

April 18, 2013

**RESS, EMAIL & COURIER**

Ontario Energy Board  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4


Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli

**Re: Dufferin Wind Power Inc. - Application for Leave to Construct (EB-2012-0356) - Applicant Supplemental Interrogatory Responses**

We are counsel to Dufferin Wind Power Inc. ("Dufferin Wind"), applicant in the above referenced proceeding. Further to Procedural Order #6 issued by the Board on April 4, 2013, please find enclosed the Applicant's responses to supplemental interrogatories filed by intervenors Lori Bryenton, Conserve Our Rural Environment (CORE) and Harvey Lyon. These materials have been filed on RESS and served on all intervenors. Please note that neither Board staff nor any other intervenors filed supplemental interrogatories.

Yours truly,



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cc: Mr. J. Hammond, Dufferin Wind  
Intervenors

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #1**

**Interrogatory**

**References**

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.

**Questions / Requests**

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.

**Response**

This question is not relevant to the Board's jurisdiction or the scope of this proceeding. As indicated by the Board in Procedural Order No. 2, the Board has no role in the Renewable Energy Approval ("REA") process and any approval of a leave to construct application would ordinarily be conditional on all necessary permits and authorizations being received, including an approved REA. The Applicant nevertheless notes that the Ministry of Natural Resources has provided a clearance letter for the proposed change that is outlined in Natural Heritage Assessment Addendum #5. Both the clearance letter and the Natural Heritage Assessment Addendum #5 can be found on the project website at <http://www.dufferinwindpower.ca/ReportsApplications.aspx>.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #2**

**Interrogatory**

**References**

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 / Requests**

- a) 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.
- b) What height of poles will be used?
- c) What construction methods will ensure proper construction in this high water table area?

**Response**

Although the preamble suggests that the Applicant's plans to install the Transmission Line overhead across certain wetlands represents a change the Application under Amendment #2, this is not correct. The Application already indicated the Applicant's intention to construct the Transmission Line overhead across certain wetlands subject to finalization of certain regulatory amendments that had been issued for comment at the time of the Application being filed (See Exhibit E, Tab 2, Schedule 1, p. 4). Moreover, in response to CORE IR #3, the Applicant indicated that the relevant regulatory amendments came into effect.

- a) The amended route will include a total of approximately 400 transmission line structures. This is less than half the number of poles that were expected to have been needed for the 69 kV Alternative. This number takes into account the overhead crossing of wetlands and Amendment #2 and is based on the assumptions that the underground segment through Shelburne will be 3.2 km and that the underground segment leading into the Switching Station will be 1.6 km. As the pole spacing in these areas is 100 m along this portion of the route, one additional pole would be required for every 100 m less underground installation (i.e. if 1.7 km of underground lines are installed through Shelburne, an additional 15 poles would be required).
- b) The height of poles being used across wetland areas is generally consistent with the pole height along the corresponding portion of the Transmission Line route, with two exceptions.

In each of two particular wetland areas, a single pole in the 100-foot range will be used to allow for 200 m spans, which enables the Applicant to reduce the number of poles needing to be installed in these wetland areas. Otherwise, the approximately 400 poles will range in height from 74-feet above ground to 101-feet above ground, with an average height of 78 feet. The average height indicates the relatively small number of poles required at the upper range, which taller poles would typically only be used to cross existing utilities.

- c) This question relates to construction activities, which are not within the scope of the Board's jurisdiction. The Applicant nevertheless notes that design and construction of the Transmission Line across wetland areas will be carried out using methods that are being determined based on its Environmental Management Plan and Geotechnical Report. Water table depth will be one of the design parameters. During construction, shielding of the excavation and dewatering will be used to minimize environmental impacts as necessary.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #3**

**Interrogatory**

**References**

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 30m setback to wetlands and woodlands.

**Questions / Requests**

- a) Has the ESC Plan been developed? If so, please provide same.
- b) 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.

**Response**

- a) This question is not relevant to the Application. Erosion and sediment control are matters relating to environmental impacts and/or construction activities, both of which are matters that are outside the scope of the Board's jurisdiction. The Applicant nevertheless notes that an Environmental Management Plan has been provided to the County of Dufferin for review and comment and that such plan includes erosion and sediment control measures for construction.
- b) Horizontal Directional Drilling is a trenchless method of installing cables underground, particularly underneath watercourses and roads. It is a method that is preferable to open-cut trenching due to the minimal disturbance to the bed or banks of watercourses or to the road surface. One of the risks of this method is frac-out, which is the escape of drilling mud into the environment due to excessive drilling pressure. The risk of frac-out is an environmental risk that can be managed through appropriate geotechnical assessment, planning and execution. Other than to note that site specific frac-out response planning will be undertaken during the course of the Applicant's construction planning, this question relates to

environmental impacts and construction activities, both of which are matters that are outside the scope of the Board's jurisdiction and not relevant to the Application.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #4**

**Interrogatory**

**References**

REA Changes Report

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

**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 / Requests**

- a) 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?
- b) 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.

**Response**

- a) Amendment #2 provided updated descriptions of the underground segments, including the underground segment through the Town of Shelburne. Initially, the Application indicated that this underground segment would be approximately 1.7 km in length. As indicated in the REA Changes Report and reflected in the updated information in Amendment #2, the Applicant is considering the possibility of extending this underground segment as far out as the Town limits, for a total length of up to 3.2 km underground. The installation of 1.7 to 3.2 km of the route underground in this area represents a significant cost to the Applicant, which the Applicant has shown it is willing to undertake in response to the Town of Shelburne's concerns.
- b) This question is not relevant to Amendment #2. The transmission alternatives considered by the Applicant are discussed in Exhibit B, Tab 4, Schedule 1 of the pre-filed evidence and were the subject of numerous interrogatories previously responded to by the Applicant, including interrogatories #4, #5, #6, #7, #8, #9, #10 and #11 from Ms. Bryenton. In particular, please see response to Board Staff IR #7.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #5**

**Interrogatory**

**References**

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’.

**Questions / Requests**

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?

**Response**

The reference for this question is to page 283 of the REA Changes Report, which was not included in Amendment #2 because it is not relevant to Amendment #2 or to the present proceeding. Page 283 consists of a table that is attached to a letter from the Applicant’s environmental consultants to the Ministry of Natural Resources concerning Dufferin Wind’s Natural Heritage Assessment Reports. Neither the letter nor the table at page 283 are of any relevance to Amendment #2 or to the Board’s jurisdiction in the present proceeding. Moreover, the term “Existing Participant” in the context of the table refers only to the fact that no new property is required for the proposed alternative section of underground transmission line that was previously proposed under the original REA documentation.



**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #6**

**Interrogatory**

**References**

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.

**Questions / Requests**

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

**Response**

See response to Lori Bryenton Supplemental Interrogatory #1.

**LORI BRYENTON - SUPPLEMENTAL INTERROGATORY #7**

**Interrogatory**

**References**

Second Amendment to Application for Leave to Construct 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 / Requests**

- a) 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.
- b) 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.
- c) 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.

**Response**

- a) As Amendment #2 does not affect any County roads, the Applicant has not consulted with the County in respect to the changes. With respect to the Township, the Applicant has consulted generally regarding the use of Township road allowances for purposes of transmission and distribution infrastructure.
- b) The portion of the route proposed to run along the non-travelled portion of the road allowance will be 104 m in length, subject to final engineering.

- c) As shown in the amended response to CORE IR #11, which was included in Amendment #2, the segment from 4th Line where the route turns west at County Road 21 is 1.16 km and the revised total length of the line is 47.29 km.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #8**

**Interrogatory**

**References**

Second Amendment to Application for Leave to Construct and Pre-filed Evidence  
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 / Requests**

- a) 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.
- b) 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.

**Response**

- a) The Applicant does not have plans to file any further amendments to the Application. While the Applicant does have plans to file an additional Changes Report in the REA process, it is not anticipated that such report will include any material changes relating to the proposed transmission facilities.
- b) See response to (a), above.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #9**

**Interrogatory**

**References**

Second Amendment to Application for Leave to Construct and Pre-filed Evidence  
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.

**Questions / Requests**

- a) Has this land owner given written approval of this routing change in such close proximity to its property? If so, please provide same.
- b) 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.

**Response**

- a) It is not clear as to what form of "written approval" is contemplated by the question. No written approval for Amendment #2 has been obtained from this indirectly affected landowner.
- b) The question incorrectly states that the buildable area of the Transmission Line encroaches on the referenced property. Neither the mapping in the initial Application nor the revised mapping in Amendment #2 or the landowner line list in Appendix G of the Applicant's responses to Board Staff interrogatories indicate that the line will run along the referenced property. The Applicant consulted with the owner of the referenced property on multiple occasions during the fall of 2012, during which the landowner expressed a preference for not having underground facilities or overhead to underground transition facilities near his property. These consultations were one of the factors that motivated the Applicant to consider and ultimately implement the routing change in Amendment #2. During in-person

conversations with the landowner in January and February 2013, this landowner was informed about how the Applicant planned to address his concerns.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #10**

**Interrogatory**

**References**

Second Amendment to Application for Leave to Construct and Pre-filed Evidence  
The Amendment  
(c) *Affected Landowners and Land Rights*

**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.

**Questions / Requests**

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.

**Response**

No.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #11**

**Interrogatory**

**References**

Second Amendment to Application for Leave to Construct and Pre-filed Evidence  
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.

**Questions / Requests**

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.

**Response**

The Applicant's consultations with the broader community are documented in the Consultation Report it has prepared for purposes of its REA application. The Applicant's consultations with municipalities have more commonly been oral in nature. It is acknowledged that the County and the Town of Shelburne have requested that the portion of the Transmission Line in the rail corridor be buried in its entirety. The Applicant has advised that it is not prepared to do so for reasons consistent with those described in response to Board Staff IR #6 and CORE IR #6. In an effort to reach a mutually agreeable solution which addresses the interests of the County, the Town and the Applicant, the Applicant has proposed burying the particular segments of the Transmission Line as described in Amendment #2.



**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #12**

**Interrogatory**

**References**

Second Amendment to Application for Leave to Construct and Pre-filed Evidence  
The Amendment  
*Project Substation Orientation*

**Preamble**

The Applicant describes the amended orientation of the project substation.

**Questions / Requests**

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.

**Response**

This question concerns environmental matters and is not relevant to Amendment #2 or to the Board's jurisdiction in this proceeding. See response to Lori Bryenton Supplemental IR #1.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #13**

**Interrogatory**

**References**

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 / Requests**

- a) 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.
- b) How does the Applicant intend to reach these areas in the event of a pole fire?
- c) Is there proof of any willing support from local fire departments?
- d) Are trained personnel readily available? If so, who?
- e) Is a crane and operator readily available? If so, who?
- f) 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.

**Response**

The reference is to the Applicant's Argument-in-Chief filed on March 28, 2013. Pursuant to Procedural Order No. 6, this is outside the scope of the supplemental interrogatory process. Moreover, the Preamble is not supported by the reference and the questions are not relevant to Amendment #2. Please see the Applicant's response to Lory Bryenton IR #24 and #25. In addition, in reference to the comment following question (f), the Applicant notes that no consumers will be served directly by the proposed transmission facilities. Notwithstanding that the questions are outside the scope of this supplemental interrogatory process, the Applicant responds as follows:

- a) Yes. In addition to using OPGW sky wire for lighting protection and grounding of each component on the poles, which reduces the risk of fire, the Applicant has developed an emergency response plan in Chapter 9 of its August, 2012 Design and Operations Report, which forms part of the Applicant's Renewable Energy Approval submission and which is available at <http://www.dufferinwindpower.ca/ReportsStudies.aspx>.

- b) The Emergency Response Plan will be updated following completion of final permitting and the interconnection process, at which time DWPI will coordinate with Hydro One, local first responders and other stakeholders to create an updated Emergency Response Plan based upon the project's approved design and the Transmission Line route.
- c) The Applicant has spoken with both the Dundalk and Shelburne Fire Departments and has reached out to the Mulmur-Melancthon Fire Department as well. Both the Dundalk and Shelburne Fire Departments have expressed a desire to work with the Applicant to develop an appropriate response plan in the event of an emergency once permitting has been completed and guidelines are in place.
- d) The Applicant has not yet executed its operations and maintenance contract for the transmission facilities, but will ensure that its contractor and its contractor's personnel are appropriately trained and follow applicable safety protocols.
- e) Either a crane with a man lift or a bucket truck (off road or on road depending on the location of the pole). A licensed operator would man the controls for either crane or bucket truck.
- f) Dufferin has procured extra poles to allow for replacement if needed during the ongoing operation of the transmission line.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #14**

**Interrogatory**

**References**

Argument-In-Chief *Item #17*

**Preamble**

None.

**Questions / Requests**

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

**Response**

This question is not related to Amendment #2. The reference is to the Applicant's Argument-in-Chief dated March 28, 2013, which is not within the scope of this supplemental interrogatory process. In any event, the question is premature as the relevant conditions cannot be met until the Wind Farm and the proposed transmission facilities are built and operating. As a condition of leave to construct approval, the Board ordinarily requires that a proponent satisfy the IESO's requirements as set out in the applicable System Impact Assessment Report, to which the Notification of Conditional Approval for Connection relates.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #15**

**Interrogatory**

**References**

*Argument-In-Chief Item #21 - Project Routing*

**Preamble**

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

**Questions / Requests**

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.

**Response**

The reference is to the Applicant's Argument-in-Chief dated March 28, 2013, which is not within the scope of this supplemental interrogatory process. Moreover, the question is ambiguous and is inappropriately supplemented by argument, which the Board should disregard.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #16**

**Interrogatory**

**References**

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 / Requests**

- a) 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.
- b) We ask that the Applicant provide data to support its claim that the proposed route would be ‘generally situated in less populated areas’.
- c) 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.
- d) 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’.
- e) 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.

**Response**

(a) - (e) The reference is to the Applicant’s Argument-in-Chief filed on March 28, 2013 which, in accordance with Procedural Order No. 6, is outside the permitted scope of this supplemental interrogatory process. Moreover, none of these questions have any relevance whatsoever to Amendment #2. See also response to Lori Bryenton Supplemental Interrogatory #4(b).

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #17**

**Interrogatory**

**References**

Argument-In-Chief *Item #23*

**Preamble**

This section discusses the Applicant's 'comprehensive consultation program'.

**Questions / Requests**

- a) 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?
- b) 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?

**Response**

The reference is to the Applicant's Argument-in-Chief filed on March 28, 2013 which, in accordance with Procedural Order No. 6, is outside the permitted scope of this supplemental interrogatory process.

- a) This question is not relevant to Amendment #2.
- b) This question is not relevant to Amendment #2. See response to Lori Bryenton Supplemental Interrogatory #4(a).

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #18**

**Interrogatory**

**References**

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

**Preamble**

None

**Questions / Requests**

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

**Response**

The reference is to the Applicant's Argument-in-Chief filed on March 28, 2013 which, in accordance with Procedural Order No. 6, is outside the permitted scope of this supplemental interrogatory process. Nevertheless, as the question is posed in relation to Amendment #2, the Applicant responds as follows.

As no property rights need to be acquired from such landowners, the Applicant does not believe it would be appropriate to offer compensation for the route amendment. This is consistent with the Applicant's approach with other landowners with property that is situated near the proposed transmission facilities, but from whom no land rights are required. The compensation that the Applicant offers is as consideration for the land rights that it wishes to acquire.



**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #19**

**Interrogatory**

**References**

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.

**Questions / Requests**

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

**Response**

The reference is to the Applicant’s Argument-in-Chief filed on March 28, 2013 which, in accordance with Procedural Order No. 6, is outside the permitted scope of this supplemental interrogatory process. Moreover, the question is not related to Amendment #2.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #20**

**Interrogatory**

**References**

Affidavit of Mr. Chad McAllister *Paragraph 4*

**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 / Requests**

- a) 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.
- b) 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.

**Response**

- a) To clarify, the Board’s Order was not for notice in a particular form to be given but, rather, for evidence of appropriate notice to be filed. In the Applicant’s view, in-person meetings with the small number of relevant landowners was, in the circumstances, an appropriate means of providing notification of the proposed changes. The Applicant is not aware of a requirement that notice in such circumstances be given in the form suggested and Procedural Order No. 6 did not specify.

The Applicant notes that in accordance with REA requirements a Project Change Notification was mailed to all landowners on the regulatory contact list on April 9 and 10,

2013 and that during the week of April 15, 2013 the Project Change Notification is being published in five local newspapers. The Applicant also notes that, with respect to the referenced landowner in particular, in accordance with the lease the Applicant has in place with such landowner a site plan was provided by registered mail on March 8, 2013, which site plan included the routing changes consistent with Amendment #2. This “mapping” was the subject of discussion during the April 5, 2013 meeting referenced in Paragraph 4 of the affidavit.

- b) The question incorrectly or selectively refers to the portion of Paragraph 4 in the Affidavit that indicates Mr. McAllister met with the landowner on April 5, 2013. Paragraph 4 also indicates that Mr. McAllister met with the landowner on February 25, 2013.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #21**

**Interrogatory**

**References**

Affidavit of Mr. Chad McAllister – *Paragraph 5*

**Preamble**

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.

**Questions / Requests**

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.

**Response**

Procedural Order No. 6 does not order the Applicant to provide notice to this or any other landowner. Rather, it requires the Applicant to file evidence that certain landowners were appropriately notified. The Applicant filed the Affidavit of Mr. McAllister in satisfaction of this requirement and, as indicated in response to Lori Bryenton Supplemental Interrogatory #20, it is the Applicant's view that the form of notice provided was, in the circumstances, appropriate.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #22**

**Interrogatory**

**References**

Affidavit of Mr. Chad McAllister – *Paragraph 6*

**Preamble**

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.

**Questions / Requests**

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

**Response**

The Applicant has filed a written and sworn affidavit of Mr. McAllister describing the notice that was given which, in the circumstances, the Applicant believes was appropriate. In addition, the record shows that The Highland Companies were served with a copy of Amendment #2 on March 28, 2013. During the meeting referred to in Paragraph 6 of the affidavit, the Applicant discussed the proposed changes to the transmission line routing, including on the road allowance adjacent to their property.

**LORI BRYENTON - SUPPLEMENTAL INTERROGATORY #23**

**Interrogatory**

**References**

Affidavit of Mr. Chad McAllister – *Paragraph 7*

**Preamble**

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.

**Questions / Requests**

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

**Response**

In the Applicant's view, the notification that was given was, in the circumstances, appropriate. The property at issue is a small vacant property that is situated immediately next to a large, actively farmed property owned by the immediate family member to whom the revised mapping was provided. The owners of the small vacant property are elderly and the family members had previously requested that information be provided through their adult children. The information provided by Mr. McAllister on March 18, 2013 had already been sent directly to the landowners by means of registered mail on March 8, 2013. It was provided again on the 18th indirectly through the family member with the assurance that it would be provided promptly to the property owners. Mr. McAllister has since confirmed that the mapping was in fact received by the property owner both by registered mail and from the family member on March 18, 2013.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #24**

**Interrogatory**

**References**

Affidavit of Mr. Chad McAllister – *Paragraph 8*

**Preamble**

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

**Questions / Requests**

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

**Response**

Written approval to the changes was not obtained from this landowner during the referenced meeting. As indicated in Amendment #2, the Applicant is in the process of finalizing amendments to the existing leases it has with the affected landowners. The granting of leave to construct is ordinarily made subject to the condition that the proponent secure all necessary land rights required to complete the project as approved.

**LORI BRYENTON – SUPPLEMENTAL INTERROGATORY #25**

**Interrogatory**

**References**

*‘Commissioner’ signature*

**Preamble**

None.

**Questions / Requests**

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.

**Response**

The original affidavit filed with the Board included a raised seal with identifying information that was not visible on the electronic version. The affidavit was commissioned by Wade Mills of Timmerman, Haskell and Mills LLP, 205 Owen Sound Street in Shelburne, Ontario.



**CONSERVE OUR RURAL ENVIRONMENT –  
SUPPLEMENTAL INTERROGATORY #1**

**Interrogatory**

**References**

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

**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.

**Questions / Requests**

- 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?

**Response**

The preamble, above, incorrectly describes the scope of Amendment #2. CORE incorrectly assumes that all of the changes described in the REA Changes Report constitute amendments to the Application. Although the first bullet relates to the minor route amendment described in Amendment #2, bullets 2-4 relate to collector and feeder lines which are distribution facilities of less than 50 kV that are not relevant to the Application. Bullet 5 relates to the installation of the Transmission Line across wetlands which, as described in response to Lori Bryenton Supplemental Interrogatory #2, does not represent an amendment to the Application. Finally,

bullets 6 and 7 relate to the potential extension of certain underground segments, which would not affect the proposed transmission line routing but for which updated descriptions were set out in Amendment #2.

- a) Although there has been a short delay in the leave to construct proceeding to allow for this supplemental interrogatory process, this is not expected to affect the Applicant's timing for commercial operation.
- b) The cost of the proposed transmission facilities is not relevant to the Application. See response to Board Staff IR #6(i).
- c) The changes resulted from on-going consultation efforts with affected and adjacent landowners. With respect to the "General Public", broader notification of the REA Changes Report was mailed out on April 9-10, 2013 and published in five local newspapers during the week of April 15, 2013, all in accordance with REA procedural requirements. The Applicant has not yet received feedback from the broader community on the proposed changes based on the notifications delivered and published. With respect to municipalities, certain municipalities have requested that the Transmission Line be installed underground in its entirety. As described in response to Lori Bryenton Supplemental Interrogatory #11, the Applicant has advised that it is not prepared to do so for reasons consistent with those described in response to Board Staff IR #6 and CORE IR #6. However, in an effort to reach a mutually agreeable solution which addresses the interests of the County, the Town and the Applicant, the Applicant has provided for the possibility of burying longer segments of the Transmission Line than previously contemplated, as described in Amendment #2. The Applicant has not yet received comments on the changes from the municipalities. The Applicant is consulting with First Nations on an ongoing basis and on April 18, 2013 sent out a notification to First Nations of the changes described in the REA Changes Report, including the routing change described in Amendment #2. The Applicant has not yet received comments on the proposed changes.
- d) See response to (c), above.

**CONSERVE OUR RURAL ENVIRONMENT –  
SUPPLEMENTAL INTERROGATORY #2**

**Interrogatory**

**References**

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

**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.”

**Questions / Requests**

- 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.

**Response**

- a) Change 1 in the REA Changes Report is the minor route amendment described in section 2 of Amendment #2 and represents the one change to the transmission line route referred to in the preamble. Changes 2, 3 and 4 in the REA Changes Report each relate to collector/feeder lines, which are the 34.5 kV lines that link turbines to the Project Substation and which are not transmission facilities or within the scope of the Application. Change 5 in the REA Changes Report describes the Applicant’s plans to install overhead lines through certain wetland areas. This does not affect the proposed transmission line routing and is already reflected in the Application (see Exhibit E, Tab 2, Schedule 1, p. 4 and the Applicant’s response to CORE IR #3(a). Changes 6 and 7 in the REA Changes Report are characterized in Amendment #2 as updates to the descriptions of the approximate lengths of the underground segments. Regardless of the length of these underground segments, the proposed routing has not been amended.
- b) See amended response to CORE IR #11, which was included in Appendix B to Amendment #2.

**CONSERVE OUR RURAL ENVIRONMENT –  
SUPPLEMENTAL INTERROGATORY #3**

**Interrogatory**

**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.

**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.

**Questions / Requests**

- 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?

**Response**

- a) There is no uncertainty as to the total length of the proposed Transmission Line. As indicated in Amendment #2, p. 3, there are two portions of the route where the Applicant plans to install the line underground rather than overhead. Although Amendment #2 provides updated information on the potential lengths and extents of these underground segments, their final lengths have not been settled. Regardless of the length of these underground segments in the final design, the total length of the Transmission Line will be as indicated in the amended response to CORE IR #11.
- b) If the maximum length of underground segments described in amended CORE IR #11 is not implemented, then the underground segments would be shorter and the overhead segments

would correspondingly be longer, but the underground segments would be no less than as contemplated by the Application prior to Amendment #2 in the Shelburne area and near the existing Hydro One transmission line and Switching Station. As indicated in response to Lori Bryenton Supplemental IR #2, since the pole spacing is 100 m along this portion of the route, one additional pole would be required for every 100 m less underground installation (i.e. if 1.7 km of underground lines are installed through Shelburne, an additional 15 poles would be required).

- c) See response to Board Staff IR #6(i).

**CONSERVE OUR RURAL ENVIRONMENT –  
SUPPLEMENTAL INTERROGATORY #4**

**Interrogatory**

**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.

**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."

**Questions / Requests**

- 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?

## Response

- a) The descriptions of the lands in each of the affected agreements need to be amended to accurately delineate the area of the land rights required consistent with Amendment #2. The forms of agreement will not be affected and will continue to be consistent with the corresponding forms of agreement provided in Exhibit F, Tab 2, Schedule 1.
- b) The Applicant is not in a position to provide an exact date. However, the Applicant notes that leave to construct is ordinarily granted conditional upon the proponent obtaining all necessary easement or other land rights required to construct, operate and maintain its project.
- c) The Applicant would consider the options available to it in the event it is unable through negotiation to secure the necessary property rights relevant to the minor routing changes introduced through Amendment #2. The Applicant believes that it will be able to secure these rights through negotiation.
- d) Consistent with the transmission line design in the vicinity of this segment of the route, along the road allowance there would be either one or two poles with approximately 104 m of overhead conductor running (if two poles are used) between these two poles or else (if one pole is used) from an adjacent private property to such pole and from such pole to another adjacent private property.
- e) This question references the Applicant's Argument-in-Chief filed March 28, 2013, which is not within the scope of the supplemental interrogatory process permitted by the Board under Procedural Order No. 6.

**CONSERVE OUR RURAL ENVIRONMENT –**  
**SUPPLEMENTAL INTERROGATORY #5**

**Interrogatory**

**References**

Procedural Order No. 6, p. 3.

Affidavit of Chad McAllister, sworn April 8, 2013.

**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.

**Questions / Requests**

- 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?

**Response**

- a) As indicated in response to Lori Bryenton Supplemental Interrogatory #23, this mapping was prepared and provided to the relevant landowners pursuant to the private lease agreements between the parties and is therefore, in accordance with the terms of such agreements, confidential.
- b) The Applicant provided information sufficient for the affected landowners to understand the nature and location of the facilities that the Applicant proposes to locate on their respective properties and how the nature and location of such facilities on their properties may have changed as a result of the routing change described in Amendment #2.
- c) See response to Lori Bryenton Supplemental Interrogatory #21.
- d) As the referenced landowners are not intervenors in the proceeding, they were not provided with copies of Amendment #2.
- e) This landowner was concerned with impacts on his farming operations and the number of trees that would need to be removed for the transmission line.
- f) Yes.
- g) The relevant lease is directly with the landowners. As indicated in response to Lori Bryenton Supplemental Interrogatory #23, the mapping referenced in the affidavit was provided by registered mail directly to the landowners on March 8, 2013. A second copy of this mapping was provided indirectly through the family member on March 18, 2013. The Applicant has since confirmed that both copies have been received by the landowners. Whether or not there is a power of attorney is not relevant to these circumstances. Moreover, the Applicant notes that Amendment #2 results in the proposed transmission facilities no longer being situated on the referenced property.
- h) See response to Lori Bryenton Supplemental Interrogatory #23.
- i) Routing of the proposed Transmission Line is not relevant to the CIA or SIA. As indicated in Exhibit H, Tab 1, Schedule 1, the purpose of the SIA is to determine if the proposed connection will affect reliability of the integrated power system and the purpose of the CIA is to determine whether the proposed connection will affect existing Hydro One customers in the area. As an intervenor in the proceeding, the IESO was served with a copy of Amendment #2. The Applicant further notes that the Board ordinarily makes leave to construct conditional upon the proponent complying with IESO and Hydro One requirements as set out in the SIA and CIA, respectively.

**CONSERVE OUR RURAL ENVIRONMENT –  
SUPPLEMENTAL INTERROGATORY #6**

**Interrogatory**

**References**

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

**Questions / Requests**

Provide copies of all MNR correspondence referred to in the REA Changes Report.

**Response**

Copies of the five addenda to the Natural Heritage Assessment can be found on the project website at <http://www.dufferinwindpower.ca/ReportsApplications.aspx>. The corresponding clearance letters from the Ministry of Natural Resources are included as part of each such document.

**HARVEY LYON – SUPPLEMENTAL INTERROGATORY #1**

**Interrogatory**

**References**

Change 5: Overhead line through wetland features

**Preamble**

The Conservation Land Tax Incentive Program (CLTIP) policy, in accordance with Ontario Regulation 282/98 under the *Assessment Act 2001* establishes the framework to evaluate which lands and land use activities are permitted under the CLTIP. Most owners of wetlands in the area have been invited to participate in the program. Participation in the program includes a signed declaration not to undertake activities that will degrade, destroy or result in the loss of the natural values of the site

**Questions / Requests**

Has the Applicant discussed its plan for overhead lines through wetlands with the administrators of this program? If the activities associated with the construction and maintenance of the overhead lines disqualifies the affected lands, with penalties for non-compliance, has the Applicant fully informed the landowner of the possible implications?

**Response**

No. It is the Applicant's understanding that this program relates to certain property tax benefits that are available to landowners with lands, such as certain types of wetlands, that qualify under the program if the landowner makes certain commitments in respect of their property. It would be up to each individual landowner to consider, if they are a participant in the CLTIP, whether their participation or status under such program may be affected by entering into an agreement to provide certain land rights to the Applicant.

**HARVEY LYON – SUPPLEMENTAL INTERROGATORY #2**

**Interrogatory**

**References**

Change 6: Extend the underground section of line through Shelburne

**Preamble**

At its meeting on February 7, 2013, Dufferin County Council passed a motion that included the following position: that the Provincial approval authorities be advised that the County of Dufferin request that any transmission lines, if approved, be located underground and not located in the Town of Shelburne.

**Questions / Requests**

Has the Applicant any specific information indicating that County has modified its position in respect of locating a line through the Town of Shelburne in response the possible extension of the underground line as set out in Change 6?

**Response**

See April 18, 2013 letter filed by the Applicant in response to the April 17, 2013 letter filed by CORE.

**HARVEY LYON – SUPPLEMENTAL INTERROGATORY #3**

**Interrogatory**

**References**

Change 5: Overhead line through wetland features

**Preamble**

As stated, DWP originally planned “to HDD under all provincially significant wetland features”. This was the message to the community. The move to overhead lines, although not affecting the route, does represent a significant change in the facilities to be built. Such changes are material not only to the landowner hosting the line, but also and equally to the adjacent landowners.

It is noted that this change of plans was not mentioned in the DWP’s March 2013 Project Information Guide nor in its April flyer.

**Questions / Requests**

Will DWP undertake to inform all affected public of this significant change in plans?

**Response**

The Applicant has been fully transparent in this proceeding with respect to its intended approach in wetlands. See Exhibit E, Tab 2, Schedule 1, p. 4 of the pre-filed evidence and the Applicant’s response to CORE Interrogatory #3(a). As indicated in response to Lori Bryenton Supplemental Interrogatory #20, in accordance with REA requirements a Project Change Notification was mailed to all landowners on the regulatory contact list on April 9 and 10, 2013 and that during the week of April 15, 2013 the Project Change Notification is being published in five local newspapers. This notification refers to the Applicant’s plans to install overhead lines across wetlands as described in the REA Changes Report.