



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.8

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 to make submissions 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 letter objecting to HCHI's request.

On April 29, 2011 HCHI also filed a Motion to defer the final decision in this proceeding, and another proceeding involving a leave to construct application for a wind farm (EB-2011-0063) to allow the Board to conduct a generic proceeding to decide issues of general application to the development of transmission lines in municipal rights-of-way.

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.

On May 27, 2011 the Board issued Procedural Order No. 6 making provisions for the filing of intervenor evidence on induction impacts and the filing of interrogatories and responses to these interrogatories. The order also allowed for submissions by the parties by June 22, and reply by Summerhaven by June 30.

On May 30, 2011 the Board issued its Decision and Order denying the HCHI Motion to defer the Decision in this proceeding until such time that a generic hearing is completed. The Board outlined its reasons for not proceeding with a generic hearing and further indicated that any issues related to the development of the proposed transmission lines by Summerhaven should be addressed within the context of this proceeding, as long as they are relevant and within the Board's jurisdiction to hear and determine.

On June 3, 2011 the Board received a letter from Capital Power requesting that it be allowed a right of reply to Summerhaven's reply should the applicant make any submission on the issue of a common connection point as per the IESO's System Impact Assessment ("SIA") recommendation. On June 10, 2011, Summerhaven submitted to the Board that its position on a common connection point had been fully stated during the TC and that there was therefore no reason to amend the procedural schedule. Capital Power's request for a right of reply was reiterated in a letter filed with the Board on June 17, 2011.

On June 22, 2011 the Board issued Procedural Order No. 7 to accommodate Capital Power's request to reply to Summerhaven by allowing for the filing of reply submissions by Capital Power, other intervenors and Board staff in the event that Summerhaven makes a submission on the common connection point.

On June 27, 2011 the Board received an Email from Capital Power referring to its June 17, 2011 letter and requesting that it be permitted to reply not only to the submissions of the Applicant, but also to the submissions of Board staff and intervenors that may be adverse to the interests of Capital Power, in view of the unique circumstances of this case. The Board accommodated the request without delaying the original deadline of July 5, 2011 as set out in Procedural Order No.7, by issuing a letter dated June 27 to Summerhaven and all intervenors of record allowing for Capital Power the right to reply to the submissions of the Applicant, Board staff and intervenors that may be adverse to its interests, no later than Tuesday, July 5.

On June 29, 2011 Summerhaven filed a letter requesting an extension to the June 30, 2011 deadline for its reply submission to July 22, 2011. Summerhaven indicated that submissions of both Board Staff and HCHI were highly technical in nature and proposed several conditions to the leave to construct approval being sought by Summerhaven. In order to respond to the Board Staff proposal to submit a final transmission line design after HCHI provides its proposed upcoming 27.6 kV distribution line design, Summerhaven requested that HCHI provide pole locations, pole height, conductor locations and an in-service date no later than July 8, 2011.

On June 30 HCHI responded by offering to file the design of its upcoming 27.6/16 kV distribution upgrade (pole locations, pole height, conductor locations) by July 13 instead of July 8 as requested by Summerhaven.

On July 4 Summerhaven filed a letter accepting July 13 as a filing deadline for HCHI. Summerhaven further requested that the Board extend Summerhaven's response date to July 27, 2011.

The Board accepts the extension requests of both HCHI and Summerhaven.

The Board will also reschedule the deadlines as set out in its Procedural Order No. 7 and its June 27 letter to Summerhaven and all intervenors of record to accommodate Capital Power's request for the right to reply to intervenor submissions or the Applicant's reply submission that may be adverse to its interests insofar as they are limited to matters related to the common connection point as outlined in the SIA report.

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. Haldimand County Hydro Inc. shall file with the Board and send copies to the Applicant and intervenors its proposed design for the 27.6/16 kV distribution line including pole locations, pole height, conductor locations and in-service date no later than **Wednesday, July 13, 2011**.
2. The Applicant shall file with the Board and send copies to all intervenors its proposed final transmission line design including pole height, conductor locations and other relevant specifications to allow Haldimand County Hydro Inc. to conduct a final induction study by its consultant Kinectrics no later than **Wednesday, July 27, 2011**.
3. Intervenors and Board staff shall file with the Board and provide copies to all parties any submissions in reply to Summerhaven's reply submission, or to submissions of other intervenors insofar as they are limited to matters related to the common connection point as outlined in the SIA report no later than **Wednesday, August 3, 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 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.

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DATED at Toronto July 5, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary