

**Ontario Energy
Board**
P.O. Box 2319
27th. Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416-481-1967
Télécopieur: 416-440-7656
Numéro sans frais: 1-888-632-6273



BY E-MAIL

July 24, 2013

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON.
M4P 1E4

Dear Ms. Walli:

**Re: Board Staff Submission
Grand Bend Wind Limited Partnership
Application for Leave to Construct Transmission Facilities
Board File No. EB-2013-0185**

Pursuant to Procedural Order No. 1, please find enclosed Board Staff's submission in this proceeding.

Yours truly,

Original signed by

Robert Caputo
Case Manager
EB-2013-0185

c. All Parties in EB-2013-0185

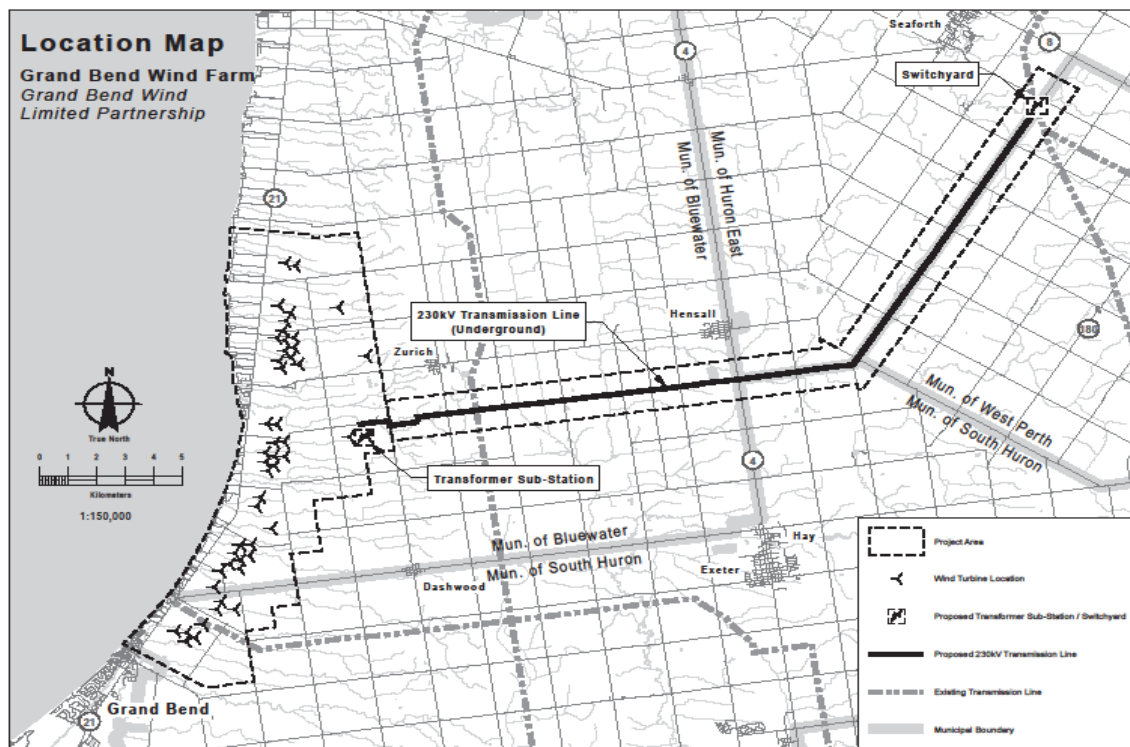
Encl.

BOARD STAFF SUBMISSION

GRAND BAND WIND LIMITED PARTNERSHIP APPLICATION FOR LEAVE TO CONSTRUCT TRANSMISSION FACILITIES TO CONNECT A WIND GENERATION PROJECT TO THE ONTARIO TRANSMISSION SYSTEM EB-2013-0185

BACKGROUND

Grand Bend Wind Limited Partnership (the “Applicant”) filed an application with the Board, dated April 19, 2013 for leave to construct approximately 30 km of 230 kV transmission line and associated facilities including a 34.5 kV to 230 kV substation and a 230 kV switching station to connect a 100 MW wind-powered electricity generation facility to the Ontario transmission system as shown in the following map.



PROCESS TO DATE

- The Board issued its Notice of Application and Written Hearing on May 10, 2013. The Notice was published and served by the Applicant as directed by the Board.
- The following parties requested and were granted intervenor status:
 - The Independent Electricity System Operator
 - Goderich-Exeter Railway Company Ltd
 - The Corporation of the Municipality of Bluewater
 - Van Miltenburg Farms
- Procedural Order #1 was issued on June 20, 2013
- Board staff filed written interrogatories on July 4, 2014 (no other parties filed interrogatories)
- The Applicant filed responses to Board staff's interrogatories on July 17, 2013.

