

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1990, c. 15, (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.

Supplementary Interrogatory #1

Preamble:

DWPI proposes the following changes to the Project in its Second Amendment to Application and Pre-Filed Evidence, filed March 28, 2013 ("Amendment #2"):

- Expansion of transmission line easement on T31 and T32 properties;
- New alignment for underground collector line to connect T32 and T33;
- Shift of feeder line within existing buildable area of T48;
- Reroute of feeder line between T38 and T39
- Installation of transmission line across wetland features rather than underneath them;
- Extension of the underground section of transmission line through Shelburne; and
- Extension of the underground section of transmission line in Amaranth.

DWPI states that it has engaged in ongoing public consultation with respect to the changes.

References:

REA Changes Report, Second Amendment to Application and Pre-filed Evidence, Appendix A, pp. 2-6, 12-14.

Question:

- (a) What is the impact of Amendment #2 on DWPI's ability to achieve commercial operation by January 30, 2014?
- (b) What is the additional cost of installing the transmission line as contemplated in Amendment #2?
- (c) Does DWPI have support for the changes described in Amendment #2 from
 - (i) the General Public?
 - (ii) Municipalities?

(iii) First Nations?

(d) If so, what is the evidence of support?

Supplementary Interrogatory #2

Preamble:

DWPI states that "Amendment #2 describes one change to the transmission line route...and provide[s] updated information concerning the potential lengths of two other underground segments. Both of these changes would allow for the possibility of longer portions of the route being installed underground."

References:

Correspondence from Torys to Ontario Energy Board, April 3, 2013.

Question:

- (a) Explain how the seven changes listed in the REA Changes Report amount to one change to the transmission line route.
- (b) Provide detailed measurements of each segment of the transmission line in light of its rerouting.

Supplementary Interrogatory #3

Preamble:

DWPI states that it has “amended its REA application so as to provide for the possibility of extending certain underground segments of the route.” It refers to extended underground segments of the transmission line.

DWPI has amended its response to CORE Interrogatory #11, which requested detailed measurements of the transmission line, on the assumption that the maximum length of underground segments being contemplated are implemented.

References:

Second Amendment to Application and Pre-filed Evidence, p. 3.

Exhibit B, Tab 1, Schedule 3, Responses to CORE Interrogatories, page 14 of 20, filed March 28, 2013.

Question:

- (a) The use of the word “contemplated” with respect to the length of underground segments suggests ongoing uncertainty as to the length of the transmission line. Confirm the length of the underground segments and provide detailed measurements which establish the length of the entire transmission line in light of the *confirmed* length of the underground segments.
- (b) How will the transmission line be deployed, should DWPI’s assumption about the implementation of the underground segments prove to be unfounded?
- (c) Is there additional cost associated with installing longer portions of the transmission line underground? If so, what is the additional cost?

Supplementary Interrogatory #4

Preamble:

DWPI is in the process of finalizing amendments to the existing leases with the relevant landowners in order to secure the rights it needs to implement Amendment #2. Moreover, DWPI has advised that the Project Substation will be situated on privately owned lands, in which it currently does not have the rights to place the Project Substation or transmission lines. It will be seeking to amend the lease with the landowner in order to secure these rights.

With respect to the use of the municipal road right-of-way, DWPI relies on its statutory rights pursuant to section 41 of the *Electricity Act, 1998*.

DWPI has not yet secured an easement over the County of Dufferin's Rail Corridor lands, but says that it is "hopeful that a negotiated agreement with respect to the easement will be reached with the County in the very near future so as not to adversely affect its project schedule."

References:

Second Amendment to Application and Pre-filed Evidence, p. 3.

Dufferin Wind Power Inc., Argument-in-Chief, Filed March 25, 2013, pp. 10-11.

Question:

- (a) What amendments are required to the leases to enable the installation of the transmission line and Project Substation as contemplated in Amendment #2? Provide copies of the form of amended leases in each instance where amendments are made.
- (b) When will all necessary property rights have been secured to install the transmission line and Project Substation as contemplated in Amendment #2?
- (c) How will DWPI proceed if it is unable to secure the necessary property rights from landowners affected by Amendment #2, by way of negotiated agreement?
- (d) Provide information on the structures, equipment and other facilities that DWPI considers to be necessary for the purpose of its transmission line along the municipal road right-of-way.
- (e) What is the basis for DWPI's hope that it will secure an easement over the County of Dufferin's Rail Corridor Lands in the very near future? How will DWPI proceed if it does not secure this easement? On what date will the project schedule be impacted by DWPI's failure to secure the easement? How will the project schedule be adversely impacted by DWPI's failure to secure the easement?

Supplementary Interrogatory #5

Preamble:

In Procedural Order No. 6, the Board ordered DWPI to 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.

On April 8, 2013, DWPI filed the Affidavit of Chad McAllister, ostensibly in satisfaction of the Board's requirement.

References:

Procedural Order No. 6, p. 3.

Affidavit of Chad McAllister, sworn April 8, 2013.

Question:

- (a) Provide a copy of the maps referenced in paragraphs 4, 7 and 8 of the Affidavit of Chad McAllister.
- (b) Did DWPI provide each of the affected landowners with a description of the impacts to each landowner's property that will be caused by Amendment #2? If so, what were the impacts that were identified and how were they presented to each landowner?
- (c) What is the rationale for the statements that the Township of Melancthon and the Highland Companies are intervenors in the within proceedings, were served with a copy of Amendment #2, and therefore they have been notified in accordance with Procedural Order No. 6?
- (d) Were the landowners referenced in paragraphs 4, 7 and 8 provided with a copy of Amendment #2 and attachments thereto?
- (e) With respect to paragraph 4 of the Affidavit of Chad McAllister, what were the concerns identified by the landowner?
- (f) With respect to paragraph 6 of the Affidavit of Chad McAllister, did the discussion of "matters related to the potential realignment of the transmission line routing" include discussion of the specific changes that have been proposed in Amendment #2?
- (g) Does the family member of the landowner referenced in paragraph 7 of the Affidavit of Chad McAllister have a power of attorney with respect to that landowner's property? If not, is that family member otherwise authorized to deal with the property?
- (h) Has DWPI received confirmation that the landowner referenced in paragraph 7 of the Affidavit of Chad McAllister received a copy of the map referred to in that paragraph, and description of the impacts to that landowner's property?

- (i) Have Hydro One and IESO been notified of Amendment #2, so that they may consider whether amendments are required to, respectively, the Customer Impact Assessment and the System Impact Assessment?

Supplementary Interrogatory #6

Preamble:

The REA Changes Report states that:

- DWPI has received MNR's sign-off with respect to the installation of its 230 kV transmission line across wetland boundaries of Provincially Significant Wetlands;
- MNR has sanctioned the approach of approving alternative configurations of an aboveground and underground line through the Town of Shelburne; and
- DWP has secured an acceptance letter from the MNR for Change 6, and that an acceptance letter for Changes 1 through 5 and 7 is expected in the near future.

References:

REA Changes Report, Second Amendment to Application and Pre-filed Evidence, Appendix A, pp. 4, 5, 6.

Question:

- (a) Provide copies of all MNR correspondence referred to in the REA Changes Report.