



EB-2012-0365

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

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. 6

April 4, 2013

Dufferin Wind Power Inc., (“DWPI”) filed an application with the Board dated September 21, 2012 under sections 92, 96(2), 97 and 101 of the Act. DWPI has applied for orders of the Board for leave to construct approximately 47 km of electricity transmission line and associated facilities, approving the forms of easement agreements provided in the application, and 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.

Amendment to the Application

On March 28, 2013, DWPI filed a letter and documentation informing the Board that an amendment to its application is required to provide for a routing change (the “Route Amendment”) and indicated that it believes the change is not material. DWPI submitted the specific amendments to its application along with a copy of the REA Changes Report. DWPI also indicated that it received confirmation from the Ministry of the Environment (“MOE”) that certain changes to the Renewable Energy Approval (“REA”) do not have the potential to result in increased environmental effects of any significance and received instructions with respect to providing notice of the changes as part of the REA process.

The Board notes that no new landowners are affected by the changes, while five currently affected landowners will be impacted by the Route Amendment. The Board will require that DWPI file evidence that these affected landowners have been appropriately notified of the amendments affecting their respective interests.

In a letter to the Board dated April 3, 2013, one of the intervenors, Mr. Harvey Lyon noted that route changes arising out of the REA review process cannot be dismissed and requested that this proceeding be suspended until the REA decision has been made. Based on the documentation DWPI submitted, the Board is satisfied that the MOE has been duly notified of the Route Amendment. The Board reminds parties that any approval of the leave to construct application would be conditional on an approved REA.

Based on the information provided, the Board finds that the proposed Route Amendment does not materially affect the route as proposed in DWPI's pre-filed evidence and route amendments contained in its November 23, 2012 letter. The Board also finds that since no new landowners are affected by the Route Amendment, a new Notice is not required.

Further Discovery

On April 3, 2013, the Board received a letter from one of the intervenors, Conserve Our Rural Environment ("CORE"), in which it requested that the Board provide intervenors with an opportunity to pose interrogatories that stem from the Route Amendment.

In a letter to the Board dated April 3, 2013, DWPI objected to CORE's request for further discovery, arguing that the changes contemplated by the Route Amendment were not material. DWPI also acknowledged, however, that were the Board to allow for further interrogatories, it would request that the scope and timeline be limited to matters related directly to the Route Amendment and that the timetable be consistent with the Board's prior procedural steps in this proceeding.

The Board finds CORE's request for additional interrogatories to be reasonable. The Board will make provision for interrogatories on the new evidence, but those interrogatories must relate directly to matters within the Board's jurisdiction and the scope of this proceeding.

In particular, the Board reminds parties that the scope of this application is expressly limited to the examination of issues related to:

- (a) the interests of consumers with respect to prices and the reliability and quality of electricity service and, where applicable, in a manner consistent with the policies of the Government of Ontario;
- (b) the form of land agreements that are offered to landowners affected by the proposed transmission facilities; and
- (c) the construction of certain transmission facilities upon, under or over a highway, utility line or ditch.

CORE has requested an extended period to prepare interrogatories. Given the focused nature of the new evidence, and the permissible scope for interrogatories, the Board concludes that less time is required.

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 **April 8, 2013** file evidence with the Board that each of the landowners affected by the Route Amendment have been appropriately notified of the specific change or changes that may impact each such landowner.
2. Intervenors and Board staff who wish information from DWPI that relates to the Route Amendment and that is within the jurisdiction of the Board and the scope of the proceeding shall request the information by means of written interrogatories filed with the Board and delivered to DWPI, all intervenors and Board staff on or before **April 11, 2013**.
3. DWPI shall, no later than **April 18, 2013** file with the Board and deliver to all intervenors and Board staff, a complete response to each of the interrogatories.
4. DWPI shall file its amended argument-in-chief, if any, with the Board and copy all parties on or before **April 18, 2013**.
5. The Orders in Procedural Order No. 5 are hereby rescinded and replaced by the following Orders.

6. Intervenor and Board staff shall file any submissions, with the Board, and copy all parties, on or before **April 25, 2013**.
7. DWPI shall file its reply submission with the Board and copy all parties on or before **May 2, 2013**.

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, April 4, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary