

**ONTARIO ENERGY BOARD**

**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 Varna Wind, Inc. for an order or orders pursuant to section 92 of the *Ontario Energy Board Act, 1998* granting leave to construct transmission facilities in the Municipalities of Bluewater and Huron East.

**Reply Evidence of Varna Wind, Inc.**

1. This evidence is in reply to the evidence filed by Brian and Helen Oldfield (“the **Oldfields**”), including the evidence in chief filed on March 28, 2013 and the responses to Interrogatories filed on April 22, 2013 (collectively, the “**Oldfield evidence**”).
2. As provided in paragraph 44 of the Application, the Applicant proposes to construct a transmission line along the route illustrated at Appendix B that is comprised of a Corridor that includes Centennial and Hensall Roads and certain private lands adjacent thereto, from the site of the Substation on the south side of Centennial Road between Goshen Line and Babylon Line in the Municipality of Bluewater to the site of the Seaforth TS on the east side of Hensall Road between Front Road and South King Street in the Municipality of Huron East.
3. As also discussed in paragraph 45 of the Application, within this Corridor, the Applicant has considered the options available to it with respect to the potential use of Municipal rights-of-way on either side of Centennial and Hensall Roads, having regard to existing facilities within those Municipal rights-of-way as well as the potential to use adjacent private easements on either side of the roads. The proposed Transmission Line route has been designed based on analysis of these options as well as related consultations regarding affected landowners and stakeholders.

4. As noted in paragraph 43 of the application, early in the development process, it was determined that the least environmental impact from the overhead Transmission Line would occur if the Transmission Line ran along an existing Municipal right-of-way (upper or lower tier municipal road). A number of routes along back country corridors were considered in various places along the route, but were disqualified due to unacceptable environmental impacts (provincially significant wetland interference or tree clearing) or disinterest of landowners to participate in the project. In addition, several other roads were considered as corridors or routes but were disqualified due to higher concentrations of residences, large amounts of pre-existing infrastructure in the right-of-way or unacceptable environmental impacts.

#### **The Oldfield Land and Applicant Consultations**

5. The Oldfield evidence states that the proposed line is too close to the front of its property. Although that evidence acknowledges that the proximity of the transmission line is compliant with Canadian Standards Association (CSA) standard CSA-C22, the Oldfield evidence finds those standards unsatisfactory:<sup>1</sup>

**“It is our request and sincere hope that the Canadian government will conscientiously consider changing these outdated and unsafe standards to protect its citizens from the dangers of high voltage power lines by either requiring all new or replacement power lines to be buried in the vicinity of populated areas (using proper precautions to eliminate stray voltage) or ensuring that no buildings are located or newly constructed to within 30 metres of overhead transmission lines.”**

---

<sup>1</sup> See: Applicant Interrogatories 1 and 2 to Oldfield evidence, April 10, 2013 and Oldfield Response to Interrogatories, April 20, 2013 (emphasis in the original).

It is helpful to clarify a point of evidence in this regard. The CSA measures minimum distances by reference to the supply conductors (See CSA, C22.3 No. 10, Table 9 –“Minimum design clearances from wires and conductors not attached to buildings, signs, and similar plant.” Applicant Interrogatories to Oldfield evidence, April 10, 2013, Exhibit B. The Applicant therefore used this measure in its evidence; thus in response to Board staff Interrogatory No. 10, the Applicant responded that the minimum distance from the “**Conductor**” to barns is 18 meters (emphasis added). The Oldfields’ Interrogatory Response requests “a correction to the record” because “our barn is 9 m from **the edge of the municipal rights-of-way.**” (Emphasis added). As a result, there is no contradiction in the evidence and no need to correct it. The Applicant agrees that the barn is 9 meters from the edge of the municipal right of way. However, the relevant set back (according to CSA) is from the conductor; the barn is 18 meters from the conductor.

6. The Board obviously does not have the authority to satisfy this request, particularly in light of its mandate under a leave to construct application, which is restricted to consideration of the interest of consumers with respect to prices and the reliability and quality of electricity service.” Nevertheless, the Applicant has attempted to address the Oldfields’ concerns and proposes to continue to do so.
7. Specifically, the Applicant has conducted extensive consultations with the Oldfields in order to try and resolve their concerns. The Applicant has either met with or spoken with the Oldfields over a dozen times, and made a number of proposals to accommodate the Oldfield’s concerns. One such proposal was made on June 3, 2012, to route the transmission line along the back edge of the Oldfield’s property.
8. The Oldfields did not accept any of the Applicant’s offers.

#### **Relocation of Transmission Section along Hensall Road**

9. Despite the Oldfield’s failure to accept the Applicant’s offers discussed above, and despite the fact that the transmission line as proposed exceed the minimum requirements of applicable standards, the Applicant is prepared to take additional steps to address the Oldfields’ concerns respecting the proximity of the transmission line to the Oldfields’ property.
10. Specifically, the Applicant has initiated procedures with HONI to relocate the section of transmission along Hensall Road that is in the proximity of the Oldfield’s house and barn across the street from these structures, from the east side of Hensall Road to the west side of Hensall Road.
11. As proposed, existing HONI distribution on the West side of Hensall Road would be buried underground, allowing for the Applicant to construct its transmission line where the HONI distribution line currently exists.
12. The Applicant first reached out to HONI in December 2012 to explore this option. From that point forward, the Applicant and HONI have remained in communication and worked together to develop the plan for HONI to bury its distribution line.

13. The Applicant formally submitted requests to HONI to perform the work required to bury its existing distribution line along Hensall Road. This will permit the Applicant to relocate the portion of its transmission line in the proximity of the Oldfield's property along Hensall Road to the West side of the Road
14. On March 22, 2013, HONI acknowledged receipt of the requests and provided initial estimates for cost for the work, as well as standard schedule estimates. HONI also indicated that in order to provide a final cost estimate, it needs to conduct field design and staking, and requested an initial payment for same. The Applicant will make this payment.
15. HONI also indicated that, given the amount of the final cost estimate, the date for completion of the final estimate would be negotiated between HONI and the Applicant, and that minimum lead time before the start of work would be greater than 120 days from receipt of the final cost estimate payment from the Applicant.
16. Should HONI's final review indicate that it is capable of burying its distribution system as proposed, and at a reasonable cost, it is the Applicant's intent to amend the application and relocate the portion of its transmission line in the proximity of the Oldfield's property along Hensall Road to the West side of the Road. The Applicant will keep the Board and all parties informed of its progress in working with Hydro One in this regard.
17. Although the Board does not have the authority to order the Applicant to have HONI bury its distribution line and move a portion of the Applicant's line across Hensall Road to the West side, the Applicant is pursuing this approach as a means to mitigate the impact of the transmission line on the Oldfields' property.