



**EB-2012-0235**

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

**AND IN THE MATTER OF** a proceeding on the Board's own motion under section 19(4) and section 57 of the *Ontario Energy Board Act, 1998* for Grand Renewable Wind Limited Partnership

## **NOTICE OF WRITTEN HEARING**

**AND**

## **PROCEDURAL ORDER NO. 1**

**May 8, 2012**

The Ontario Energy Board (the "Board") has commenced a proceeding on its own motion under section 19(4) and section 57 of the *Ontario Energy Board Act, 1998* (the "Act") to determine whether Grand Renewable Wind Limited Partnership ("GRWLP") is exempt from holding an electricity transmission licence pursuant to section 4.0.2(1)(d)(i) of Ontario Regulation 161/99 ("O.Reg. 161/99"). The Board has assigned file number EB-2012-0235 to this proceeding.

On February 24, 2012, GRWLP filed a Notice of Proposal under section 81 of the Act. The Board assigned file number EB-2012-0075 to that proceeding. As part of its proposal GRWLP sought confirmation from the Board that it was exempt from holding an electricity transmission licence pursuant to section 4.0.2(1)(d)(i) of O. Reg. 161/99 for the transmission assets that it is building to connect its wind generation facility to the IESO controlled grid. On April 19, 2012, the Board issued a letter indicating that it intended to review the section 81 Notice of Proposal.

On May 4, 2012 the Board issued a Decision and Order approving the section 81 Notice of Proposal. The Board determined that a section 81 proceeding was not the appropriate forum to consider the issue of whether or not GRWLP is exempt from holding an electricity transmission licence, and indicated that it would commence a proceeding on its own motion under section 19(4) and 57 of the Act to address the issue. This Notice and Procedural Order commences the new proceeding.

## **Background**

GRWLP was established for the purpose of developing, constructing, and operating a 153 MW wind generating facility (the "Wind Project"). Grand Renewable Solar LP, a related company, was established for the purpose of developing, constructing and operating a 100 MW solar generating facility (the "Solar Project"). In addition to the Wind Project, GRWLP intends to own and operate the interconnection facilities (the "Transmission Facility") used to connect both the Wind Project and the Solar Project to the IESO controlled grid. The Transmission Facility was subject to a leave to construct application with the Board that was approved with conditions through the Board's Decision and Order dated December 8, 2011 (EB-2011-0063).

Both GRWLP and Grand Renewable Solar LP intend to apply for electricity generation licences with the Board in due course. GRWLP maintains it does not require an electricity transmission licence for the Transmission Facility pursuant to an exemption under section 4.0.2(1)(d)(i) of O.Reg 161/99. The Board heard argument on the licence exemption issue in the EB-2011-0063 proceeding. Board staff argued that it was not clear that GRWLP is in fact entitled to the exemption in O. Reg. 161/99. Ultimately the Board determined that it did not need to make a determination on that issue in the EB-2011-0063 proceeding, and that the issue could be addressed at a later date.

## **Issue to be Determined in this Proceeding**

The issue that the Board intends to determine in this proceeding is as follows:

1. Is GRWLP exempt from holding an electricity transmission licence with respect to its intention to transmit electricity generated by both the Wind Project and the Solar Project to the IESO controlled grid through its Transmission Facility, pursuant to section 4.0.2(1)(d)(i) of O. Reg. 161/99?

The issue of whether GRWLP is exempt from holding an electricity transmission licence is a question of legal interpretation. The facts that might assist parties in making their submissions relating to the physical layout and configuration of the Transmission Facility in relation to the Wind Project and the Solar Project, and the legal relationship between the GRWLP and Grand Renewable Solar LP are set out in the evidence in the EB-2011-0063 and EB-2012-0075 proceedings, respectively. The Board asks that GRWLP confirm that the relevant evidence from the records of these proceedings is still accurate, or, if it is not, to re-file updated evidence.

### **Parties**

To the extent they wish to participate, the Board accepts as parties to the proceeding the following intervenors from the EB-2011-0063 proceeding: Hydro One Networks Inc., the Independent Electricity System Operator, the Six Nations Council, Haldimand Federation of Agriculture, the Corporation of Haldimand County.

The Board considers it necessary to make provision for the following procedural matters related to this proceeding. Further procedural orders may be issued from time to time.

### **THE BOARD ORDERS THAT:**

1. GRWLP is to confirm by letter to the Board and all intervenors that the evidence relating to the physical configuration of Wind Project and the Solar Project in relation to the Transmission Facility, and the legal relationship between GRWLP and Grand Renewable Solar LP, as filed in the EB-2011-0063 and EB-2012-0075 proceedings remains accurate on or before **May 11, 2012**. If any of the relevant information is no longer accurate, GRWLP will file any updates or propose a schedule for doing so.
2. GRWLP shall file any argument in chief with the Board, and serve on all other intervenors, by **May 17, 2012**.
3. Any intervenor, or Board staff, wishing to file final argument in this matter shall file same with the Board and serve on all other parties by **May 31, 2012**.

4. GRWLP will file its reply argument with the Board, and serve on all other parties, by **June 14, 2012**.

All filings to the Board in respect of this proceeding must quote file number EB-2012-0235, 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.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca). If the web portal is not available you may email your document to [BoardSec@ontarioenergyboard.ca](mailto:BoardSec@ontarioenergyboard.ca). 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 seven paper copies. If you have submitted through the Board's web portal an email is not required. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

All filings to the Board in relation to this proceeding will be available for viewing at the Board's offices and will be placed on the Board's website. If the filing is from a private citizen (i.e., not a lawyer representing a client, not a consultant representing a client or organization, not an individual in an organization that represents the interests of consumers or other groups, and not an individual from a regulated entity), before making the filing available for viewing at the Board's offices or placing the filing on the Board's website, the Board will remove any personal (i.e., not business) contact information from the filing (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the filing will be available for viewing at the Board's offices and will be placed on the Board's website.

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**DATED** at Toronto, May 8, 2012

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary