



EB -2011-0027

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 Summerhaven Wind LP for an Order granting leave to construct a new transmission line and associated facilities for the Summerhaven Wind Energy Centre.

PROCEDURAL ORDER NO. 1

An application dated January 27, 2011 (the "Application") has been filed by Summerhaven Wind, LP (the "Applicant" or "Summerhaven") with the Ontario Energy Board (the "Board"), under sections 92 and 97 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 and approval of a form of easement agreement. The Application has been assigned Board File No. EB-2011-0027.

The applicant is seeking leave to construct transmission facilities to connect the Summerhaven Wind Energy Centre (SWEC) in Nanticoke, county of Haldimand to the IESO-controlled grid. The work involves constructing a 9 km, 230 kilovolt (kV) single circuit overhead transmission line and associated facilities to connect the windfarm to the existing Hydro One (HONI) corridor at N1M. The transmission line would extend from a new substation located at the wind farm end to a new HONI switchyard.

The Board issued a Notice of Application dated February 24, 2011, and directed Summerhaven to commence service and publication of the Notice. Summerhaven has served and published the Notice as directed by the Board.

Intervention requests were filed with the Board by the Independent Electricity System Operator (IESO) and Glenfred Gaswells Ltd. An observer request was filed with the Board by Ms. Becky Haywood. A letter of comment was also filed.

The Board grants intervention status to the IESO and to Glenfred Gaswells Ltd subject to the Applicant's right to object to this in accordance with Rule 23.07 of the Board's Rules of Practice and Procedure. The Board also grants observer status to Ms. Becky Haywood, Rob and Diana Smuck.

A list containing addresses of Applicant and Intervenors is attached as Appendix A to this Order.

Glenfred Gaswells Ltd requested cost eligibility for participation in the proceeding. The Board grants cost eligibility to Glenfred Gaswells Ltd to the extent that costs relate to matters directly within the scope of this proceeding.

The *Practice Direction on Cost Awards* should be referred to and adhered to in order to make sure all appropriate rules are followed and the correct forms are used when it is time to submit your cost claim.

Scope of the Board's Jurisdiction in a Leave to Construct Application

The Board's jurisdiction to consider issues in a section 92 leave to construct case is limited by sub section 96(2) of the OEB Act which states:

(2) In an application under section 92, the Board shall only consider the following when, under subsection (1), it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public interest:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.

2. Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.

As a result, issues related to the Renewable Energy Approval (REA) process of the Project are beyond the scope of this proceeding. The Board will not award costs in this proceeding for matters which are related to the REA process.

The Board also reminds parties that issues related to any environmental approvals required for the facilities for which the Applicant seeks leave to construct or for the SWEC are also beyond the scope of this proceeding.

Procedural Steps

In the Notice of Application and Hearing, the Board indicated that it intended to proceed by way of a written hearing unless any party satisfies the Board that there is a good reason for not proceeding by way of a written hearing. Glenfred Gaswells Ltd requested an oral proceeding. The Board will determine if an oral hearing is required after the completion of the interrogatory phase.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Intervenors and Board staff who wish information and material from the Applicant that is in addition to the evidence pre-filed with the Board, and that is relevant to the proceeding, shall request it by written interrogatories filed with the Board and delivered to all parties no later than Thursday, **March 31, 2011**. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based.
2. The Applicant shall, no later than Monday, **April 11, 2011** file with the Board and deliver to all intervenors, a complete response to each of the interrogatories.

All filings to the Board must quote file number EB-2011-0027, be made through the Board's web portal at www.errr.ontarioenergyboard.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Board Secretary

Filings: www.errr.ontarioenergyboard.ca
E-mail: boardsec@ontarioenergyboard.ca

Tel : 1-888-632-6273
Fax : 416-440-7656

DATED at Toronto on March 18, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A

To

Procedural Order No.1

Addresses of Applicant and Intervenors

Board File No.: EB-2011-0027

DATED: March 18, 2011

**Summerhaven Wind, LP
EB-2011-0027**

APPLICANT & LIST OF INTERVENORS

March 18, 2011

APPLICANT

Rep. and Address for Service

Summerhaven Wind, LP

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INTERVENORS

Glenfred GasWells Ltd.

Rep. and Address for Service

Fred Reicheld

Glenfred GasWells Ltd.

R.R #3

1016 Concession 6

Jarvis ON NOA 1JO

Tel: 519-587-2190

Fax: 519-587-2190

Not Provided

**Summerhaven Wind, LP
EB-2011-0027**

APPLICANT & LIST OF INTERVENORS

March 18, 2011

**Independent Electricity
System Operator**

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