segments are sufficiently sized projects to be attractive investment opportunities on their own.

²⁴ Board letter dated December 20, 2011 attaching Minimum Technical Requirements for the Reference Option of the E-W Tie line and Minimum Design Criteria for the Reference Option of the E-W Tie line. Available at: http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/322963/view/Letter_E-W%20Tie%20line%20letter%20to%20registered%20transmitters-20120202.PDF

62. Allowing proponents to submit plans for separate segments will promote the Board's policy objectives of introducing competition and encouraging new entrants by offering two competitive opportunities – and the potential to designate two transmission developers – as opposed to one. It also offers efficiency benefits by potentially spreading risk amongst two projects and two proponents.

No. 9. What reporting obligations should be imposed on the designated transmitter (subject matter and timing)? When should these obligations be determined? When should they be imposed?

No. 10. What performance obligations should be imposed on the designated transmitter? When should these obligations be determined? When should they be imposed?

No. 11. What are the performance milestones that the designated transmitter should be required to meet: for both the development period and for the construction period? When should these milestones be determined? When should they be imposed?

No. 12. What should the consequences be of failure to meet these obligations and milestones? When should these consequences be determined? When should they be imposed?

63. As set in response to Issue No. 6, proponents should include an indicative schedule with performance obligations and milestones for both the development period and construction period. Proponents should not be expected to provide a more detailed schedule and performance obligations/milestones in advance of conducting initial development work.

64. As performance obligations and milestones will be indicative, failing to achieve a particular performance obligation or milestone should not, at the pre-development stage, carry direct consequences.

65. However, a designated proponent should be required to submit a more detailed schedule with performance obligations/milestones within six months of being designated and commencing development work. Thereafter, the designated transmitter should be required to submit semi-annual progress reports. If a designated transmitter fails to meet its performance obligations or milestones for reasons the Board finds to be within the transmitter's control, then the Board may consider rescinding the designation after

providing the designated transmitter an opportunity to show cause why the designation should not be rescinded.

66. Appropriate reporting requirements and a schedule including performance obligations and milestones, for the construction period should be determined by the Board at an appropriate later date. It would be premature at this stage to establish such requirements.

67. Icon agrees with Board Staff that the consequences of failure to complete development work and/or bring a leave-to-construct application as the due to incompetence or failure within the transmitter's control should include rescission of designation and risk of not recovering some or all of the transmitter's budgeted development costs.

No. 13. On what basis and when does the Board determine the prudence of budgeted development costs?

68. Icon agrees with Board Staff that the prudence of budgeted development costs should be assessed in Phase 2 and that competition ought to serve as a reasonable surrogate for regulation. In this regard, a designated transmitter should be assured recovery for its proposed budgeted development costs, but should be required to justify any overage by proving the expenditure was prudently incurred.

No. 14. Should the designated transmitter be permitted to recover its prudently incurred costs associated with preparing its application for designation? If yes, what accounting mechanism(s) are required to allow for such recovery?

69. The designated transmitter should be permitted to recover prudent costs for preparing its application for designation.

70. Icon disagrees with Board Staff that the recoverable costs should be limited to those that are incurred after the Board issues its Phase I decision. Board Staff state they are concerned about burdening ratepayers with costs related to the creation of the applicant companies and the licence application process; Icon agrees that these costs should not be recoverable, but notes these costs were incurred in separate licence proceedings.

71. Board Staff expressed the same concern about costs related to the development of strategy for the designation process; however, the development of strategy will be undertaken throughout the designation process and Iccon submits it would be impractical and somewhat arbitrary to try to distinguish and limit recovery to those costs incurred after the Board's Phase I decision.

72. Iccon agrees that the establishment of a deferral account is the appropriate mechanism to allow for such recovery.

No. 15. To what extent will the designated transmitter be held to the content of its application for designation?

73. See the response to Issues Nos. 5, 9 to 12 above.

No. 16. What costs will a designated transmitter be entitled to recover in the event that the project does not move forward to a successful application for leave to construct?

74. Provided that a designated transmitter has pursued the project diligently, it should be entitled to recover all prudently incurred development costs regardless of whether the project proceeds or the reason why it does not proceed.

75. Iccon submits it is unnecessary and inappropriate at this stage to further define the circumstances under which a designated transmitter is entitled to recover its development costs; such an assessment should be undertaken when a designated transmitter applies for recovery based on the prevailing circumstances.

