



EB-2013-0185

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 Grand Bend
Wind Limited Partnership for an order or orders pursuant
to section 92 of the *Ontario Energy Board Act*, 1998
granting leave to construct transmission facilities in an
Area Northwest of Grand Bend.

PROCEDURAL ORDER NO. 1

June 20, 2013

Grand Bend Wind Limited Partnership (the “Applicant”) has filed an application with the Ontario Energy Board (the “Board”), dated April 19, 2013, under section 92 of the Ontario Energy Board Act, 1998 (“the Act”).

The Applicant has applied for an order or orders of the Board granting leave to construct an electricity transmission line and related facilities which will connect a 100 MW wind-powered electricity generation facility to the Ontario transmission system. The Board has assigned file number EB-2013-0185 to this application.

The Board issued a Notice of Application and Written Hearing on May 10, 2013. The Notice was published and served by the Applicant as directed by the Board.

Interventions and Cost Eligibility Requests

The following parties requested intervenor status in this proceeding:

- The Independent Electricity System Operator
- Goderich-Exeter Railway Company Ltd

- The Corporation of the Municipality of Bluewater
- Van Miltenburg Farms

All the intervention requests are granted.

A list of the intervenors, their representatives and contact information is attached as Appendix A to this procedural order.

Van Miltenburg Farms has requested cost award eligibility pursuant to the Board's Practice Direction on Cost Awards (the "Practice Direction") which can be found in the Board's website. The Board grants cost award eligibility to Van Miltenburg Farms for costs that relate to matters directly within the scope of this proceeding as described below. Van Miltenburg Farms is also advised to review the Practice Direction for further information about which types of costs are eligible for recovery. For example, costs for counsel and consultants are generally recoverable, but costs for time spent directly by the intervenor are generally not recoverable.

Scope of the Board's Jurisdiction

The Board will only approve this application if it finds the electricity transmission line to be in the public interest. In making this determination, subsection 96(2) of the Act limits the scope of what the Board shall consider, namely:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.
2. Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.

The Act does not provide the Board with the jurisdiction to address issues relating to the wind-powered electricity generation facility itself, nor to environmental issues.

Further, the Act states that leave to construct shall not be granted until the applicant satisfies the Board that it has offered or will offer to each owner of land affected by the approved route or location an agreement in a form approved by the Board. To that end, the Board will consider the form(s) of easement agreements that have been or will be offered to affected landowners.

Request for Confidential Treatment of Land-related Information

In its letter to the Board dated April 19, 2013, the Applicant requested that certain personal information related to third party individuals with respect to the land acquisition process in relation to the application ("Requested Confidential Information") be held in confidence by the Board. The Applicant submitted that disclosure of this information would conflict with Section 17(1) of the *Freedom of Information and Protection of Privacy Act (Ontario)*, since it would prejudice the competitive position of the Applicant and could potentially interfere with the contractual arrangements or other negotiations between the Applicant and other third party landowners.

The redacted version of the information is included in the pre-filed evidence under Exhibit F, Tab 1, Schedule 1, Page 2 - Land Matters - Type of Land Rights.

The Board accepts that the Requested Confidential Information is "personal information" within the meaning of *Freedom of Information and Protection of Privacy Act (Ontario)*, and pursuant to section 42 of that act will not release the information publicly. The Applicant's request to afford this information confidential status is, therefore, granted.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Board staff and intervenors who wish information and material from the Applicant in relation to the application that is in addition to the Applicant's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant and all intervenors on or before **Thursday July 4, 2013**. Where possible, the questions should specifically reference the pre-filed evidence. The Applicant shall file with the Board complete responses to the interrogatories and deliver them to all intervenors no later than **Wednesday July 17, 2013**.
2. Board staff and intervenors who wish to make a submission must file the submission with the Board, and deliver it to the Applicant and all intervenors by **Wednesday July 24, 2013**.

3. If the Applicant wishes to respond to any submission, the written response must be filed with the Board and delivered to all intervenors by **Wednesday July 31, 2013**.

All filings to the Board must quote the file number, EB-2013-0185, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, June 20, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX “A”

APPLICANT & LIST OF INTERVENORS

Dated: June 20, 2013

Grand Bend Wind Limited Partnership

Leave to Construct Application

Board File No. EB-2013-0185

**Grand Bend Wind Limited Partnership
EB-2013-0185
APPLICANT & LIST OF INTERVENORS**

June 20, 2013

APPLICANT

Rep. and Address for Service

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Partnership**

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INTERVENORS

Rep. and Address for Service

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Company Ltd.**

Jérémie Largeaud

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**Grand Bend Wind Limited Partnership
EB-2013-0185
APPLICANT & LIST OF INTERVENORS**

June 20, 2013

**Independent Electricity
System Operator SME**

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**The Corporation of the
Municipality of Bluewater**

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Van Miltenburg Farms

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