

Richard P. Stephenson

T 416.646.4325 Asst 416.646.7417

F 416.646.4335

E richard.stephenson@paliaroland.com

www.paliaroland.com

File 20125

April 20, 2012

Chris G. Paliare
Ian J. Roland
Ken Rosenberg
Linda R. Rothstein
Richard P. Stephenson
Nick Coleman
Margaret L. Waddell
Donald K. Eady
Gordon D. Capern
Lily I. Harmer
Andrew Lokan
John Monger
Odette Soriano
Andrew C. Lewis
Megan E. Shortreed
Massimo Starnino
Karen Jones
Robert A. Centa
Nini Jones
Jeffrey Larry
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Danny Kastner
Tina H. Lie
Jean-Claude Killey
Jodi Martin
Michael Fenrick
Nasha Nijhawan
Jessica Latimer
Debra Newell
Lindsay Scott
Alysha Shore

VIA RESS FILING AND COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

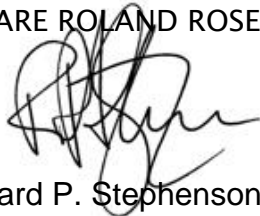
**Re: EWT – Application for an Electricity Transmission Licence
(EB-2011-0350)**

The following is the Power Workers' Union submission on the EWT Application for an Electricity Transmission Licence (EB-2011-0350).

We hope you will find the PWU's comments useful.

Yours very truly,

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP



Richard P. Stephenson
RPS:jr
encl.

cc: Judy Kwik
John Sprackett

HONORARY COUNSEL

Ian G. Scott, Q.C., O.C.
(1934 - 2006)

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

AND IN THE MATTER OF an application under section 60 of the *Ontario Energy Board Act, 1998* for an electricity transmission licence.

EWT LP - Application for Electricity Transmission Licence

Submission of the Power Workers' Union

1. Introduction

On September 20, 2011, EWT LP filed an application with the Ontario Energy Board (OEB or "Board"), under section 60 of the *Ontario Energy Board Act, 1998* for an electricity transmission licence.

EWT LP is a newly formed Ontario limited partnership and currently has no existing transmission assets in Ontario. The purpose of EWT LP's application is to participate in the Board's designation process for the East-West Tie Line pursuant to EB-2011-0140 and the intended business activity is to plan, develop, construct, own, operate and maintain transmission facilities in the province of Ontario. The granting of this licence would therefore enable EWT LP to transmit electricity in Ontario.

The limited partnership interests in EWT LP are held equally by each of the Applicant's three limited partners: Hydro One Inc. ("Hydro One"), Great Lakes Power Transmission

EWT LP (“GLPT-EWT LP”) and Bamkushwada L.P. (“BLP”). The general partner of EWT LP is East-West Tie Inc., of which Hydro One, GLPT-EWT LP and BLP are equal shareholders.

The Board issued a Notice of Application and Hearing on October 19, 2011, and Procedural Order No. 1 on November 7, 2011.

Following Procedural Order No. 1, intervenors filed their respective interrogatories on November 21, 2011 and EWT LP filed its interrogatory responses on December 5, 2011.

Following EWT LP’s response to interrogatories, TransCanada, Upper Canada and AltaLink, intervenors in this proceeding, each filed a Notice of Motion with the Board, on December 12, 13 and 15, 2011, respectively requesting EWT LP to provide further and more detailed responses to certain interrogatories that the Board needs to consider in making a determination in respect of the financial position, technical capabilities and past conduct of the applicant.

On March 23, 2012 the Board issued its Decision on Motions and Procedural Order No. 3. In its Decision, the Board rejected most of the intervenors’ interrogatories which formed the basis for the Motions and ordered EWT LP to file further and more detailed responses to certain Upper Canada and AltaLink interrogatories. EWT LP filed its responses on April 5, 2012.

2. PWU’s Submission

The PWU submits that while the specific project underpinning EWT LP’s current Application is the East-West Tie Line project, the Application in and of itself is not for the designation of a transmitter for the East-West Tie Line project, the specifics of which will be determined through the Board's designation proceeding, EB-2011-0140. Rather, this Application is for a transmission licence, which as per the Board’s Policy in EB-

2010-0059, is a requirement to participate in the designation process.¹ In other words, and as can be inferred from the Board's most recent transmission licence decisions, the Board's policy allows for the licensing of prospective new entrant transmitters without reference to specific transmission projects and applicants with licences or who have applied for a licence are automatically qualified to participate in the designation process.

EWT LP is a new entrant that is currently not engaged in transmission activity in Ontario. In this regard, the only relevant evaluation the Board should have to make is with respect to the Applicant's financial viability and technical capability to undertake transmission activity in Ontario. The other criterion, i.e. the conduct of the Applicant, is irrelevant as the Applicant as a new entrant has no transmission assets in Ontario and there are no grounds for concern about the manner in which the Applicant will conduct its business in the future with respect to relevant legislative and regulatory requirements.

With respect to finance and technical capability, the Board's most recent Decisions and Orders on the transmission license applications of parties wishing to qualify for and participate in a designation process indicate that the Board's evaluation would not be an exhaustive assessment of financial capacity and technical capability, but rather would be a preliminary review of the applicant in these respects".² As the Applicant rightly points out in its response to interrogatories, the Board has clearly established that the transmitter licensing process is meant only as a threshold qualification process to help the Board undertake a preliminary review of the applicant's financial position, technical capability and past conduct.³

In this regard, the PWU notes that the Board, in its March 23, 2012 Decision on Motions found most of the information requested of the Applicant by certain intervenors inappropriate at least at this stage. At this point it is important to note that the Board has repeatedly affirmed its position that the licensing process is not meant to be an

¹ Ontario Energy Board, EB-2010-0059: Board Policy: Framework for Transmission Project Development Plans, August 26, 2010.

² See the Board's Decision and Order in TransCanada's licence application (EB-2010-0324), Page 7.

³ EB-2011-0350: Responses to TransCanada Power Transmission (Ontario) L.P.'s Interrogatories Page 3 of 20

endorsement of the applicant's technical and financial capabilities in relation to the development of a specific transmission project.⁴

The PWU has reviewed all relevant documents supporting EWT LP's application for a transmission licence including the supplementary responses to AltaLink and Upper Canada interrogatories which EWT LP filed on April 5, 2012 as per the Board's Decision on Motions and Procedural Order No.3 issued on March 23, 2012. The PWU submits that EWT LP has filed all the necessary information that the Board needs to make a determination consistent with its recent Decisions and Orders with respect to similar applications for transmission licences. Specifically, the PWU submits that the Board should grant the requested transmission licence because EWT LP meets the financial viability and technical capability threshold. In its evidence, EWT LP has demonstrated that it has the financial resources, the technical capability and managerial expertise needed to develop and reliably operate a transmission system project owing to its access to resources owned by its limited partners. The PWU, therefore, submits that EWT LP meets the technical and financial requirements for a transmission licence.

The Board should, therefore, grant the requested licence.

All of which is respectfully submitted.

⁴ For example, see the Board's Decision and Order in the AltaLink application (EB-2011-0126), Page 4; the Board's Decision and Order in the Iacon application (EB-2010-0403), Page 4; and the Board's Decision and Order in the TransCanada application (EB-2010-0324), Page 7.