

**ONTARIO ENERGY BOARD (BOARD STAFF) - INTERROGATORY #21**

**Interrogatory**

**References**

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**Preamble**

In the pre-filed evidence, the Co-owners discuss the potential interconnection of a third party renewable generator:

Suncor Energy Products Inc. ("Suncor") is the proponent of a proposed renewable energy generation facility of up to 100 MW located in Lambton County (the "Suncor Energy Cedar Point Wind Power Project"). The planned location for the Suncor Energy Cedar Point Wind Power Project is in close proximity and to the west of the Jericho Project site. As such, there is a possibility that Suncor may connect the Suncor Energy Cedar Point Wind Power Project to the IESO-controlled grid through the planned Jericho transmission facilities (which will be the subject of a future Section 92 application by Jericho), together with those components of the present Application that will be owned by the Co-Owners. The potential connection of the Suncor Energy Cedar Point Wind Power Project has been considered in the SIA Addendum Report provided in Exhibit H, Tab 2, Schedule 1, Appendix C, as well as in the CIA Addendum Report provided in Exhibit H, Tab 3, Schedule 1, Appendix B. The Applicants do not intend for Suncor to become a co-owner of any of the Proposed Transmission Facilities and the Applicant will continue to be exempt under Ontario Regulation 161/99 with respect to the requirement to obtain a licence to own or operate transmission facilities. To the extent Suncor utilizes the Proposed Transmission Facilities, they will do so as a licensee.

**Questions / Requests**

- (a) What is the status of the potential connection of the Suncor Project through the Jericho transmission facilities?
- (b) Are the Co-owners and Suncor the counterparties to this potential arrangement, or are the counterparties Jericho Wind, Inc. and Suncor?
- (c) Exh D-1-1 states that there will continue to be exemptions under O.Reg. 161/99 with respect to the requirement to obtain a licence to own or operate transmission facilities.

Please explain the transmission licence exemptions with respect to all relevant subsections of section 4.0.2 of O.Reg. 161/99.

**Response**

- (a) [REDACTED]  
[REDACTED]  
[REDACTED] This Jericho transmission line is not the subject of the applications that are being considered in the present proceedings.
- (b) [REDACTED]  
[REDACTED]  
[REDACTED]
- (c) As explained by the Board in its decision in EB-2012-0235, dated July 5, 2012, the three conditions that must be satisfied for the exemption in section 4.0.2(1) of O. Reg. 161/99 to apply are that the Co-owners must:
1. Be transmitting electricity either for no price, or for a price that is no greater than that required to recover all reasonable costs;
  2. In transmitting electricity, also be an electricity generator, as set out in subsection 4.0.2(1)(d); and
  3. Be transmitting electricity only for the purpose of conveying it into the IESO-controlled grid, as set out in subsection 4.0.2(1)(d)(i).

As the Board further explained in its decision in EB-2012-0235, this exemption contemplates not only that a transmitter may convey electricity to the IESO-controlled grid on their own behalf, but also that they may convey electricity to the grid that has been generated by another party at that party's generating facility.

In transmitting electricity, each of the Co-owners and Suncor will be electricity generators that will individually seek generator licenses from the Board upon obtaining notice to proceed under each of their respective FIT Contracts. The Co-owners will be transmitting electricity from each of their respective generation facilities, as well as potentially from Suncor's generation facility, only for the purpose of conveying such

electricity to the IESO-controlled grid. No load customers will be served by the transmission facilities. In addition, the Co-owners (collectively or individually) will not be transmitting electricity for a price greater than that required to recover all reasonable costs. In particular, Suncor will be provided with access to the Co-owners' transmission facilities, including the BCSS, the shared Transmission Line (as described in EB-2013-0040) and the Parkill CTS, on a cost recovery basis only. As such, each of the conditions that must be satisfied for the exemption in section 4.0.2(1) of O. Reg. 161/99 to apply will be fully satisfied.