

June 20, 2012

VIA E-MAIL

Ms. Kirsten Walli
Secretary
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File No. T989979

Dear Ms. Walli:

**Re: Hydro One Networks Inc.
Application for Leave to Construct Transmission Facilities between Lambton TS and
Longwood TS
Board File No. EB-2012-0082
Chippewas of the Thames First Nation's Written Interrogatories**

Enclosed please find Chippewas of the Thames First Nation's written interrogatories in this proceeding.

Yours sincerely,

GOWLING LAFLEUR HENDERSON LLP



Scott A. Smith

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Encl.

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Hydro One Networks Inc.

Lambton to Longwood Transmission Upgrade Project

Application for Leave to Construct under section 92 of the *Ontario Energy Board Act, 1998*

Board File No. EB-2012-0082

Chippewas of the Thames First Nation

Written Interrogatories

Chippewas of the Thames First Nation Interrogatories

Lambton to Longwood Transmission Upgrade Project

Application for Leave to Construct

EB-2102-0082

PROJECT COSTS

Interrogatory #1

Reference:

- (a) Exhibit A, Tab 1, Schedule 1, Page 2 of 5
- (b) Exhibit A, Tab 1, Schedule 1, Page 3 of 5
- (c) Exhibit B, Tab 4, Schedule 2, Page 4 of 4
- (d) April 5, 2012 letter from the Honourable Chris Bentley, Minister of Energy to Mr. Colin Andersen, CEO, OPA RE: Feed-In Tariff Program Review, p. 1

Preamble:

- Reference (a) describes the proposed Project as including:
 - “a) upgrade approximately 70 km of existing 230 kV double circuit transmission line between Lambton TS and Macksville Junction with a new higher capacity conductor; and
 - b) replace existing insulators and associated hardware.”
- Reference (b) provides that the total cost of the project is \$40 million.
- Reference (c) provides that the estimated cost of the proposed Project is \$571,000 / km whereas the actual cost of the Burlington TS to Beach TS Project was \$914,000 / km.
- Reference (d) provides that the Ontario government is committed to “Reserving a minimum of 10 per cent of remaining capacity for projects with significant participation from local or Aboriginal communities.”

Questions/Requests:

1. How is the proposed Project related to Hydro One’s transmission lines located on COTTFN’s reserve?

2. Will electricity transmitted on the transmission line between Lambton TS and Longwood TS be subsequently transmitted on Hydro One's transmission lines located on COTTFN's reserve?
3. To the extent that the proposed Project and the transmission lines on COTTFN's reserve are related:
 - (a) Does Hydro One have a valid lease for the transmission lines on COTTFN's reserve?
 - (b) If Hydro One does not have a valid lease, will Hydro One negotiate a new lease with COTTFN for the transmission lines on its reserve before it carries out the proposed Project?
 - (c) What is Hydro One's cost estimate for negotiating a new lease with COTTFN for the transmission lines on its reserve?
 - (d) Do the costs of the proposed Project include the cost of negotiating the new lease and any other leases that Hydro One may be required to negotiate for the proposed Project?
4. Are upgrades required to Hydro One's transmission lines located on COTTFN's reserve to enable connection of additional renewable energy generation to the transmission grid?
5. If upgrades are required, why are they not part of the proposed Project?
6. If upgrades are required, when will they be made?
7. Does the cost of the proposed Project include the cost of reserving a minimum of 10 percent of remaining capacity for renewable energy projects with significant participation from local or Aboriginal communities?
8. Does the cost of the proposed Project include connecting these renewable energy projects to the transmission grid?

PROMOTION OF THE USE OF RENEWABLE ENERGY SOURCES

Interrogatory #2

Reference:

- (a) April 5, 2012 letter from the Honourable Chris Bentley, Minister of Energy to Mr. Colin Andersen, CEO, OPA RE: Feed-In Tariff Program Review, p. 1
- (b) Exhibit A, Tab 1, Schedule 1, Page 1 of 5
- (c) Exhibit B-1-4, Attachment 3, Page 2
- (d) Exhibit B, Tab 1, Schedule 5, Lambton to Longwood Transmission Upgrade, OPA, March 2012, pp. 17-18
- (e) Exhibit A, Tab 3, Schedule 1, Page 4 of 4

Preamble:

- Reference (a) provides that the Ontario government is committed to “Reserving a minimum of 10 per cent of remaining capacity for projects with significant participation from local or Aboriginal communities.”
- Reference (a) provides that “In offering contracts for small and large FIT projects, the OPA shall allocate of the available capacity:
 - i. a minimum of 100 MW for projects with greater than or equal to 50 per cent community and Aboriginal equity participation...”
- Hydro One states in Reference (b) that the upgrades are required to:
 - “a) increase transfer capability and enable the connection of additional renewable generation to the transmission grid to contribute to meeting the Long Term Energy Plan’s target of 10,700 MW of installed non-hydroelectric renewable capacity by 2018;”
- In Reference (c), the OPA states that “The upgrade project will enable the connection of approximately 300-500 MW of additional renewable generation in the west of London area...”
- In Reference (d), the OPA states that “The Lambton to Longwood transmission upgrade project will enable about 500 MW of renewable generation based on the 5% congestion threshold; this is in addition to the 300 MW of renewable energy generation which can be accommodated on the existing system West of London.”
- Reference (e) provides that the proposed Project is in the public interest for several reasons, including that “The existing capability of the transmission system west of

London is not sufficient to transmit the additional renewable generation that is forecast in the future”.

Questions/Requests:

1. Will the remaining 300 MW of transmission capacity be exclusively allocated to renewable energy generation projects located in the area west of London?
2. If not, what percent of the remaining 300 MW of transmission capacity will be allocated to renewable energy generation projects located in the area west of London?
3. Will a minimum of 10 percent of the remaining 300 MW of transmission capacity be allocated to renewable energy projects with significant participation from local or Aboriginal communities?
4. Will all of the additional capacity of 500 MW created by the proposed Project be exclusively allocated to renewable energy generation projects in the area west of London?
5. If not, what percent of the additional 500 MW of capacity will be allocated to renewable energy generation projects in the area west of London?
6. Will a minimum of 10 percent of the additional 500 MW of capacity be allocated to renewable energy projects with significant participation from local or Aboriginal communities?
7. What steps will be taken to promote participation of Aboriginal communities whose traditional territories are crossed by the proposed Project in renewable energy generation projects in the area west of London?
8. Has the proposed Project been designed to ensure that COTTFN will be able to connect its proposed 10 MW solar power project or any other renewable energy project developed on COTTFN's reserve to the transmission grid?
9. If not, what modifications are required to enable COTTFN to connect a renewable energy project on its reserve to the transmission grid?
10. How much will the modifications cost?
11. Is it possible to include the required modifications in the scope of the proposed Project?

ENVIRONMENTAL ASSESSMENT

Interrogatory #3

Reference:

- (a) Exhibit A, Tab 1, Schedule 1, Page 3 of 5
- (b) Exhibit A, Tab 3, Schedule 1, Page 2 of 4
- (c) Exhibit B, Tab 4, Schedule 2, Page 2 of 4
- (d) Exhibit B, Tab 6, Schedule 1, Page 2 of 4
- (e) Exhibit B, Tab 6, Schedule 1, Page 3 of 4
- (f) Exhibit B-6-5, Attachment 1, Page 1 of 2
- (g) Exhibit B-6-5, Attachment 2, Page 1 of 2

Preamble:

