



EB-2012-0365

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 Dufferin Wind
Power Inc. for an Order granting leave to construct a new
transmission line and associated facilities.

PROCEDURAL ORDER NO. 3

February 5, 2013

Dufferin Wind Power Inc., ("DWPI") has filed an application with the Board, dated September 21, 2012 under sections 92, 96(2), 97 and 101 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B. DWPI has applied for an order of the Board for leave to construct approximately 47 km of electricity transmission line and associated facilities, for an order approving the forms of easement agreements provided in the application, and for an order approving the construction of certain transmission facilities upon, under or over a highway, utility line or ditch. The Board has assigned File No. EB-2012-0365 to this application.

Participation in the Proceeding

The Board received and approved seven requests for intervenor status and three requests for observer status. Three intervenors have been granted cost eligibility. On December 21, 2012 the Board received a late request for cost eligibility from one of the intervenors, Conserve our Rural Environment (CORE). The Board grants cost eligibility to CORE for costs that relate to matters directly within the scope of this proceeding.

The Board wishes to remind parties that the jurisdictional scope of a leave to construct application is expressly limited by statute, and if parties pursue issues which are beyond the scope of this proceeding, the associated costs will not be recoverable.

Procedural Matters

In accordance with Procedural Order No. 2, DWPI filed on December 18, 2012 a copy of the *Clarification Request* memorandum that it sent to the Ministry of the Environment together with the email confirmation that this document was transmitted to the said ministry. The *Clarification Request* memorandum informs the Renewable Energy Approval (“REA”) process of certain minor changes to the project, notably the change in the location of the switching station.

Four intervenors and Board staff submitted interrogatories to DWPI. The Board received responses to these interrogatories on January 16, 2013. DWPI filed a portion of its response to Board staff interrogatory # 12(i) in confidence as Appendix (I). The Board finds that the information contained in Appendix (I) pertains to matters that fall within the *Freedom of Information and Protection of Privacy Act* (FIPPA), and will therefore grant confidential treatment to Appendix (I).

Responses to certain interrogatories highlighted that DWPI’s Feed-in-Tariff (FIT) contract has been revisited to reflect necessary amendments. The Board will require, for clarity and completeness of the record that DWPI file a copy of the FIT contract including all amendments to date.

DWPI holds a standard FIT contract, and as such will apply for a generation license in connection with the wind farm under the Board’s form of generator license application for a generator under the FIT program. In addition to the information that would be provided as part of that application, the Board requires that DWPI inform the record in this proceeding as to its corporate organizational capabilities, including, but not limited to background information on key personnel, relevant financial information, and information about experience with respect to the management of similar projects.

The Board indicated in Procedural Order No. 2 that it would determine whether an oral hearing would be required after the completion of the interrogatory phase. Several parties have requested an oral hearing. In a letter dated November 9, 2012, DWPI objected to the requests for an oral hearing and asked the Board to retain a written

process. After examination of the evidence on the record, the Board has determined that it will accept submissions on whether to proceed by way of a written or oral hearing.

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

THE BOARD ORDERS THAT:

1. DWPI shall no later than February 15, 2013, file with the Board and copy all intervenors a copy of its FIT contract including all amendments to date.
2. DWPI shall no later than February 15, 2013, file with the Board and copy all intervenors, additional information related to DWPI's corporate organization, key individuals, financial information, and technical resources, as described in Appendix A to this Procedural Order.
3. Intervenors and Board staff shall, no later than February 21, 2013, file with the Board and provide copies to the applicant and all other intervenors their submissions with respect to whether the Board should proceed by way of an oral or written hearing. If a party requests an oral hearing, it must identify why an oral hearing is required and what issues it intends to address through cross-examination.
4. DWPI shall, no later than February 25, 2013, file with the Board and provide copies to all intervenors its reply to submissions with respect to whether the Board should proceed by way of an oral or written hearing.

All filings to the Board must quote file number EB-2012-0365, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, 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. Parties shall 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, parties may email their documents 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.

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.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, February 5, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX 'A'**TO****PROCEDURAL ORDER NO. 3****DWPI – Corporate Information****Board File No: EB-2012-0365****February 5, 2013****Corporate Organization**

Please describe the applicant's relationship with its energy sector affiliates and associated entities (e.g. partnerships and limited partnerships).

Key Individuals

Identify at least two key individuals. (If the applicant has only one key individual in the organization, identify the one key individual.)

The individuals listed as key individuals must be the individuals that are responsible for executing the following functions for the applicant: matters related to regulatory requirements and conduct, financial matters, and technical matters. These key individuals may include the Chief Executive Officer, the Chief Financial Officer, other officers, directors, or proprietors.

Please indicate whether the key individual has been a proprietor, partner, officer or director with an entity that was granted a licence under the *Ontario Energy Board Act*, 1998? If yes, please provide the licence number and name of licensee.

Please indicate whether the key individual has been a proprietor, partner, officer or director of an entity that was registered or licensed under any other statute of Canada or the United States in relation to the energy sector? If yes, please provide the jurisdiction, name of business and business activity.

Please indicate whether the key individual has been a proprietor, partner, officer or director of an entity that had a registration or licence of any kind refused, suspended, revoked or cancelled? If yes, please provide the name of the business, jurisdiction and describe the situation.

Finance

Please provide the audited financial statements for the applicant for the last two years. If audited financial statements are not available, please provide unaudited financial statements for the applicant for the last two years. Documents must be signed by one key individual.

If the applicant does not have financial statements for itself, the applicant may submit the financial statements of its parent company.

If the applicant does not submit financial statements for itself or its parent company, the applicant must identify and attach:

- Letter of reference from the applicant's bank; and
- Pro forma statements for two years if the applicant is a new company. The documents must be signed by one key individual.

Technical Resources

Please indicate whether the applicant employs technical resource staff or contractors with appropriate qualifications and experience in operating and maintaining transmission facilities and any other technical matters associated with transmission facilities?

If yes, briefly describe the technical qualifications of at least one person employed by the applicant.

Otherwise, identify plans to acquire the necessary technical resources for technical matters related to the transmission facilities