THE BOARD'S JURISDICTION

For a leave to construct application that is filed under section 92 of the Act, section 96 of the Act states that the Board shall consider the public interest and shall only consider the following two issues when deciding if the proposed project is in the public interest:

1. the interests of consumers with respect to prices and the reliability and quality of electricity service; and
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 Applicant submitted that the proposed Transmission Facilities are to be used solely to connect the Generation Project into the IESO-controlled grid. The Applicant will, therefore, not be a licensed or rate-regulated transmitter. The financial risk of constructing, owning, and operating the Transmission Facilities lies solely with the Applicant.

The Applicant also submitted that the proposed transmission facilities will connect renewable generation facilities to the electricity grid and therefore promote the

use of renewable energy sources.

As discussed in further detail below, there appears to be nothing in the evidence filed that suggests there are any concerns associated with the proposed facilities that are relevant to the above-listed issues.

NEED FOR THE PROJECT

The Applicant submitted that the electricity generation facility being constructed is subject to an Ontario Power Authority Feed-in Tariff contract.

The Applicant also submitted that the nearest and best connection point for the proposed transmission line needed to connect the generation facility to the Ontario transmission system is the Hydro One 230 kV circuit B23D near Seaforth TS. The Applicant states that the following criteria were considered in selecting the location of the transmission facilities: Minimize length of transmission line; Avoid environmentally sensitive areas, including wetlands; Locate as much as possible on municipal road rights of way to minimize interference with private landowners; Bury cable to meet County and Municipal Government requests to minimize the visual impact of the Transmission Facilities.

In Board Staff's view, the need for the project is well supported by the evidence.

TRANSMISSION RATE IMPACT

The Applicant submitted that it will be responsible for the total cost of the facilities proposed in the subject application including any modifications required on the HONI transmission system needed to accommodate the proposed facilities.

Therefore the project will have no impact on transmission rates in Ontario.

RENEWABLE ENERGY APPROVAL

Although environmental matters are generally outside the Board's jurisdiction on a section 92 application, the Applicant indicated that the Ministry of Environment ("MOE") Renewable Energy Approval ("REA") for the Generation Project and Transmission Facilities was filed on February 15, 2013. The Applicant advised in its interrogatory responses that it now anticipates receiving MOE approval of the REA in October 2013 instead of the previously expected end of August date.

The Applicant advised that there have not been any objections to the granting of the REA.

LAND - RELATED MATTERS & OTHER APPROVALS

The Applicant submitted that:

- the proposed transmission line is primarily located in the shoulder of existing municipal and county roads within public rights of way; and
- some private property is required for the substation and switching station and for the segments of the transmission line that run from the substation and switching station to the right of way.

The Applicant filed three forms of agreement in relation to the property rights that it proposes to acquire. The first agreement is the first draft RUA from the Municipality of Bluewater, the second agreement is the redacted lease agreement for the substation and the third agreement is the redacted lease agreement for the switching station.

The applicant submitted that each of the affected landowners has been presented with the form(s) of agreement.

In accordance with Section 97 of the *Ontario Energy Board Act*, the Board must be satisfied that the Applicant either has or will offer each owner affected by the proposed route or location an agreement in a form approved by the Board.

Board staff does not see any reasons for the Board not to approve the forms of agreement filed by the Applicant.

Pages 10 and 11 of the Applicant's responses to Board staff interrogatories contain a table which shows the known outstanding permits and approvals and their status as at the date of the responses. The anticipated dates of approval range from Q4 2013 to Q1 2014.

SYSTEM IMPACT ASSESSMENT (SIA)

In its pre-filed evidence, the Applicant included a System Impact Assessment Report (SIA) issued by the IESO on December 21, 2011 based on GE wind turbines and an overhead transmission line. Subsequently the turbine type was changed to Siemens and the decision to place the transmission line underground

was made. These changes are captured in a System Impact Assessment Report Addendum dated July 8, 2013 which was filed with the Applicant's responses to the Board staff interrogatories.

The Applicant confirmed in its responses to Board staff interrogatories that it plans to implement all of the IESO's connection requirements contained in the final SIA report, addendum and any further updates to these documents.

The Applicant also confirmed that Hydro One Networks Inc. intends to carry out the transmitter requirements outlined in the SIA report, addendum and any further updates to these documents.

CUSTOMER IMPACT ASSESSMENT (CIA)

The Applicant filed a Customer Impact Assessment Report (CIA) issued by Hydro One on January 4, 2012 based on GE wind turbines and an overhead transmission line. Subsequently the turbine type was changed to Siemens and the decision to place the transmission line underground was made. These changes are reflected in the Customer Impact Assessment Addendum dated June 25, 2013 which was filed with the Applicant's responses to the Board staff interrogatories.

The Applicant confirmed in its responses to Board staff interrogatories that it plans to implement all of the connection requirements contained in the final CIA report, addendum and any further updates to these documents.

The Applicant also confirmed that Hydro One Networks Inc. intends to carry out the transmitter requirements outlined in the CIA report, addendum and any further updates to these documents.

