



**EB-2011- 0420**

**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 White River Hydro LP and Gitchi Animki Energy Limited Partnership as joint venture partners (previously the second applicant and joint venture partner was Pic Mobert First Nation) for an order under section 92 and subsection 96(2) of the *Ontario Energy Board Act* granting leave to construct an electricity transmission line and related facilities.

## **PROCEDURAL ORDER NO. 2**

White River Hydro LP and Gitchi Animki Energy Limited Partnership (the “Applicants”) have filed an application with the Ontario Energy Board (the “Board”) dated December 6, 2011 under sections 92 and 96(2) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B. As further described herein, the original application in this case was filed by White River Hydro LP and Pic Mobert First Nation as joint venture partners, however, the Board has been advised of and has noted a corporate reorganization that resulted in a change to the second named Applicant from Pic Mobert First Nation to Gitchi Animki Energy Limited Partnership.

The Applicants have applied for an order of the Board granting leave to construct an electricity transmission line as described below in item (i) and related facilities (“Transmission Facilities”), as described in items (ii), (iii) and (iv):

- (i) A single 115 kV electricity transmission line (the “Transmission Line”) approximately 23.5 kilometres in length, which will connect the two hydroelectric generating facilities (the Niiz Facility and the Bezbig Facility) on White River, to the Independent Electricity System Operator-controlled grid. The Transmission Line will begin at the downstream Niiz Facility, connect the

- Bezbig Facility and terminate at the interconnection point with Hydro One Networks' ("Hydro One") M2W 115 kV circuit;
- (ii) A switching station will be located adjacent to the M2W circuit;
  - (iii) A switchyard located adjacent to the Niiz Facility powerhouse that will connect the Niiz Facility to the Transmission Line; and
  - (iv) A switchyard located adjacent to the Bezbig Facility powerhouse that will connect the Bezbig Facility to the Transmission Line.

The Transmission Line and Transmission Facilities will be located near the community of Pic Mobert and the Town of White River.

The Application has been assigned Board File No. EB-2011- 0420.

The Board issued a Notice of Application dated January 24, 2012, and directed the Applicants to serve and publish the Notice. The Board received requests for intervenor status from Pic River First Nation ("PRFN"), Innergex Renewable Energy Inc. ("Innergex") and the Independent Electricity System Operator ("IESO").

Following receipt of a letter dated February 22, 2012 from the Applicants, the Board issued Procedural Order No. 1 on February 23, granting intervention status to PRFN and eligibility to apply for an award of costs as well as granting intervention status to Innergex and to the IESO.

On February 25, 2012 the Board received a letter from the Applicants indicating that for commercial reasons on December 7, 2011, Pic Mobert First Nation formed Gitchi Animki Energy Limited Partnership ("GAELP") and transferred its 35% interest in the Joint Venture. The Applicants further indicated as a result, Pic Mobert First Nation now holds its 35% interest in the joint venture indirectly via GAELP, and is of the view that given that it continues to hold an interest in the joint venture, Pic Mobert First Nation will remain an Applicant for the purposes of EB-2011-0420. The Applicants also noted that the corporate reorganization is not deemed to be a change in control of the Joint Venture, given that Pic Mobert First Nation only holds a 35% interest in the Joint Venture, whether directly or indirectly through GAELP.

The Board reviewed the February 25 letter and has determined that the noted change in the ownership structure by the Pic Mobert First Nation will not require that the Applicants publish and serve a new Notice of Application and Written Hearing. The reason is that the issues expected to be raised in this proceeding will not be impacted

by the noted change in the ownership interest of the Pic Mobert First Nation or of the creation of GAELP as the joint venture partner with White River Hydro LP. The Board notes, however, that for accuracy, it will now refer to the Applicants in this case as White River Hydro LP and GAELP.

On February 28, 2012, the Board received a letter from Carol L. Godby, Counsel of PRFN, asking for extension of the deadline for interrogatory submission to March 12 from the existing deadline of March 5 as stated in Procedural Order No.1. The stated reason for the requested extension is to allow for discussions to address outstanding issues between the Applicant and PRFN. The letter also indicated that PRFN will undertake to advise the Board of the outcome of the discussions at the earliest opportunity.

On February 29, 2012 the Board received a letter from the Applicants opposing the February 28 request by PRFN to extend the deadline for interrogatory submissions to March 12 from the existing deadline of March 5. The Applicants indicated that while negotiations with PRFN are pursued, these do not affect any interrogatories that may be posed regarding the Transmission Facility nor do they relate to the issues within the scope of this leave to construct application. The Applicants concluded that PRFN should not be permitted to delay these proceedings in order to accommodate negotiation timelines on issues outside of the scope of the leave to construct.

The Board notes that it cannot determine ex-ante whether or not the issues being discussed between the parties are within the scope of this leave to construct proceeding, nor whether the interrogatories ultimately filed by PRFN are related to or impacted by the ongoing discussions or will be within the scope of this proceeding.

The Board is of the view that PRFN's request is reasonable and can be accommodated without unduly impacting the current schedule of the proceeding.

The Board will therefore approve the requested extension of the deadline for the filing of interrogatories to March 12, and will revise the filing dates for the remaining procedural steps previously ordered in Procedural Order No.1.

The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. Intervenors and Board staff who wish information and material from the Applicants that is in addition to the evidence pre-filed with the Board, and that is relevant to the proceeding, shall request it by written interrogatories filed with the Board and delivered to all parties no later than **March 12, 2012**. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based.
2. The Applicants shall, no later than **March 20, 2012** file with the Board and deliver to all intervenors, a complete response to each of the interrogatories.
3. The Applicants shall file with the Board and deliver to all intervenors, their argument-in-chief, if any, by **March 26, 2012**.
4. Board staff and intervenors shall file their written submission, if any, with the Board, and deliver it to the Applicants and other intervenors, by **March 30, 2012**.
5. If the Applicants wish to respond to a submission, the response must be filed with the Board and delivered to intervenors by **April 5, 2012**.

All filings to the Board must quote file number **EB-2011- 0420**, be made through the Board's web portal at [www.errr.ontarioenergyboard.ca](http://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.oeb.ontarioenergyboard.ca](http://www.oeb.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.

**ADDRESS:**

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**DATED** at Toronto on March 2, 2012

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary