



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. 6

On January 27, 2011, Summerhaven Wind LP ("Summerhaven" or the "Applicant") filed an application (the "Application") under Sections 92 and 97 of the *Ontario Energy Board Act, 1998* (the "Act") seeking leave to construct transmission facilities to connect the Summerhaven Wind Energy Centre to the IESO-controlled grid and approval of a form of easement. The work involves constructing 9 km of 230 kV overhead transmission line and associated facilities in the County of Haldimand. The Board assigned file number EB-2011-0027 to this proceeding.

Six parties requested and were granted intervenor status in this proceeding.

On March 28, 2011, the Board issued Procedural Order No. 2 establishing the schedule for interrogatories. Responses were received as specified in the Order.

On April 28, 2011 the Board issued Procedural Order No. 3 setting out dates for all parties to the proceeding who wish to make a submission that is relevant to the hearing to do so, and for the Applicant to respond to any such submissions. In that Order the Board also confirmed that it will proceed by way of a written hearing.

On April 29, 2011 the Board received a letter from Haldimand County Hydro Inc.

("HCHI") requesting a delay from the schedule for submissions in Procedural Order No. 3 so that HCHI may ask follow up questions to further investigate issues raised during the interrogatory process.

On May 4, 2011 the Applicant responded to HCHI's April 29, 2011 letter objecting to HCHI's request.

On May 5, 2011 the Board issued Procedural Order No. 4 that scheduled a technical conference ("TC") for May 16 and May 17, which was later moved to May 17 and May 18 by way of Procedural Order No. 5.

Following conclusion of the TC on May 17, HCHI sent a letter dated May 20 to the Board indicating that it was unable to come to agreement with the Applicant in regard to the submission of intervenor evidence to the Board as proposed during the TC. HCHI indicated that the details provided during the TC in regard to the proposed pole design and locations that were not available prior to that, would now allow its consultant, Dr. Petrache of Kinetrics, to conduct induction studies. HCHI requested that the Board set May 31, 2011 as a date for which HCHI and other intervenors may file evidence, allow for further interrogatories and submissions.

On May 22, Summerhaven filed a response to HCHI's request indicating that HCHI had had ample opportunity to file such evidence and that Procedural Order No. 3 included a step for that purpose. The Applicant also indicated that it is willing to take all steps needed to address any technical problems by working closely with HCHI's staff and consultant. Summerhaven concluded that HCHI's request would delay the proceeding and therefore the request should not be accommodated.

The Board is of the view that intervenor evidence is intended to explore whether or not potential induction impacts exist and if so, address the mitigation steps required. The Board also believes that it can accommodate HCHI's request without unduly delaying this proceeding. The Board will therefore allow for the filing of intervenor evidence and interrogatories thereon prior to intervenor and Board staff submissions and Applicant reply.

The Board considers it necessary to make provision for the following procedural matters related to the Application. The Board may issue further procedural orders

from time to time.

THE BOARD ORDERS THAT:

1. Intervenor and Board staff that wish to present evidence which is relevant to the proceeding, shall file that evidence with the Board and deliver it to Summerhaven Wind LP and the other intervenors on or before **Tuesday, May 31, 2011**.
2. Any party (intervenor, Board staff or Summerhaven Wind LP) that requires additional information related to any intervenor's evidence that is relevant to the proceeding, shall request it by written interrogatories filed with the Board and delivered to the parties on or before **Wednesday, June 8, 2011**.
3. Responses to the interrogatories shall be filed with the Board and delivered to Summerhaven Wind LP and the other intervenors on or before **Wednesday, June 15, 2011**.
4. Intervenor and Board Staff shall file any submissions with the Board and deliver such submissions to Summerhaven Wind LP on or before **Wednesday, June 22, 2011**.
5. Summerhaven Wind LP shall file with the Board any reply submission it has with respect to Intervenor and Board staff submissions no later than **Thursday, June 30, 2011**.

All filings to the Board must quote file number EB-2011-0027. You must file two paper copies and an electronic copy through the OEB Web Portal at www.errr.ontarioenergyboard.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.ontarioenergyboard.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 the documents may be submitted by e-mail to the Board Secretary at BoardSec@ontarioenergyboard.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

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Manager, Nabih Mikhail at nabih.mikhail@ontarioenergyboard.ca and Board Counsel, Kristi Sebalj at kristi.sebalj@ontarioenergyboard.ca on all electronic correspondence related to this case.

DATED at Toronto May 27, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary