

IN THE MATTER of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B, (the "**OEB Act**");

AND IN THE MATTER of an Application by Grand Renewable Wind LP for an Order or Orders granting Leave to Construct new Transmission Facilities within Haldimand County, Ontario.

APPLICANT'S RESPONSE TO INTERVENOR REQUESTS

- 1) The following individuals or organizations have requested intervenor status in the present proceeding regarding Grand Renewable Wind LP's (the "Applicant") application (the "Application") for an order granting leave to construct the Applicant's proposed transmission facilities (the "Facility"):
 - Haldimand County Hydro Inc.
 - Corporation of Haldimand County
 - Independent Electricity System Operator ("IESO")
 - Hydro One Networks Inc.
 - Haldimand Federation of Agriculture ("HFA")
 - Ms. Geraldine Ratcliff and Lee Russell
 - Mr. Quinn Felker
 - Mr. Norm Negus and Mrs. Valerie Negus
 - Mr. Bruce Genery
 - Mr. Nathan Armstrong
 - Six Nations of Grand River, Lands & Resources ("Six Nations")

(collectively, the "Intervenors")
- 2) Of the group identified above, the HFA, Mr. Quinn Felker, Mr. Nathan Armstrong and Six Nations have requested cost eligibility, pursuant to the Board's Practice Direction of Costs (the "Practice Direction").

- 3) Grand Renewable Wind LP (the “Applicant”) does not oppose the intervention requests of any of the Intervenor provided that the issues brought forward by the Intervenor are relevant to the Board’s jurisdiction in this matter, as set out in 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:

- (i) The interests of consumers with respect to prices and the reliability and quality of electricity service.
 - (ii) Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.
- 4) As noted by the Board in Procedural Order No. 1, environmental and social issues are matters that are beyond the scope of an application of this type. As a result, the Applicant requests that any decision issued by the Board regarding Intervenor status stipulate that the Applicant shall not be required to answer interrogatories related to such issues, unless they fall within the specific criteria of section 96(2) and are within the scope of this proceeding. Specifically, the Applicant submits that issues related to health, safety, traffic circulation and general animal safety are not matters that fall within Section 96(2) and requests that the Board explicitly rule such issues as out of scope, recognizing that such issues are dealt with in other regulatory forums.
- 5) Furthermore, the Applicant respectfully submits that the Intervenor should not be eligible for costs that relate to matters that are outside the scope of this proceeding, including health, safety, traffic circulation and general animal safety.

Six Nations

- 6) In a letter to the Board dated June 13, 2011, Six Nations confirmed their request for intervenor status. The Applicant does not object to Six Nations participating in the proceedings, however the Applicant is seeking assurance from the Board that any issues brought forward by Six Nations fall within the scope of the hearing process.
- 7) The Applicant respectfully submits that land rights, consultation and issues related to historical treaties and land claims that do not relate directly to the price or reliability and quality of electrical service, or, where applicable, the promotion of the use of renewable energy sources in a manner consistent with the policies of the Government of Ontario, do not fall within the Board’s jurisdiction.

- 8) As mentioned above, the Board's jurisdiction is limited by Section 96(2) of the OEB Act. In particular, the Applicant relies on the previous decisions of the Board, in which the Board only considered consultation and accommodation issues which fall within the specific criteria of Section 96(2).¹
- 9) Similarly, the Applicant submits that Six Nations' cost eligibility be restricted to matters directly within the scope of this proceeding, namely price, quality, reliability, and the government's policies with respect to renewable energy projects.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

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¹ EB-2009-0120, *Yellow Falls Power Limited Partnership*, Decision on Questions of Jurisdiction and Procedural Order 4, November 18, 2009. See also EB-2010-0150, *Northgate Minerals*, Procedural Order 2, July 29, 2010. See also EB-2011-0115, *Detour Gold*, Procedural Order No. 1, dated June 8, 2011.