PROJECT SCHEDULE

The Applicant submitted that:

- commercial operation for the Generation Project is expected to be on or before December 15, 2014.
- subject to the receipt of the necessary permits and approvals, site work for the Transmission Facilities is expected to begin in the fall of 2013 and last for 12 to 15 months.

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- the Transmission Facilities are expected to be in operation by December 2014.

In Board staff's view, the above schedule appears ambitious and would likely require outstanding approvals, including leave to construct, as soon as possible in order to meet the dates listed.

CONCLUSION

Board Staff submits that the proposed transmission line and associated facilities are in the public interest as defined by section 96(2) of the Act, and recommends that the leave to construct be granted as requested.

CONDITIONS OF APPROVAL

Board staff suggests that the typical conditions of approval attached to a Decision and Order for a leave to construct application be applied if the Board decides to approve this application. The suggested conditions of approval are contained in Appendix A to this submission.

All of which is respectfully submitted.

APPENDIX A

Proposed Conditions of Approval for Grand Bend Wind Limited Partnership Leave to Construct a Transmission Line and Associated Facilities EB-2013-0185

Note:

The Conditions of Approval attached to the Board's Decision and Order include references to permits and approvals by other organizations, Crown corporations, or Government Ministries that are prerequisites for the successful completion of the facilities that are the subject of this application. Notwithstanding any such references in these Conditions of Approval, the Board is not responsible for ensuring the implementation or operationalization of any of the requirements enumerated in such permits or approvals or the reports associated therewith even where such permits, approvals or associated reports are required, for any reason, to be filed with the Board.

1. General Requirements

- 1.1 The Applicant shall construct the transmission line and associated transmission facilities as defined in the Decision and Order (the "Project") in accordance with its the Leave to Construct application, evidence and undertakings, except as modified by the Board's Decision and Order and by these Conditions of Approval and in accordance with applicable laws, codes and standards.
- 1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate (*one year from date of Decision and Order*) unless construction of the Project has commenced prior to that date.
- 1.3 The Applicant shall comply with the requirements of the Renewable Energy Approval and any amendment thereto.
- 1.4 The Applicant shall satisfy the requirements of the Independent Electricity System Operator requirements as reflected in the final System Impact Assessment, Addendum and any further updates to these requirements.

- 1.5 The Applicant shall satisfy the requirements of Hydro One Networks Inc. as reflected in the Final Customer Impact Assessment Report, Addendum and any further updates to these requirements.
- 1.6 The Applicant shall advise the Board's designated representative of any proposed material change in the Project, including but not limited to material changes in the proposed route, construction techniques, construction schedule, restoration procedures, or any other material impacts of construction. The Applicant shall not make a material change without prior approval of the Board or its designated representative. In the event of an emergency the Board shall be informed immediately after the fact.
- 1.7 The Applicant shall obtain and comply with all necessary approvals, permits, licences, certificates and easement rights required to construct, operate and maintain the Project, and shall provide copies of all such written approvals, permits, licences and certificates upon the Board's request.
- 1.8 The Applicant shall obtain all necessary easements and other instruments relating to individual parcels of land before commencing construction of the Project upon those lands.
- 1.9 The Applicant shall comply with the laws of Ontario (including the laws of Canada applicable in Ontario).

2. Project and Communications Requirements

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Electricity Facilities and Infrastructure Applications.
- 2.2 The Applicant shall designate a person as Project Manager and shall provide the name of the individual to the Board's designated representative. The Project Manager will be responsible for the fulfillment of the Conditions of Approval on the construction site. The Applicant shall provide a copy of the Order and Conditions of Approval to the Project Manager, within ten (10) days of the Board's Order being issued.

- 2.3 The Applicant shall develop, as soon as possible and prior to the start of construction, a detailed construction plan. The detailed construction plan shall cover all material construction activities. The Applicant shall submit two (2) copies of the construction plan to the Board's designated representative at least ten (10) days prior to the commencement of construction. The Applicant shall give the Board's designated representative ten (10) days written notice in advance of the commencement of construction.
- 2.4 The Applicant shall furnish the Board's designated representative with all reasonable assistance needed to ascertain whether the work is being or has been performed in accordance with the Board's Order.
- 2.5 The Applicant shall, in conjunction with Hydro One and the IESO, and other parties as required, develop an outage plan for the construction period which shall detail how proposed outages will be managed.
- 2.6 The Applicant shall furnish the Board's designated representative with two (2) copies of written confirmation of the completion of Project construction. This written confirmation shall be provided within one month of the completion of construction.

3. Construction Impacts - Reporting Requirements

- 3.1 Both during and for a period of twelve (12) months after the completion of construction of the Project, The Applicant shall maintain a log of all comments and complaints related to construction of the Project. The log shall record the person making the comment or complaint, the time the comment or complaint was received, the substance of each comment or complaint, the actions taken in response to each if any, and the reasons underlying such actions. The Applicant shall file two (2) copies of the log with the Board within fifteen (15) months of the completion of construction of the Project.

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