



EB-2010-0243

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S. O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Detour Gold
Corporation for an Order granting leave to construct a new
transmission line and associated facilities for the Detour
Lake Power Project (Phase I)

PROCEDURAL ORDER NO. 2

Detour Gold Corporation ("Detour") filed an application with the Ontario Energy Board, (the "Board"), received on July 20, 2010, under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B), seeking an order of the Board granting leave to construct transmission facilities (the "Project") to re-connect the Detour Lake Mine to the provincial grid at Island Falls in the District of Cochrane, and approval of a Form of Easement. The Board has assigned File No. EB-2010-0243 to this application.

The Board issued a Notice of Application and Hearing on August 12, 2010. The Board granted intervenors status to Wahgoshig First Nation (WFN), Coral Rapids Power (on behalf of the Taykwa Tagamou Nation), Earthroots, and the Independent Electricity System Operator ("IESO").

On September 21, 2010, the Board issued Procedural Order No.1 providing for interrogatories directed to Detour as well as the filing of intervenor evidence, if any. In accordance with Procedural Order No.1, Board Staff and intervenors issued interrogatories by September 30, 2010 and Detour filed its interrogatory responses on October 5, 2010.

Procedural Order No. 1 also outlined the scope of the Board's jurisdiction in a leave to construct application.

On October 13, 2010, counsel for WFN filed evidence related to the need to "consult and accommodate [the] Wahgoshig First Nation", reiterating and bringing to the fore concerns expressed in its interrogatory #2. On October 14, 2010, the Applicant filed a letter with the Board responding to WFN's October 13 submission and raising concerns over the relevance of the evidence with respect to the Board's jurisdiction. WFN subsequently replied to the Applicant's correspondence on October 15, 2010, clarifying that the evidence it filed was in response to information placed on the record by the applicant in response to Board Staff interrogatories and to correct any misunderstanding that may arise from the Applicant's October 14 letter.

Interrogatories on the Evidence

The Board has considered the interrogatory responses provided by the Applicant as well as the evidence filed by WFN and has determined that it is not necessary to provide for a further round of interrogatories.

In the Notice of Application and Written Hearing the Board indicated that it intended to proceed by way of a written hearing unless any party satisfied the Board that there was a good reason for not proceeding by way of a written hearing. In Procedural Order No.1 the Board indicated that if it appeared, after parties have exchanged interrogatory responses, that an oral hearing would be preferable, the Board would make provision for same.

The Board has reviewed the record of the proceeding and has determined that an oral hearing is not required. In reaching this conclusion the Board has considered WFN's request for an oral hearing. The Board notes that WFN's evidence is a compendium of documentation on the issue of consultation and in all substantive respects bears on the issues associated with the Environmental Assessment and not the Leave to Construct. The Board will now proceed to invite written submissions on the application.

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

THE BOARD ORDERS THAT:

1. The applicant shall file its submission with the Board and provide a copy to all parties no later than **Friday, November 5, 2010**.
2. Board staff and intervenors shall, if they wish, file final submissions with the Board and send a copy to the applicant and other parties no later than **Wednesday, November 10, 2010**.
3. The Applicant shall file its reply submission with the Board and send a copy to the other parties no later than **Monday, November 15, 2010**.

All filings to the Board noted in this Procedural Order must be in the form of 2 hard copies and must be received by the Board by 4:45 p.m. on the stated dates. An electronic copy of the filing must also be provided. If you already have a user ID, the electronic copy of your filing should be submitted through the Board's 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. If the Board's web portal is not available, the electronic copy of your filing may be submitted by e-mail at Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit the electronic copy of their filing on a CD in PDF format.

DATED at Toronto, October 22, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX 'A'
TO

PROCEDURAL ORDER NO. 2

Applicant and List of Intervenors

Board File No. EB-2010-0243

DATED: October 22, 2010

Detour Gold Corporation
EB-2010-0243
APPLICANT & LIST OF INTERVENORS

October 22, 2010

APPLICANT

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INTERVENORS

Rep. and Address for Service

**Detour Gold Corporation
EB-2010-0243**

APPLICANT & LIST OF INTERVENORS

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October 22, 2010

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Taykwa Tagamou Nation**

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**Detour Gold Corporation
EB-2010-0243**

APPLICANT & LIST OF INTERVENORS

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October 22, 2010

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