



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.

MOTION TO REVIEW AND PROCEDURAL ORDER NO. 5

On December 8, 2011, the Board issued its Decision and Order which approved a leave to construct application as filed by Grand Renewable Wind LP ("GRWLP"). The approval was for a 19 kilometre transmission line and associated facilities (the "Project") that will connect two generation facilities – a wind farm and a solar farm – to the Independent Electricity System Operator ("IESO") controlled-grid. The application did not seek any approvals with respect to the generation facilities themselves.

On December 12, 2011, the Six Nations Council (an intervenor in the proceeding) wrote to the Board regarding an apparent inconsistency between the language used in the Decision versus the language that appeared in the actual Order, in particular the Conditions of Approval (the "Conditions") that formed part of the Order.

At page 12 of the Decision, the Board stated:

The Board accepts that the Project is needed in order to transmit the electricity generated by the two generation facilities. The Board's approval will be conditioned, however, on the two generation projects receiving the REA [Renewable Energy Approval] and any other approvals necessary for their construction.

The Six Nations Council observes that Condition 1.6 that forms part of the Board's Order, does not precisely match the condition as described in the Decision. Condition 1.6 of the Order states:

GRWLP shall obtain all necessary approvals, permits, licences, certificates and easement rights required to construct, operate and maintain the Project, and shall provide copies of all such written approvals, permits, licences and certificates upon the Board's request.

The primary difference is that the Decision specifies that the Project will be conditioned on the completion of the REA for both generation projects, i.e. the wind farm and the solar farm. Condition 1.6 as it appears in Appendix A to the Order simply states that GRWLP must obtain all necessary approvals, permits, licences, certificates and easement rights required to construct, operate and maintain the Project, and does not specify that the approval for the Project (i.e. the transmission line and facilities) is conditioned on any approvals relating to the two generation projects.

The Six Nations Council asked the Board to vary its Decision pursuant to Rule 43 of the Board's *Rules of Practice and Procedure* (the "Rules") to specify in the Conditions that the Project cannot commence until the REAs for the two generation projects have been completed.

There are two REA processes associated with the Project. The Project itself is part of an REA that also includes the wind farm. There is a separate REA for the solar farm. As currently structured, therefore, the wind farm and the Project are being considered in a single REA, and an approval of that REA would encompass both the Project and the wind farm. It is possible, however, that the Project and the Wind farm could receive their REA approval before the solar farm REA.

The Board will treat the Six Nations Council letter as a request for a motion to review pursuant to the Rules, and will hear submissions on the appropriate wording of Condition 1.6 of its Order. The Board would be assisted in particular by submissions regarding two issues:

- the appropriateness of tying approval of the Project to the REA for the solar farm (as opposed to the REA that includes the Project); and

- the extent to which the findings of the Customer Impact Assessment Report and System Impact Assessment Report (which contemplated the Project serving both generation facilities) are still valid if the Project initially serves only the wind farm.

The Board would be assisted by submissions from both Hydro One Networks Inc. and the IESO with respect to this issue.

THE BOARD ORDERS THAT:

1. If the Six Nations Council wishes to make initial submissions in addition to those found in its December 12 letter, it may file same with the Board, and serve on all other parties, by **Monday, January 9, 2012**.
2. Any party wishing to make submissions on the motion (including Hydro One Networks Inc. and the Independent Electricity System Operator with respect to the second issue) may file such submissions with the Board, and serve on all other parties, by **Monday, January 16, 2012**.
3. The Applicant may file its submissions with the Board, and serve on all other parties, by **Monday, January 23, 2012**.
4. The Six Nations Council may file any reply with the Board, and serve on all other parties, by **Monday, January 30, 2012**.

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.

ISSUED at Toronto on December 22, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary