



EB-2011-0063

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 Grand
Renewable Wind LP for an Order granting leave to
construct a new transmission line and associated
facilities for the Grand Renewable Energy Park to
be located in Haldimand County.

PROCEDURAL ORDER NO. 3

Grand Renewable Wind, LP (the "Applicant" or "GRW") filed an Application with the Ontario Energy Board (the "Board") dated February 28, 2011 under sections 92 and 97 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, (Schedule B), (the "Act") seeking an Order of the Board to construct transmission facilities and approval of a form of easement agreement. The Application indicates that the transmission facilities are required to connect the Grand Renewable Energy Park (the "GREP"), to be located in Haldimand County, to the IESO-controlled grid. GRW is a Limited Partnership owned by two limited partners, Samsung Renewable Energy Inc ("SRE") and Pattern Grand LP Holdings LP ("Pattern LP"), as well as its general partner, Grand Renewable Wind GP Inc. The Application has been assigned Board File No. EB-2011-0063.

The work involves constructing approximately 19 kilometres of 230 kilovolt ("kV") transmission line, a collector substation consisting of two step-up transformers (34.5 kV:230 kV), two transition stations to accommodate construction of an underground portion of the proposed 230 kV transmission line, and an interconnection station to connect to the existing Hydro One owned N5M 230 kV transmission line (the "Transmission Facilities").

The GREP will consist of a 153 MW wind power generating facility (the “Wind Project”), and a 100 MW solar photovoltaic generating facility (the “Solar Project”). The GREP covers an area of 7600 hectares of mainly agricultural land which will encompass both the Wind Project and the Solar Project.

GRW notes that while the Proposed Facility will be used to transmit the electricity generated from both the Wind Project and the Solar Project to the IESO-controlled grid, any electricity generated by the Solar Project will be transmitted for a price that is no greater than that required to recover all reasonable costs. In transmitting the electricity generated from the Solar Project, the GRW therefore relies on section 4.0.2(1)(d) of Ontario Regulation 161/99, Definitions and Exemptions made pursuant to the Act, to be exempt from the requirement to obtain a transmitter licence under section 57(b) of the Act. GRW has also indicated that it considers itself to be a generator pursuant to section 56 of the Act once the Wind Project achieves commercial operation. The Applicant therefore intends to submit a notice of proposal to own transmission facilities pursuant to section 81 of the Act when it applies for a generating licence from the Board.

The Board issued a Notice of Application dated April 1, 2011 directing GRW to commence service and publication of the Notice. GRW has served and published the Notice as directed by the Board.

The Board issued its Decision and Order granting interventions to eleven parties, and cost eligibility to four parties and noting that GRW's letter of July 7, 2011 indicated no objection to any of the eleven intervention requests or to the four requests for cost eligibility.

On July 29, 2011 the Applicant filed a letter requesting an extension of time to file its interrogatory responses from the original deadline of August 5, 2011 to August 12, 2011. The Applicant indicated that the volume and complexity of the interrogatories as well as the unavailability of certain key individuals to be the reasons for its request.

On August 3, 2011 the Board issued procedural Order No. 2 to accommodate GRW's request to delay the deadline of filing the interrogatory responses to August 12, 2011.

By letter dated August 18, 2001, the intervenor Haldimand County Hydro Inc. (“HCHI”) advised the Board that it intended to file evidence relating to the need for a new transformer station in Haldimand County. HCHI believed the evidence to be necessary

because the Transmission Facilities that are the subject of the current application would provide an ideal connection to the new transformer station. Absent a requirement that the applicant be a licensed transmitter, it would presumably have no obligation to connect HCHI and allow it to use the Transmission Facilities. This is an issue of concern to HCHI. The evidence supporting the need for a new transformer station was filed on August 30, 2011.

On September 6, 2011 GRW filed a letter with the Board asking it to strike the evidence filed by HCHI on the ground that it had no relevance to the proceeding.

This proceeding represents one of the first times since the enactment of the *Green Energy and Green Economy Act* that the Board has considered a leave to construct application from a renewable generation facility. Perhaps not surprisingly, there appears to be some level of disagreement amongst the parties regarding exactly what is within the scope of the proceeding. Although the Board has received a number of submissions (in the form of letters to the Board secretary's office) regarding parties' views on jurisdictional issues, this has not occurred in a structured manner and the Board is not prepared to make any rulings at this time.

The Board is prepared, however, to move to the argument phase of the hearing. Without seeking to limit the extent of parties' submissions, the Board would be assisted by argument addressing the following questions:

1. What are the responsibilities, if any, of the Applicant to provide access to its proposed Transmission Facilities?
2. Are broader transmission planning issues (i.e. beyond the Transmission Facilities proposed in the Application) relevant considerations in this proceeding? What responsibilities does the Applicant have, if any, with respect to broader transmission planning issues?
3. Does the fact that the proposed facilities will be located largely within a municipal right of way have any bearing on the Applicant's obligation regarding future requests for connection?

4. Does section 96(2) permit the Board to consider the impact of the proposed Transmission Facilities on the reliability of the current or future distribution system owned and operated by HCHI?

The Board also welcomes argument on any other issues in this case that parties feel is relevant. Depending on the conclusion the Board reaches with respect to the questions posed above (and possibly other issues raised by parties), the Board may determine that additional procedural steps are required. However, the Board may also determine that no additional process is required and move directly to a final decision. Parties should therefore treat this as, at least potentially, final argument.

The Board also notes that Haldimand Federation of Agriculture's (HFA) filed a letter on August 24 seeking further clarification of interrogatory responses. The Board's Rules of Practice and Procedure prescribe the manner in which parties are to seek further clarification of interrogatories. This process has not been utilized and at this stage of the proceeding the Board does not intend to order further interrogatory responses. However, GRW may wish to address HFA's questions in its submission.

THE BOARD ORDERS THAT:

1. The Applicant shall file its submission (including responses to the questions posed by the Board), no later than **Friday, September 16, 2011**.
2. Intervenors of record and Board staff shall file their submissions that include addressing the three questions listed in this Procedural Order No.3, no later than **Friday, September 23, 2011**.
3. The Applicant shall file its reply to submissions of intervenors and Board staff no later than **Friday, September 30, 2011**.

All filings to the Board must quote file number EB-2011-0063, 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.

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DATED at Toronto on September 8, 2011

ONTARIO ENERGY BOARD

Original Signed By

John Pickernell
Asst. Board Secretary