- Reference (a) provides that the Project is “expected to have no significant environmental impacts, and it has accordingly been screened out under the *Class Environmental Assessment for Minor Transmission Facilities* (“**Class EA**”) approved by the Ministry of Environment (“**MOE**”)”.
- Reference (b) provides that Hydro One filed a “screen-out letter” with the Ministry of Environment on March 9, 2012, and that “Hydro One will follow the Ministry’s recommendations on environmental issues.” See also Reference (d).
- Reference (c) provides that the proposed Project will use a “High Temperature Low Sag Conductor, which is a new type of conductor for Hydro One”.
- Reference (e) provides that local concerns and recommendations from the Ministry of Natural Resources, the results of the archaeological studies and further input from neighbours will be used to develop the Environmental Specifications (which describe the project specific commitments and mitigation measures).
- In Reference (f), Hydro One indicated to First Nation communities that may be impacted by the proposed Project that it “may also take the opportunity to replace a number of aging transmission towers to ensure the long-term integrity of this important transmission facility.”
- In Reference (g), Hydro One indicated to First Nation communities that may be impacted by the proposed Project that it “will also undertake, as required, maintenance and/or replacement of selected tower foundations and components to ensure the long term integrity and reliability of this transmission line.”

Questions/Requests:

1. Are there any additional or more severe environmental or health impacts associated with the new type of conductor (High Temperature Low Sag Conductor) that Hydro One is proposing to use?
2. Were the impacts (and potential uncertainty about impacts given that it is a new technology) considered in the screening under the *Class Environmental Assessment for Minor Transmission Facilities*?
3. Will Hydro One be replacing any transmission towers on the transmission line between Lambton TS and Longwood TS?
4. If transmission towers will be replaced:
 - (a) Is the cost of replacing the towers included in the cost of the proposed Project?
 - (b) Is the replacement of the towers part of Hydro One's Application for leave to construct?
 - (c) If not, why was the replacement excluded from the Application?
 - (d) Were the impacts of replacing the towers considered in the screening under the *Class Environmental Assessment for Minor Transmission Facilities*?
 - (e) If not, why were they not considered?
5. Will Hydro One be replacing any tower foundations between the Lambton TS and Longwood TS?
6. If tower foundations will be replaced:
 - (a) Will Hydro One move the towers in any way in order to replace the foundations?
 - (b) Is the cost of replacing the tower foundations included in the cost of the proposed Project?
 - (c) Is the replacement of the tower foundations part of Hydro One's Application for leave to construct?
 - (d) If not, why was the replacement excluded from the Application?
 - (e) Were the impacts of replacing the tower foundations considered in the screening under the *Class Environmental Assessment for Minor Transmission Facilities*?
 - (f) If not, why were they not considered?
7. Have all required archaeological studies been carried out? In particular:

- (a) Is a Stage 2 archaeological study required?
 - (b) Has Hydro One carried out a Stage 2 archaeological study?
 - (c) If Hydro One has carried out a Stage 2 archaeological study, please provide the report for the Stage 2 archaeological study.
 - (d) If Hydro One has not carried out a Stage 2 archaeological study:
 - (i) When will Hydro One carry out the Stage 2 archaeological study?
 - (ii) Will a Stage 2 archaeological study be carried out before work is done to replace tower foundations, to replace the towers or to install the new transmission facilities?
8. In addition to the copy of the “screen out letter” filed with the MOE requested by the OEB in its Interrogatory #6, please provide:
- (a) all recommendations on environmental issues made by the Ministry of Environment or any other (provincial or federal) Crown ministry, department or agency;
 - (b) all “commitments” made by Hydro One in respect of environmental issues for the proposed Project; and
 - (c) all mitigation measures that Hydro One has agreed to or has been required to implement in respect of any environmental issues.
9. Please provide all “Environmental Specifications” developed for the proposed Project.

DUTY TO CONSULT AND ACCOMMODATE COTTEN

Interrogatory #4

Reference:

- (a) Exhibit A, Tab 1, Schedule 1, Page 3 of 5
- (b) Exhibit A, Tab 3, Schedule 1, Page 3 of 4
- (c) Exhibit B, Tab 6, Schedule 5, Page 1 of 4
- (d) Exhibit B, Tab 6, Schedule 5, Page 2 of 4
- (e) Ontario's Long-Term Energy Plan, pp. 48-49

Preamble:

- Reference (a) provides that “Hydro One is undertaking the procedural aspects of consultation with potentially-affected First Nations and Métis communities on behalf of the Crown...Hydro One has therefore contacted First Nations communities identified by the Crown to provide notification of the project and to extend an offer to meet to discuss the project with Hydro One.”
- Reference (b) provides that Hydro One has contacted each of the eight First Nation communities identified by the Ministry of Energy, and has taken steps to follow up with them on any concerns that they may have in reference to the proposed Project.
- Reference (c) provides that Hydro One is “undertaking the procedural aspects of Consultation with potentially affected First Nations communities on behalf of the Crown throughout the completion of the Project.”
- Reference (c) also indicates that in a letter to Hydro One dated August 12, 2011, the Ontario Ministry of Energy identified Chippewas of the Thames as a First Nation having known or asserted Aboriginal or Treaty rights in the proposed Project area.
- Reference (d) provides that Hydro One's engagement activities include, *inter alia*, meeting with First Nation communities to provide Project-related information and to address any concerns, issues or questions about the Project, and giving consideration to all issues and concerns raised by First Nation communities as to how the Project may affect their interests, addressing any potentially affected First Nation interests, and communicating the results of such consideration clearly to First Nation communities.
- Reference (e) provides that:
 - “First Nation and Métis communities have diverse energy needs and interests. Ontario will work to ensure there is a wide range of options for Aboriginal participation in Ontario's energy future.”

- “Ontario also recognizes that Aboriginal communities have an interest in economic benefits from future transmission projects crossing through their traditional territories and that the nature of this interest may vary between communities.”
- “There are a number of ways in which First Nation and Métis communities could participate in transmission projects”. Ontario will expect opportunities to be explored to:
 - “Provide job training and skills upgrading to encourage employment on the transmission project development and construction.
 - Further Aboriginal employment on the project.
 - Enable Aboriginal participation in the procurement of supplies and contractor services.”

Questions/Requests:

1. Please identify which Ontario Crown ministry, department or agency is responsible for Crown consultation with COTTfN in respect of the proposed Project.
2. Please provide a consultation log (table) documenting all Hydro One engagement activities with COTTfN on the proposed Project. Please include the following information:
 - (a) Event and date (i.e. telephone calls, e-mails, letters, meetings, etc.);
 - (b) Issues raised by COTTfN;
 - (c) Steps taken by Hydro One to address COTTfN’s concerns; and
 - (d) Remaining / outstanding COTTfN concerns not addressed by Hydro One.
3. What funding has been provided to COTTfN by Hydro One to enable or to facilitate meaningful consultation between COTTfN and Hydro One?
4. What steps has Hydro One taken to determine whether the proposed Project may adversely impact COTTfN’s Aboriginal and Treaty rights?
5. What conclusions or findings has Hydro One reached on whether the proposed Project may adversely impact COTTfN’s Aboriginal and Treaty rights?
6. Has the Ontario Crown made any determinations on whether the proposed Project may adversely impact COTTfN’s Aboriginal and Treaty rights?
7. If so, please provide any determinations, conclusions or other Crown communications to Hydro One on this issue.

8. What steps has Hydro One taken to ensure that COTTFN is able to benefit economically from the proposed Project which crosses through its traditional territory?
9. Has Hydro One provided job training and skills upgrading to encourage employment of COTTFN members on the development and construction of the proposed Project?
10. What steps has Hydro One taken to further Aboriginal employment on the proposed Project?
11. What steps has Hydro One taken to further employment of COTTFN members on the proposed Project?
12. What steps has Hydro One taken to encourage Aboriginal participation in the procurement of supplies and contractor services for the proposed Project?
13. What steps has Hydro One taken to encourage COTTFN member participation in the procurement of supplies and contractor services for the proposed Project?
14. Have the costs of implementing the measures in questions 8-13 been included in the estimated cost of the proposed Project?

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