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**BY RESS AND COURIER**

March 17, 2011

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

Attention: Ms. Kirsten Walli  
Board Secretary

Dear Ms. Walli:

**Re: EB-2011-0027 Summerhaven Wind, LP – Leave to Construct Application**

Please find enclosed two (2) hard copies of the Notice of Intervention of Haldimand County Hydro Inc. in the above-noted proceeding.

Yours truly,  
**HALDIMAND COUNTY HYDRO INC.**

*Original Signed by Lloyd E. Payne*

Lloyd E. Payne  
President & CEO

LEP: nm

Cc. Mr. Ben Greenhouse, Project Director, NextEra Energy Canada (By Email)  
Ms. Kristyn Annis, Counsel to Summerhaven Wind, LP (By Email)

**EB-2011-0027**  
**APPLICATION FOR LEAVE TO CONSTRUCT TRANSMISSION FACILITIES**  
**FOR SUMMERHAVEN WIND LP**

**NOTICE OF INTERVENTION OF**  
**HALDIMAND COUNTY HYDRO INC.**

1. Summerhaven Wind, LP (the “Applicant”) has filed an application under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, c.15, Schedule B (the “Application”), whereby the Applicant is seeking a Leave to Construct a proposed 8 kilometre generation tie line to connect the Summerhaven Wind Energy Centre to the Hydro One Networks Inc. (“HONI”) operated transmission system.
2. The project is located within the service area of Haldimand County Hydro Inc. (“Haldimand County Hydro”), the licensed electricity distributor serving customers in Haldimand County. Haldimand County Hydro owns and operates its electricity distribution system, which is supplied through the HONI transmission system, over 83 road km of underground cable and 1,570 road km of overhead primary conductor. HONI also owns 87 road km of distribution line in Haldimand County that serves Haldimand County Hydro customers. The Applicant is proposing that of the 8 kilometres of transmission line, approximately 2 kilometres will be located on a pole line within a Haldimand County road, in the municipal right-of-way.
3. Haldimand County Hydro hereby expresses its intention to intervene and participate in the above-mentioned proceeding.
4. The name and address of the agent authorized to receive documents on behalf of Haldimand County Hydro is:

Mr. Lloyd Payne  
President & CEO  
Haldimand County Hydro Inc.  
1 Greendale Drive  
Caledonia, ON, N3W 2J3

(905) 765-5344 (office)  
(905) 765-5316 (fax)

lpayne@hchydro.ca

5. Haldimand County Hydro requests that copies of any additional supporting materials be forwarded to the party named above by email.

6. Haldimand County Hydro is intervening in order to ensure that its interests as a licenced distributor, within whose service territory the proposed tie line will be located, as well as those of its customers, are fully represented in determining whether to grant the Leave to Construct. Its concerns relate primarily to the proposal to locate transmission lines on a pole line along the municipal road in the Haldimand County right-of-way. Areas of the Leave to Construct Application of interest to Haldimand County Hydro are as follows.
  - a. **Overhead Transmission Lines.** Haldimand County Hydro is opposed to overhead transmission lines located along roadways, except approximately perpendicular roadway crossings, in Haldimand County. Haldimand County Hydro urges the Applicant to (a) revise its design to include underground transmission line where such line is necessarily located along and parallel to a roadway, or (b) to select most of the significantly shorter option 2 route as originally proposed by the Applicant. If the Board decides that the Applicant has the unequivocal right to build a transmission line within any municipal road right-of-way, then Haldimand County Hydro would request that the Board direct the transmission line to be built underground by exercising its location determination or other authority.
  - b. **Co-existence incompatibility and congestion.** Haldimand County Hydro's distribution lines are either already present along the roadways contemplated by the Applicant for the proposed tie line or will be needed in the future. The need for distribution lines to serve Haldimand County Hydro's current and future load customers, or distribution connected distributed generators, is dynamic as opposed to transmission lines where the future need is static. By this Haldimand County Hydro means that customers or distribution connected distributed generators may develop anywhere along a roadway on either or both sides of the road, but a transmission line is essentially express from one point to another with highly improbable future need to connect in between. Overhead distribution lines, as opposed to underground distribution lines, provide greater flexibility to serve the future needs of customers in terms of both their yet unknown loads and locations. In fact, three transmission connected distributed generators (including the Applicant) have proposed constructing approximately 204 km of collector lines, including about 41 km by the Applicant, along roadways within Haldimand County and Haldimand County Hydro is cooperating with those generators in the planning of those lines in order to determine how the collector lines and Haldimand County Hydro's lines may coexist now and into the future.
  - c. **Practices in other Provinces.** Haldimand County Hydro has no experience coexisting with transmission lines along municipal rights of way. From preliminary research on similar issues in other jurisdictions, it

appears that transmission lines are not allowed along roadways at all in some jurisdictions.<sup>1</sup>

- d. **Staff Safety.** Haldimand County Hydro is concerned for the safety of its employees working on its lines adjacent to, or on, the same poles as a transmission line. Such work may occur during all types of circuit and weather conditions, day and night, and Haldimand County Hydro's safety concerns include the risk of induction from the transmission lines.
- e. **Public Safety.** Energized overhead transmission lines may fall onto nearby distribution lines due to vehicle accidents or other causes. This creates a risk of extremely high voltage being transmitted to residential or other customers during the brief time before the circuits are automatically interrupted. Overhead transmission lines located on private property away from roadways and underground transmission lines are not subject to the same risk of vehicular accidents or similar incidents.
- f. **Roadway Width.** The Applicant proposes to build along a roadway in two instances and in both instances the entire right-of-way is only 66 feet (20 metres) wide. Although overhead transmission lines may be appropriate along a major transportation corridor like Highway 401, sized with such a purpose in mind, they are no more appropriate along rural roads than they would be along residential subdivision roads in an urban setting. Once again, preliminary research on similar issues in other jurisdictions suggests that the transmission right-of-way itself should *"...be 19.8m for a 238kV Line..."* and *"These right-of-way distances would be measured from the edge of travel lanes."*<sup>2</sup>
- g. **Reliability of Distribution Supply.** Any damages to a transmission pole, which also supports a distribution circuit, necessitating its replacement, will extend the duration of distribution customer service interruption until the transmitter can respond, and Haldimand County Hydro believes that the transmitter's response time will necessarily be longer than that of Haldimand County Hydro. Haldimand County Hydro also expects that work on de-energized distribution lines will necessitate the installation of additional temporary grounds due to the significant induction from a parallel transmission line, thereby extending work time.

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<sup>1</sup> For example, see a September 30, 2005 report entitled *"Effects of High Voltage Transmission Line In Proximity of Highways"* which was prepared for the Ministry of Transportation in British Columbia. This report includes a survey of *"Utility Policies from other Provinces and States"* and suggests transmission lines are not allowed along roadways at all in some jurisdictions, including Quebec. [http://www.th.gov.bc.ca/publications/eng\\_publications/electrical/transmission\\_line\\_study.pdf](http://www.th.gov.bc.ca/publications/eng_publications/electrical/transmission_line_study.pdf).

<sup>2</sup> *Ibid.*

- h. **Another available Overhead Option.** The Applicant, through its website, presented a “*Substation and Transmission Option 2*” on its plan entitled “*Site Plan Condensed (For Consultation Only)*” dated October 13, 2010 and described in its October, 2010 report entitled “*Design and Operations Report, Version 1*” which appears to enable avoidance of all construction of transmission line along roadways, including the very short roadway section, except for one approximately perpendicular road crossing of Concession Road 4. Haldimand County Hydro believes that an approach of that kind is preferable to that currently being proposed by the Applicant.
  - i. **Avoidance of Pole Lines on both sides of Roadways.** Haldimand County Hydro is opposed to having overhead lines of any sort on both sides of a roadway. The use of a single side of the right of way for electricity distribution and telecommunication lines is consistent with joint use agreements across Ontario, and Haldimand County Hydro has itself ensured that cooperative single line construction has occurred with other distribution utilities and telecommunication providers. If it is not appropriate for distribution lines to coexist on transmission poles,<sup>3</sup> then Haldimand County Hydro would have little choice but to have lines running along both sides of municipal roads.
  - j. **Precedent Setting.** Haldimand County Hydro is aware of another transmission Leave to Construct application before the Board, EB-2011-0063, and has expressed its similar opposition directly to this Applicant. Currently, there are many transmission lines within Haldimand County, none of which are constructed along municipal roads with the exception of roadway crossings.
7. Haldimand County Hydro will be requesting an award of costs for its participation in this proceeding under the Board’s *Rules of Practice and Procedure* (Section 41) and its *Practice Direction on Cost Awards* (the “Practice Direction”). Haldimand County Hydro acknowledges that under section 3.05 of the Practice Direction, distributors are not typically eligible for cost awards. However, Haldimand County Hydro is also aware that under section 3.07 of the Practice Direction, “...notwithstanding section 3.05, the Board may, in special circumstances, find that a party which falls into one of the categories listed in section 3.05 is eligible for a cost award in a particular process.” Haldimand County Hydro respectfully submits that this is an appropriate case for eligibility, for the following reasons:

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<sup>3</sup> For example, the above referenced report states “BC Hydro policy would not permit placing a distribution circuit (25kV or less) on the same structure as 138kV and higher voltages. The distribution line would have to be on the other side of the highway.”

- a. Section 3.03 of the Practice Direction provides in part that “A party in a Board process is eligible to apply for a cost award where the party (a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation to regulated services; [and] (b) primarily represents a public interest relevant to the Board’s mandate....”
- b. Haldimand County Hydro’s concerns with this Application, as set out above, relate to matters including public and employee safety; increased risks of adverse effects on the distribution system; potential increases in emergency response time and increased disruption to distribution service; and increased costs related to maintenance of the Haldimand County Hydro distribution system. These matters are directly related to the cost and reliability of distribution service to Haldimand County Hydro’s customers.
- c. Haldimand County Hydro submits that it is important that these matters are considered by the Board, and believes that as the local distribution company serving this area, it is uniquely positioned to address these matters with the Board. However, Haldimand County Hydro is concerned that, in the absence of a cost award, it will be placed in a position of diverting funds that are necessary for the provision of distribution service to its customers into participation in a private generator’s application, in order to protect its distribution customers’ interests. Haldimand County Hydro submits that this is not appropriate, and respectfully requests that the Board determine that Haldimand County Hydro will, in this process, be eligible for a cost award in order that it and its customers are kept whole while their interests are represented.
- d. Haldimand County Hydro intends to cooperate with other intervenors in order to avoid duplication.

DATED AT CALEDONIA, THIS 17<sup>TH</sup> DAY OF MARCH 2011.