No. 17. The Board has stated its intention to proceed by way of a written hearing and has received objections to a written hearing. What should the process be for the phase of the hearing in which a designated transmitter is selected (phase 2)?

76. Iccon agree that this matter should proceed by way of written hearing; Iccon also agrees with the procedural steps proposed by Board Staff.

77. As Board Staff note, this designation process is akin to a competitive procurement process and it must be conducted in a manner that is evenhanded and fair to all proponents. The procedural steps proposed by Board Staff, along with a written hearing, will treat all

proponents fairly and will provide the Board — assisted by input from all parties (proponents, intervenors and Board Staff) — with sufficient information to make an informed selection.

78. The proposed process meets the Board's specific objectives of regulatory and administrative efficiency. A more comprehensive process — i.e., oral hearing, interrogatories from all parties, etc. — would add significant time and expense which is not warranted, particularly since cost recovery, other than budgeted development costs, will be subject to further Board review.

No. 18. Should the Board clarify the roles of the Board's expert advisor, the IESO, the OPA, Hydro One Networks Inc. and Great Lakes Power Transmission LP in the designation process? If yes, what should those roles be?

79. The Board should formally clarify the roles of the Board's expert advisor, the IESO, the OPA, Hydro One and GLP to ensure transparency and fairness.

80. *Board's expert advisor* — Icon has no objection to Board Staff's proposal that the Board's expert advisor act as an advisor to Board Staff only, not as a private advisor to the Board Panel, and that his advice be made known to the parties through Board Staff's submissions or proposed interrogatories.

81. *IESO, OPA, Hydro One, GLP* — Icon will address the roles of these parties in reply submissions after these parties have, as invited by Board Staff, outlined their intended roles.

No. 19. What information should Hydro One Networks Inc. and Great Lakes Power Transmission be required to disclose?

No. 20. Are any special conditions required regarding the participation in the designation process of any or all registered transmitters?

No. 21. Are the protocols put in place by Hydro One Networks Inc. and Great Lakes Power Transmission LP, and described in response to the Board's letter of December 22, 2011, adequate, and if not, should the Board require modification of the protocols?

No. 22. Given that EWT LP shares a common parent with Great Lakes Power Transmission LP and Hydro One Networks Inc., should the relationship between EWT LP and each of Great Lakes Power Transmission LP and Hydro One Networks Inc. be governed by the Board's regulatory requirements (in

particular the Affiliate Relationships Code) that pertain to the relationship between licensed transmission utilities and their energy service provider affiliates?

82. *Disclosure by HONI and GLP* — HONI and GLP should be ordered to immediately produce all documents in their power, possession or control that are relevant to the development of the East-West Tie Line. This includes relevant documents contained in the lists earlier produced by each of them and any other relevant documents they have not listed. Furthermore, if HONI and GLP parted with any relevant documents which are no longer in their power, possession or control, they should list these documents and identify how they came to part with them.

83. It is essential that HONI and GLP be ordered to produce all relevant documents regarding development of the East-West Tie Line in order to level the playing field and make the competitive designation process fairer. Icon agrees with Board Staff that:

... equal access by all designation applicants to information held by incumbent transmitters relevant to the development of the East-West Tie line is vital to the fairness of the Board's designation process. Staff also accepts that Hydro One Networks Inc. and Great Lakes Power Transmission LP may have done work relating to the development of the East-West Tie Line as regulated, ratepayer-funded utilities. As noted in Staff's Submission on Issue 19, Staff submits that all such information should be disclosed, unless there are serious confidentiality of security concerns that mitigate against disclosure.²⁵

84. It is notable that HONI and GLP (and EWT LP) have been asked to disclose relevant document relating to the East-West Tie Line but have maintained a blanket refusal. They have refused even to produce those documents which they agree relate to work carried out by Hydro One in the course of providing utility service and the costs of which have been recorded in Board-approved deferral accounts.

85. While it is disappointing that the Incumbent Transmitters have not volunteered to produce any of this information, it is symptomatic of why it is so critical that the Board promptly and definitively take steps to level the informational (and other) advantages which the Incumbent Transmitters seek to maintain at the expense of the other participants.

²⁵ Board Staff Submissions, p. 22.

86. *Special conditions regarding participation/information protocols* — It is not possible to level all of the inherent advantages that EWT LP has through its Incumbent Transmitter partners. Hydro One and GLP possess historical knowledge, experience and relationships relating to northwestern Ontario that cannot be replicated in the period of time it will take to complete this proceeding. Some of these advantages can in part be addressed through disclosure orders and information protocols, but not all of them.

87. In the circumstances, the Board should order the Incumbent Transmitters to promptly disclose all relevant information concerning the East-West Tie Line and order that they comply with the informational protocols they have reportedly put in place, including by instituting necessary internal procedures to ensure that these protocols are being sedulously followed.

88. If the Incumbent Transmitters do not adequately comply, or the Board determines that these measures are not sufficient to ensure fair competition and encourage new entrants, then the Board will have to consider what additional steps are required.

No. 23. What should be the required date for filing an application for designation?

89. Board Staff regards the Board's issuance of its Phase 1 decision as the equivalent of notice and proposes that the timing for the filing of plans be linked to this date. Board staff proposes that plans be filed within four months of this date.

90. Icon suggests that the time for filing of the plans should be linked to the later of the Board's issuance of its Phase 1 or the date the Incumbent Transmitters disclose all of the information that they are ordered to disclose. Some of this information will be relevant to the preparation of development plans and the non-incumbent transmitters should not be prejudiced by Hydro One's and GLP's delay in disclosing it.

91. If the Board agrees with Icon that the level of detail required by the Board Staff's proposed filing requirements is inappropriate for this pre-development application process — and that proponents will not be required to undertake the level of development work this would necessitate — then Icon submits that six months would be sufficient. If the Board

disagrees and endorses Staff's approach, then it is Iccon's position that proponents will require much longer — *at* least twelve months.

All of which is respectfully submitted this 7th day of May, 2012

FILING REQUIREMENTS FOR THE DESIGNATION PROCESS FOR THE EAST-WEST TIE LINE

An application for designation will contain two main sections. Together, these sections of the application address the Board's decision criteria for the East-West Tie line:

- Evidence addressing the capability of the applicant to carry out the East-West Tie line project;
- The applicant's Plan for the East-West Tie line.

In addition to the items listed in these Filing Requirements, the applicant may choose to file any other information that it considers relevant to its application for designation.

CAPABILITY OF THE APPLICANT

1. Background Information

The applicant must provide the following information:

- 1.1 The applicant's name.
- 1.2 The applicant's OEB transmission licence number.
- 1.3 Any change in information provided as part of the transmitter's licence application.
- 1.4 Confirmation that the applicant has not previously had a licence or permit revoked and is not currently under investigation by any regulatory body.
- 1.5 Confirmation that the applicant is committed to the completion of the development work for the East-West Tie line, and to the filing of a leave to construct application for the line, to the best of its ability.
- 1.6 A statement from a senior officer that the application for designation is complete and accurate to the best of his/her information and belief.

2. Organization

The applicant shall identify how, from an organizational perspective, it intends to undertake the East-West Tie line project. ~~In particular, the applicant, if it intends to involve First Nation or Métis communities as participants in the East-West Tie line project, the must file evidence of its experience with Aboriginal participation in development, construction or operation of transmission line projects. If the applicant has no direct experience with such participation, the applicant must describe its plan to source that experience for the East West Tie line project.~~ To that end, the applicant must file:

- 2.1 An overview of the organizational plan for undertaking the project, including:
 - any partnerships or contracting for significant work;
 - identification and description of the role of any third parties that are proposed to have a major role in the development, construction, operation or maintenance of the line; and
 - a chart to illustrate the organizational structure described.
- 2.2 Identification of the specific management team for the project, with resumes for key management personnel.
- 2.3 An overview of the applicant's experience with:
 - the management of similar transmission line projects; and
 - regulatory processes and approvals related to similar transmission line projects.

~~In addition, the applicant must file evidence of one of the following:~~

- 2.4 ~~If arrangements for First Nation and Métis participation have been made, a description of:~~
 - ~~The First Nation and Métis communities that will be participating in the project;~~
 - ~~The nature of the participation (e.g. type of arrangement, timing of participation);~~
 - ~~Benefits to First Nation and Métis communities arising from the participation;~~
 - ~~Benefits to transmission ratepayers of the First Nation and Métis participation;~~

- ~~• Costs of First Nation and Métis participation included in the development and construction budgets for the line; and~~
- ~~• Whether participation opportunities are available for other First Nation and Métis communities in proximity to the line.~~

~~2.5 If arrangements for First Nation and Métis participation have not been made but are planned, a description of:~~

- ~~• The plan for First Nation and Métis participation in the project, including the method and schedule for seeking participation;~~
- ~~• The nature of the planned participation;~~
- ~~• Planned benefits to First Nation and Métis communities arising from the participation;~~
- ~~• Planned benefits to transmission ratepayers of the First Nation and Métis participation; and~~
- ~~• Estimated costs of First Nation and Métis participation included in the development and construction budgets for the line.~~

~~2.6 If no First Nation or Métis participation in the project is planned, detailed reasons for this choice.~~

3. Technical Capability

The applicant must demonstrate that it has the technical capability to engineer, plan, construct, operate and maintain the line, based on experience with projects of equivalent nature, magnitude and complexity. To that end, the following must be filed:

- 3.1 A discussion of the type of resources, including relevant capability (in-house personnel, contractors, other transmitters, etc.) that would be dedicated to each activity associated with developing, constructing, operating and maintaining the line, including:
- design;
 - engineering;
 - material and equipment procurement;
 - licensing and permitting;

- construction;
- operation and maintenance; and
- project management.

3.2 Resumes for key technical team personnel.

3.3 A description of sample projects, and other evidence of experience ~~in Ontario and other jurisdictions~~ in developing, constructing and operating transmission lines ~~involving similar:~~

- ~~• terrain;~~
- ~~• climate and other environmental conditions; and~~
- ~~• reliability requirements.~~

3.4 Evidence that the applicant's business practices are consistent with good utility practices for the following:

- design;
- engineering;
- material and equipment procurement;
- right-of-way and other land use acquisitions;
- licensing and permitting;
- consultations;
- construction;
- operation and maintenance; and
- project management.

~~3.5 A description of:~~

- ~~• the challenges involved in achieving the required capacity and reliability of the EW Tie line, including challenges related to terrain and weather; and~~
- ~~• the plan for addressing these challenges through the design and construction of the line (e.g. number and spacing of towers, planned resistance to failure).~~

4. Financial Capacity

The applicant must demonstrate that it has the financial capability necessary to develop, construct, operate and maintain the line. To that end, the applicant shall provide the following:

- 4.1 Evidence that it has capital resources that are sufficient to develop, finance, construct, operate and maintain the line.
- 4.2 Evidence that the financing, construction, operation, and maintenance of the line will not have a significant adverse effect on the applicant's creditworthiness or financial condition.
- 4.3 The applicant's financing plan, including:
 - the estimated proportions of debt and equity; and
 - the estimated cost of debt and equity, including:
 - the use of variable and fixed cost financing;
 - short-term and long-term maturities; and
 - a discussion of how the project might impact the applicant's cost of debt.
- 4.4 If the financing plan contemplates the need to raise additional debt or equity, evidence of the applicant's ability to access the debt and equity markets.
- 4.5 Evidence of the applicant's ability to finance the project in the case of cost overruns, delay in completion of the project and other factors that may impact the financing plan.
- 4.6 Evidence of the applicant's experience in financing similar projects.
- 4.7 The identification of any alternative mechanisms (e.g., rate treatment of construction work in progress) that the applicant is requesting or likely to request.¹

PLAN FOR THE EAST WEST TIE LINE

5. PLAN OVERVIEW

The applicant must provide an overview of its Plan for the East-West Tie line. The overview must include:

¹ See Report of the Board on The Regulatory Treatment of Infrastructure Investment in connection with the Rate-regulated Activities of Distributors and Transmitters in Ontario, http://www.oeb.gov.on.ca/OEB/Documents/EB-2009-0152/Board_Report_Infrastructure_Investment_20100115.pdf

~~5.1 A summary description of how the Plan meets the specified requirements for the East West Tie Line. This description should include, for example:~~

- ~~• the length of the proposed transmission line;~~
- ~~• terminal points;~~
- ~~• number of circuits;~~
- ~~• voltage class;~~
- ~~• load carrying capacity;~~
 - ~~○ summer continuous rating (MVA)²; and~~
 - ~~○ summer emergency rating (MVA)³;~~
- ~~• resulting total transfer capability for the East West Tie (MW);~~
- ~~• anticipated lifetime of the line (minimum 50 years);~~
- ~~• Structures and conductors (to the extent known at the time of filing the application for designation. If unknown, describe method and criteria for selection):~~
 - ~~○ number and average spacing of towers;~~
 - ~~○ tower structure types (lattice, monopole, etc.) and composition (wood, steel, concrete, hybrid, etc.);~~
 - ~~○ conductor size and type; and~~
 - ~~○ protection against cascading failure and conductor galloping; and~~
- ~~• Other relevant transmission facility characteristics.~~

~~The applicant must also file.~~

5.2 Confirmation that the line will interconnect with the existing transformer stations at Wawa and Lakehead, and an indication of whether the line will be switched at the Marathon transformer station.

5.3 A signed affidavit from an officer of the licensed transmitter to confirm:

- that the line will meet the existing NERC, NPCC and IESO reliability standards; and
- that the line will meet the Board's Minimum Technical Requirements; or documentation of where the applicant seeks to differ from the Minimum Technical Requirements and evidence as to the equivalence or superiority of the proposed alternative option.

² Based on an operating voltage of 240 kV, ambient temperature of 30°C and conductor temperature of 93°C

³ Based on an operating voltage of 240 kV, ambient temperature of 30°C and conductor temperature of 127 °C

5.4 An indication as to whether the Plan will be based on the Reference Option for the East-West Tie line. Where the Plan is not based on the Reference Option, the applicant must file:

- a description of the main differences between the applicant’s Plan and the Reference Option;
- a description of the interconnection of the line with the relevant transformer stations; and
- a Feasibility Study performed by the IESO, or performed to IESO requirements.

5.5 A brief description which highlights the strengths of the Plan, which may include:

- any technological innovation proposed for the line;
- reduction of ratepayer risk for the costs of development, construction, operation and maintenance;
- ~~• local benefits (e.g. employment, partnerships); and~~
- enhanced reliability for the transmission grid.

5.6 The estimated total costs associated with the Plan, broken down as follows:

- development;
- construction; and
- operation and maintenance.

5.7 An indication as to whether the applicant’s present intention is to own and operate the line once the line is in service.

6. Schedule

The applicant must file, as part of its Plan:

6.1 A project execution chart showing ~~major~~ ^{indicative} milestones for both line development and line construction phases of the project.

~~6.2 For the development phase of the project.~~

- ~~• A detailed line development schedule identifying significant milestones, and proposed dates for completing the milestones, for significant activities that are part of the development phase of the project;~~

- ~~• Proposed reporting requirements for the development phase;~~
- ~~• Proposed consequences for failure to meet the required performance milestones and reporting requirements for the development phase;~~
- ~~• A chart of the major risks to achievement of the line development schedule, indicating the likelihood of the item (e.g. not likely, somewhat likely, very likely) and the severity of its effects on the schedule (e.g. minor, moderate, major); and~~
- ~~• A description of the applicant's strategy to mitigate or address the identified risks.~~

~~6.3 For the construction phase of the project:~~

- ~~• A preliminary line construction schedule identifying significant activities that are part of the construction phase of the project, and estimates of time required to complete those activities;~~
- ~~• A chart of the major risks to achievement of the construction schedule, indicating the likelihood of the item (e.g. not likely, somewhat likely, very likely) and the severity of its effects on the schedule (e.g. minor, moderate, major); and~~
- ~~• A description of the applicant's strategy to mitigate or address the identified risks.~~

6.4 Evidence of the applicant's past success in completing similar transmission line projects within planned time frames. Such evidence could include a comparison of the construction schedule filed with a regulator when seeking approval to proceed with a transmission line project and the actual completion dates of the milestones identified in the schedule.

6.5 Any innovative practices that the applicant is proposing to use to ensure compliance with, or accelerate the line development and line construction schedules.

7. Costs

As part of its Plan, the applicant must file a ~~detailed~~ budget for the development of the line up to the filing of the leave to construct application, ~~and supporting evidence for that budget.~~ This section of the Plan must include:

~~7.1 The amount already spent for preparation of an application for designation, and an estimate of remaining costs to achieve designation.~~

7.2 The estimated total development costs of the line, broken down by category of cost, including, where relevant:

- permitting and licensing;
- engineering and design;
- procurement of material and equipment;
- consultations;
- First Nation and Métis participation costs;
- land use rights;
- contingency budget; and
- other significant expenditures.

7.3 The basis for and assumptions underlying the cost estimates.

7.4 A schedule of development expenditures.

~~7.5 A chart of the major risks that could lead the applicant to exceed the line development budget, indicating the likelihood of the item (e.g. not likely, somewhat likely, very likely) and the severity of its effects on the budget (e.g. minor, moderate, major), and a description of the applicant's strategy to mitigate or address the identified risks.~~

7.6 A proposed threshold of materiality for prudence review of cost overruns for the costs of development.

7.7 A statement as to the allocation between the applicant and transmission ratepayers of risks relating to costs of development. For example:

- if the costs of development are less than budgeted, does the applicant propose to recover only spent costs, or all budgeted costs (spent and unspent) or spent costs plus a portion of unspent cost (savings sharing); and

- If the costs of development exceed budgeted costs, does the applicant plan to seek recovery of the excess costs.
- 7.8 An estimated budget for the construction of the line, noting any significant anticipated contingencies.
- 7.9 If the Plan is not based on the Reference Option, evidence as to the difference in cost (positive or negative) of work required at the transformer stations to which the line connects and at any other location identified by the IESO.
- ~~7.10 A list of the major risks that could lead the applicant to exceed the line construction budget, and the applicant's strategies to mitigate or address those risks.~~
- 7.11 The estimated average annual cost of operating and maintaining the line.
- 7.12 Evidence of the applicant's past success in completing similar transmission line projects within planned budgets. Such evidence could include a comparison of the budget filed with a regulator when seeking approval to proceed with a transmission line project and the actual costs of the project.

8. Land Owner and Other Consultations

The applicant must demonstrate the ability to conduct successful consultations with landowners, First Nations and Métis communities and other relevant parties. In addition, the designated transmitter will be required to satisfy environmental and other requirements that are outside the jurisdiction of the Board.

As part of its Plan, the applicant must file:

- ~~8.1 An overview of:~~
- ~~• the rights of way and other land use rights, presented by category, that would need to be acquired for the purposes of the development, construction, operation and maintenance of the line;~~
 - ~~• the applicant's plan for obtaining those rights; and~~
 - ~~• a description of any significant issues anticipated in land acquisition or permitting and a plan to mitigate them.~~
- 8.2 A consultation plan for the line, including:

- identification of the categories of parties to be consulted;
- the applicant's plan for consultation for each party or category of party, including method and tentative schedule in relation to the overall project schedule;
- a list of First Nation and Métis communities that may have interests affected by the project; and
- A description of any significant issues anticipated in consultation and a plan to mitigate them.

~~8.3 If the applicant has identified a proposed route for the line, the applicant must file:~~

- ~~• General description of the planned route for the line;~~
- ~~• Approximate right-of-way width;~~
- ~~• Approximate portion of the route that is:

 - ~~○ adjacent to the existing corridor (%); or~~
 - ~~○ along a new corridor (%).~~~~
- ~~• A brief description of the environmental challenges posed by the proposed route; and~~
- ~~• An estimate of ownership by category of lands along the proposed route:

 - ~~○ Crown (federal or provincial) (%);~~
 - ~~○ Private (%);~~
 - ~~○ First Nation or Métis (%); and~~
 - ~~○ Other (%);~~~~

~~8.4 If a proposed route for the line has not been identified, the applicant must file:~~

- ~~• a list of alternative routes;~~
- ~~• an explanation of the method and decision criteria for route analysis and selection; and~~
- ~~• the planned schedule for route selection.~~

8.5 The applicant must file evidence of its experience with:

- the acquisition of land use rights from private landowners and the Crown;
- the acquisition of necessary permits from government agencies;
- successfully obtaining environmental approvals similar to the environmental approvals that will be necessary for the East West Tie line;

- community consultation; and
- successful completion of the procedural aspects of Crown consultation with First Nation and Métis communities.

~~**ADDITIONAL INFORMATION**~~

~~The applicant should include any other information that it considers relevant to its application for designation.~~