

**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.

**SUPPLEMENTARY INTERROGATORIES**

**Source: REA Changes Report**

***Change 1: Expansion of Transmission Line Easement on T31 and T32 Properties***

**Preamble**

The Applicant is proposing to alter the 230 kV transmission line easement and expand the buildable area. This results in the power line easement shifting south on the property west of 4th Line (the host property proposed for Turbine 32). The transmission line is along the edge of Wetland 97/Woodland S.

**Question:**

1. Has the MNR provided a letter of approval for this new location? Please obtain and provide same. Delays due to insufficient documentation can affect the project's construction timeline, thus affecting electricity production.

**Source: REA Changes Report**

***Change 5: 230 kV Transmission Line – Overhead through Wetland Features***

**Preamble**

The Applicant now plans to install its 230 kV transmission line overhead across wetland boundaries of Provincially Significant Wetland units.

**Questions:**

2. What is the total number of poles that will now be used for this overhead construction?  
In the Applicant's arguments that the 230 kV transmission route is favourable over alternatives, 'half the number of poles' was stated, yet this Amended Route is increasing the number of poles proposed.
3. What height of poles will be used?
4. What construction methods will ensure proper construction in this high water table area?

**Source: REA Changes Report**

***Possible Change 6: Extend the Underground Section of 230 kV Transmission Line through Shelburne***

**Preamble**

The Applicant has committed to installing the 230 kV transmission line underground through the Town of Shelburne.

Mitigation measures include:

- ☐ Developing an Erosion and Sediment Control (ESC) Plan
- ☐ Locating HDD staging areas at least 10 m from wetland boundaries
- ☐ Developing a frac-out response plan
- ☐ Committing to stockpiling materials, dewatering discharge and refueling outside of the 30 m setback to wetlands and woodlands.

**Questions:**

5. Has the ESC Plan been developed? If so, please provide same.
6. Has the frac-out response plan been developed? If so, please provide same. These issues must be properly addressed to ensure proper construction and therefore the reliability of electricity.

**Preamble**

The Applicant discusses the possible expansion of the buried 230 kV line along the rail corridor starting north of 4th Line Road and to 30th Side Road in the south.

**Questions:**

7. How has the Applicant responded to the Town of Shelburne's objection to the 230 kV line running through the town, whether buried or overhead?
8. In respect of the objections to this routing location, please provide an alternative route option that would avoid the Town of Shelburne and respect the concerns of its residents.

**Source: REA Changes Report**

***PDF Page 283, Table 1, Items 4 & 5***

**Preamble**

This table lists 6 alternatives to the Project Location. Items 4 and 5 refer to the proposed underground portions of the 230 kV transmission line near Shelburne and near the Orangeville Transformer Station. The properties involved are listed as belonging to an 'Existing Participant'.

**Question:**

9. Why is the owner of these property locations listed as an 'Existing Participant' when the owner is Dufferin County and no easement agreement has yet been reached?

**Source: REA Changes Report**  
**PDF Page 10, Ministry of Natural Resources**

**Preamble**

The Applicant states here that an acceptance letter for Changes 1 - 5 and 7, is expected in the near future.

**Question:**

10. Has this acceptance letter been received? All documentation is necessary for the construction of the transmission facilities and therefore the generation of reliable electricity.

**Source: Dufferin Wind Power Inc. - Application for Leave to Construct (EB-2012-0365) - Second Amendment to Application and Pre-filed Evidence**

**The Amendment**

***a) Description of the Amendment***

**Preamble**

The Applicant states that at the point where the transmission line route reaches the west side of 4th Line, rather than transitioning from overhead to underground the line would remain overhead and run south along the east side of 4th Line within the municipal road right-of-way for a length of approximately 110 m. The line would then cross over 4th Line and continue to the west until the point where it meets the transmission line route as shown in the current version.

**Questions:**

11. Has the Applicant consulted with the Township of Melancthon and the County of Dufferin in regards to the use of the municipal road right-of-way? Regardless of the Applicant's intention to exercise its statutory rights (pursuant to Section 41 of the Electricity Act, 1998), in keeping with the Applicant's claims regarding on-going public consultation, local government consultation and approval should be undertaken.
12. What is the actual length of the portion of this route that is proposed to run along the municipal road right-of-way? The Applicant has used approximations throughout its documentation, which is not acceptable.
13. No line length is provided for the portion of the line that 'continues west until the point where it meets the transmission line route'. What is the exact length of this portion? There is concern that the Applicant has exceeded the 50 km line limit, therefore it is crucial that missing data is provided, along with credible substantiation.

## **The Amendment**

### ***(b) Rationale and Physical Design***

#### **Preamble**

The Applicant states that the above change is needed to ensure consistency with the description of the route contemplated by the Applicant's REA application, as updated pursuant to the REA Changes Report.

#### **Questions:**

14. Does the Applicant intend to file an additional Changes Report and subsequent Amendment in light of the fact that survey crews have been observed within the project area staking out land not previously included as project facility locations? This work was observed taking place post publication date of both the Changes Report and the Amendment, thus making the Changes Report itself an inaccurate document.
15. Does the Applicant have a plan to alter the 230 kV route again? Property adjacent to and on the south side of County Road 21 between the intersection of the 5<sup>th</sup> Line and the point at which the current route shows the 230 kV line beginning its location on property along County Road 21 has been staked by the Applicant's associates. Please explain these plans.

## **The Amendment**

### ***(c) Affected Landowners and Land Rights***

#### **Preamble**

The Applicant states that there are 5 affected landowners, the third of which is the owner of the lands adjacent to the road right-of-way on the east side of 4<sup>th</sup> Line, which would therefore be indirectly affected. The owner of this property is 3191574 Nova Scotia Company doing business as The Highland Companies.

#### **Question:**

16. Has this land owner given written approval of this routing change in such close proximity to its property? If so, please provide same.
17. Why has the Applicant not notified or respected the rights and interests of the landowner whose property (Lot 27 Con 4) is located adjacent to and just north of the property owned by the landowner described by the Applicant as Affected Landowner #5? The buildable area of the 230 kV line encroaches on this unmentioned affected landowner and does indeed have an impact. Please provide proof of notice to this landowner and the landowner's documented approval. Should legal objections arise, the viability of the route amendment may be jeopardized, and ultimately affect the potential for generation of electricity.

#### **Preamble**

The Applicant refers to the fourth affected landowner as the owner of a small parcel of land which the underground line would have crossed under the alignment initially sought. As the

amended route will no longer cross this property, this land owner will not be adversely impacted by the amendment.

Question:

18. Has this landowner provided written agreement with the Applicant's view that he will not be adversely impacted by the amendment? Overhead poles running alongside this vacant lot may affect both the possibility to build upon this vacant lot, as well as aesthetically. In keeping with the scope of the Board's jurisdiction, the concern is that should future lot use limitations arise due to the proximity of the 230 kV line to this property, there is the potential for legal action, which could affect the transmission project's ability to proceed.

### **The Amendment**

#### ***Updated Description of Underground Segments, Paragraph 2***

Preamble

The Applicant states here that these potential changes are the result of input received from the local communities and are still being assessed by the Applicant.

Question:

19. What documentation can the Applicant provide from local communities that supports this statement? Both the Town of Shelburne and The County of Dufferin have requested that the Applicant avoid the Town of Shelburne altogether.

### **The Amendment**

#### ***Project Substation Orientation***

Preamble

The Applicant describes the amended orientation of the project substation.

Question:

20. How does the Applicant intend to comply with sound and sight barrier regulations in regards to this substation? To date, no acceptable mitigation measures have been submitted and sensitive non-participating receptors are located in close proximity. Should the Applicant fail to comply with these regulations and proceed to build the substation incorrectly, there is potential for a cease work order to be issued, thus affecting the project's ability to generate reliable electricity.

### **Source: Argument-In-Chief**

#### ***Item #16***

Preamble

The Applicant admits that the proposed Transmission Project can have potential impacts on Hydro One's transmission system or the IESO controlled grid, thus impacting consumers.

Questions:

21. Has the Applicant devised an acceptable Emergency Response plan in relation to pole fires? Pole heights along the rail corridor are proposed to be up to 100 feet and located in areas that are inaccessible by roads.
22. How does the Applicant intend to reach these areas in the event of a pole fire?
23. Is there proof of any willing support from local fire departments?
24. Are trained personnel readily available? If so, who?
25. Is a crane and operator readily available? If so, who?
26. Does the Applicant have a stockpile of replacement poles?

The Applicant failed to respond to these concerns in a satisfactory manner in response to previous interrogatories. Pole fires cause interruptions in the transmission of electricity, thereby impacting the quality and reliability of electricity for consumers.

**Source: Argument-In-Chief**

***Item #17***

Question:

27. Has the Applicant met all conditions noted in the IESO Notification of Conditional Approval for Connection?

**Source: Argument-In-Chief**

***Item #21 - Project Routing***

Preamble

The Applicant claims that the proposed routing is appropriate and offers advantages over alternatives.

Questions:

28. Will the Applicant provide evidence of advantages and appropriateness of the proposed routing with documentation from all local governments involved and members of the public not receiving financial compensation?  
As evidenced by the comments from intervenors, previous interrogatories and local governments' public documents, the proposed routing and facility locations are not appropriate and offer no advantages.

**Source: Argument-In-Chief**

***Item #22 b, f, i, j, k***

Preamble

The Applicant attempts to prove that the proposed Transmission Project route is favourable over alternative routes.

Questions:

29. We ask that the Applicant provide data to support its claim that the proposed route will use 'approximately half the number of poles' than the 69 kV route which was shorter and involved co-location with Hydro One.

30. We ask that the Applicant provide data to support its claim that the proposed route would be ‘generally situated in less populated areas’.
31. We ask that the Applicant clarify how there would be advantageous ‘operational efficiencies due to the use of a standard voltage and no joint use’. Joint use would offer properly trained personnel equipped to address emergencies and maintenance.
32. We ask that the Applicant provide a comparison chart with accurate data to support the claim that the proposed route would have ‘impacts on fewer residences’.
33. We ask that the Applicant explain how the ‘avoidance of the community of Corbetton’ is more important than the avoidance of the community of Shelburne which has a higher population density and objected to this route.

**Source: Argument-In-Chief**  
***Item #23***

Preamble

This section discusses the Applicant’s ‘comprehensive consultation program’.

Questions:

34. Including the Amended Route as well as the entire route, how does the Applicant respond to the fact that the County of Dufferin has asked for a moratorium on all overhead transmission lines connected to wind farms?
35. How does the Applicant intend to respect the objection by the Town of Shelburne to the route going through the town either underground or overhead?

**Source: Argument-In-Chief**  
***Item #29 - Land Matters***

Question:

36. Why has the Applicant not offered any compensation to non-participating landowners who are impacted by the route Amendment?

**Source: Argument-In-Chief**  
***Item #33***

Preamble

The Applicant states here that it is ‘hopeful’ that a negotiated agreement will be reached with the County with respect to the 31.2 km portion of the Transmission Line proposed to run along the rail corridor.

Question:

37. Does the Applicant plan to attempt expropriation, should no agreement be reached with the County?

**Source: Affidavit of Mr. Chad McAllister**  
**Paragraphs 4, 5, 6, 7, 8**

Preamble

The Board ordered that the Applicant 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.

In Paragraph 4, Mr. McAllister claims he met with a representative of the landowner of the property identified as PIN#34142-0040 on February 5, 2013, to ‘discuss’ the landowner’s concerns, and Mr. McAllister claims he met with the landowner on April 5, 2013 and ‘showed’ the landowner mapping depicting the changes to the facilities proposed to be located on the property.

Questions:

38. Does the Applicant intend to comply with the Board order that the affected land owners be notified appropriately? Mr. McAllister’s meetings during which he ‘discussed’ and ‘showed’ changes does not constitute appropriate notification, which should be in writing with the landowner’s signature indicating receipt and approval. Please provide evidence of same.
39. Why did the Applicant not notify the affected landowner prior to filing the route amendment? Amendment #2 was filed with the Board on March 28, 2013, yet according to Mr. McAllister’s sworn affidavit, he did not meet with the landowner until April 5, 2013.

In Paragraph 5, with respect to the property identified as PIN#34142-0003, Mr. McAllister refers to the property owner as the Township of Melancthon, which is an intervenor in these matters, and therefore received Amendment #2.

Question:

40. Does the Applicant intend to comply with the Board order to appropriately notify this affected landowner? Written notification **prior** to the Amendment filing would be appropriate.

In Paragraph 6, with respect to the property owned by the Highland Companies, Mr. McAllister describes meeting with representatives and discussing the transmission line routing.

Question:

41. Does the Applicant intend to file appropriate written evidence that this landowner was notified in writing (prior to the filing of Amendment #2)?

In Paragraph 7, with respect to the property identified as PIN#34142-0013, Mr. McAllister claims he met with a family member of the landowners.



Question:

42. Why didn't the Applicant appropriately notify the actual landowner? Meeting with a family member is not appropriate notification.

In Paragraph 8, with respect to the property identified as PIN#34142-0012, Mr. McAllister describes meeting with the landowner and providing mapping.

Question:

43. Did this landowner give written approval to the alterations of the project facilities on his property? Please provide evidence of same.

***'Commissioner' signature***

Question:

44. Who signed this Affidavit? The signature is illegible, and no type-written name or appropriate title identification is present. Please provide identifying information for the Commissioner of this document.

**Date: April 11, 2013**

**ERIC K. GILLESPIE**  
**PROFESSIONAL CORPORATION**  
Barristers & Solicitors  
Suite 600, 10 King Street East  
Toronto, Ontario  
M5C 1C3

Eric K. Gillespie  
Tel : (416) 703-6362  
Fax: (416) 703-9111  
Email: [egillespie@gillespielaw.ca](mailto:egillespie@gillespielaw.ca)

Lawyers for Lori Bryenton, Intervenor