



McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

George Vegh
Direct Line: (416) 601-7709
Direct Fax: (416) 868-0673
Email: gvegh@mccarthy.ca

August 6, 2013

VIA RESS and Courier

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

Attention: Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: Goshen Wind Inc. Leave to Construct Application
Board File No. EB-2013-0096
Goshen Wind Inc. – Final Submissions

We are counsel to Goshen Wind, Inc. (the "Applicant") in the above-noted proceeding. Please find enclosed the Applicant's Final Submissions.

Sincerely,

Signed in the original

George Vegh
Enclosure

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sch. B, as amended (the "**OEB Act**");

AND IN THE MATTER OF an application by Goshen Wind, Inc. for an order under section 92 and subsection 96(2) of the OEB Act granting leave to construct an electricity transmission line and related facilities.

APPLICANT'S FINAL SUBMISSIONS

INTRODUCTION

1. Goshen Wind, Inc. (the “**Applicant**”) filed an application with the Ontario Energy Board (the “**Board**”) on April 3, 2013 under sections 92 and 96(2) of the OEB Act. The Applicant has applied to the Board for leave to construct an electricity transmission line and related facilities (collectively, the “**Facility**”). The Facility will consist of:
 - (a) a 115 kV transmission line (the “**Transmission Line**”) approximately 25 km in length, comprising a single circuit overhead line extending from a newly constructed transforming substation (the “**Substation**”) to the point of interconnection at an independent breaker (described below) that connects to an existing Hydro One Networks Inc. (“**HONI**”) circuit, the L7S circuit;
 - (b) the Substation from the pull-off tower; and
 - (c) a newly constructed independent breaker (the “**Breaker**”) connecting to HONI’s L7S circuit.
2. The Facility will be located in the municipalities of Bluewater and South Huron, and will be used to connect the Goshen Wind Energy Centre (“**GWEC**”), a proposed 102 MW wind energy generation facility which was awarded a 20-year power purchase agreement under the Ontario Power Authority’s (“**OPA**”) Feed-in Tariff program (the “**FIT Program**”) in July 2011.
3. The Board issued a Notice of Application dated April 19, 2013, and directed the Applicant to serve and publish the Notice. The Board received requests for intervenor status from the Independent Electricity System Operator (the “**IESO**”) and the Municipality of Bluewater.
4. The above parties did not file interrogatories or evidence and did not make submissions.
5. These submissions are in response to Procedural Order No. 2, wherein the Board set a timeline for the filing of submissions by parties, including the Applicant’s final submissions.

Legislative Context

6. In its revised Procedural Order No. 1 issued June 7, 2013, the Board stated:

For a leave to construct application that is filed under section 92 of the Act, section 96(2) of the Act states that the Board 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.
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 Board's review and approval of the form of easement agreements is within the scope of the Board's jurisdiction pursuant to section 97 of the Act.

The Board notes that the following types of issues are not within its jurisdiction: construction, operation, maintenance and future decommissioning of the GWEC wind farm, the environment, land use planning, public health, and any changes or modifications to government policy or the Ontario Power Authority's feed in tariff program.

Environmental issues are not within the scope of the Board's review but are considered through the Renewable Energy Approval ("REA") process, which is conducted by the Ministry of the Environment.

7. When determining whether a leave to construct is in the public interest, therefore, the Board can only consider the interests of consumers with respect to prices and reliability and quality of electricity service, and where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources.
8. Pursuant to section 97 of the OEB Act, the Board also considers the form of easement agreement offered to landowners.
9. Furthermore, the Board's *Filing Requirements for Electricity Transmission and Distribution Applications* require that an Applicant show that it has engaged in communication and consultation with affected stakeholders.
10. As detailed below, the Applicant has demonstrated in its evidence and responses to interrogatories that the Application has met the criteria under section 96(2), and the construction of the Facility is in the public interest. Also as detailed below, the Applicant has consulted with landowners as well as stakeholders more generally.

THE BOARD'S CRITERIA IN A LEAVE TO CONSTRUCT APPLICATION

Interests of Consumers With Respect to Prices

11. The cost of the Facility will be borne by the Applicant, and the Facility will not have any adverse impact on the price of electricity in the wholesale market or on transmission rates.

Interests of Consumers With Respect to Reliability and Quality of Electricity Service

12. The System Impact Assessment (“**SIA**”) found that the connection of the GWEC via the Facility is acceptable to the IESO.¹ The Applicant will construct the Facility in accordance with the recommendations and conditions in the SIA.
13. The Customer Impact Assessment (“**CIA**”) performed by HONI found that the proposed GWEC is not expected to adversely impact the transmission customers in the area.² The Applicant will construct the Facility in accordance with the recommendations and conditions in the CIA.

Promotion of the Use of Renewable Energy Sources in a Manner Consistent with the Policies of the Government of Ontario

14. One of the Board's objectives under the OEB Act is to facilitate the timely expansion of transmission and distribution systems to accommodate the connection of renewable energy generation facilities.³ The Facility will connect the GWEC to the IESO-controlled grid.
15. As noted above, the GWEC has been awarded a power purchase agreement under Ontario's Feed-in Tariff Program, which program is in place to further the provincial government's policy objective of increasing the amount of renewable energy generation being added to the provincial grid.
16. The Facility is therefore consistent with government policy in respect of the promotion of renewable energy sources.

¹ System Impact Assessment Report for the Goshen Wind Energy Centre dated December 23, 2011, pg. 1. See Exhibit H, Tab 1, Schedule 2 of the Applicant's pre-filed evidence.

² Customer Impact Assessment for the Goshen Wind Energy Centre dated 23, 2011, pg. 5. See Exhibit I, Tab 1, Schedule 2 of the Applicant's pre-filed evidence.

³ Section 1(1) 5 of the OEB Act.

Land Matters

Overview of Land Rights and Form of Easement Agreement

17. The Applicant has acquired rights to approximately 22.5 kilometers of private lands that are required for the Transmission Line. All affected landowners were offered a standard transmission easement option agreement, the form of which was submitted as part of the Applicant's pre-filed evidence.⁴
18. As detailed in the Application⁵ and in answer to Board staff interrogatories,⁶ the Applicant has also entered into an option to acquire a lease and rights-of-way with a landowner for the land required at the point of interconnection, and has entered into a license and option agreement with a landowner for the land required for the Substation.

Project Routing

19. The Applicant examined several different routing options, and chose the route with the least impact to the environment and landowners.
20. More specifically, and as discussed in paragraph 42 of the Application, the Applicant gathered data regarding land use along the proposed route of the Transmission Line and chose to site approximately fifteen (15) km of transmission line along the back side of private property, seven and one-half (7.5) km of transmission line on private property that is adjacent to the municipal right-of-way, and two and five tenths (2.5) km of transmission within the municipal right-of-way. This route was found to be the most direct route from the Substation to the point of interconnection, with the fewest number of residences and commercial/industrial customers along the route. Other roads considered for the route of the Transmission Line were disqualified due to higher concentrations of residences, large amounts of pre-existing infrastructure in the right-of-way or unacceptable environmental impacts.

⁴ See Exhibit F, Tab 1, Schedule 2 of the Applicant's pre-filed evidence.

⁵ See paragraphs 33-34.

⁶ See answer to interrogatory 3 in the Applicant's replies to Board staff interrogatories dated July 3, 2013.

Consultation with Municipalities and Stakeholders

21. Public and stakeholder consultation has been an integral part of the environmental approval process for the GWEC and Facility.
22. The GWEC and the Facility are subject to the environmental screening process prescribed by *Ontario Regulation 359/09, Renewable Energy Approvals under Part V.0.1 of the Act* made pursuant to *Environmental Protection Act*, R.S.O. 1990, c. E.19.
23. As part of the Renewable Energy Approval (“**REA**”) process, consultation regarding key components of the planning and development of the GWEC and the Facility has been carried out through the issuance of informational notices, the delivery of presentations, the participation in meetings with local government officials and the holding of public meetings and community information sessions.⁷
24. The Applicant expects to receive its REA from the Ministry of the Environment in December 2013.

CONCLUSION

25. Based on the foregoing, the Applicant submits that approval of the Facility is in the public interest. The price, reliability and quality of electricity will be maintained, and approval of the Facility is consistent with the promotion of the use of renewable energy sources in a manner consistent with the policies of the Government of Ontario.
26. The Applicant therefore requests that the Board approve this application as proposed.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

⁷ See paras. 39-40 of the Application.