



**EB-2013-0361**

**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 Jericho Wind, Inc. for an order or orders pursuant to section 92 of the *Ontario Energy Board Act, 1998* (as amended) granting leave to construct transmission facilities in the Municipality of Lambton Shores, Lambton County and the Municipality of North Middlesex, Middlesex County, Ontario.

## **PROCEDURAL ORDER NO. 1**

**November 25, 2013**

Jericho Wind, Inc. (the "Applicant") filed an application on October 11, 2013 with the Ontario Energy Board (the "Board") under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act"). The Applicant has applied for an order of the Board granting leave to construct a collection substation and an approximately 15.7 kilometer 115 kV transmission line (the "Transmission Facilities"). The Transmission Facilities will be used to transmit power generated by the Jericho Wind Energy Centre to the Bornish Customer Switching station, for delivery to the Independent Electricity System Operator- controlled grid. The Board has assigned file number EB-2013-0361 to this application.

The Board issued a Notice of Application and Hearing ("Notice") on October 25, 2013. The Notice was published and served in accordance with the Board's letter of direction.

### **Intervenor Requests**

The Board received requests to be intervenors from Hydro One Networks Inc. ("Hydro One"), the Independent Electricity System Operator ("IESO"), Middlesex County, Lambton County, Muriel Allingham and Robert Lewis on behalf of a group of landowners (the "Landowner Group").

The Applicant did not object to any of the requests for intervenor status.

Hydro One, IESO, Middlesex County and Lambton County are granted intervenor status. A list of approved intervenors and their contact information is attached as Appendix A to this Order.

### **Scope of the Board's Jurisdiction**

In this proceeding, the Board is required to determine whether the construction of the Transmission Facilities is in the public interest, as described by subsection 96(2) of the Act and whether to approve the form of agreements with affected landowners pursuant to section 97 of the Act. In determining whether the construction of the Transmission Facilities is in the public interest, subsection 96(2) directs the Board to consider only the following:

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 will consider these factors as they relate specifically to the Transmission Facilities. It will not consider them as they relate to the Jericho Wind Energy Centre or in relation to wind generation in general.

The Board notes that environmental issues and issues relating to land use, land valuation and health and aesthetics are not within the scope of the Board's jurisdiction. Environmental issues are considered in the Ministry of the Environment Renewable Energy Approval ("REA") process.

Accordingly, the Board requires further information prior to determining whether to grant intervenor status to Muriel Allingham and the Landowner Group. The Board requires that these parties describe how their interests relate to price, reliability, and quality of electricity service and Ontario Government policy as they relate specifically to the Transmission Facilities.

*Request for Extension to Request Intervenor Status*

Three people have requested that the Board extend the deadline for requesting intervenor status. The Applicant objected to the request. The Board grants the extension as provided below. The Board notes that in order to be granted intervenor status, parties must demonstrate that their interests are relevant to the issues to be considered in this proceeding, as described above.

**THE BOARD ORDERS THAT:**

1. The date for submitting requests for intervenor status is extended to **December 2, 2013**.
2. Muriel Allingham and the Landowner Group shall file with the Board and deliver a copy to the Applicant, the additional information described above concerning their requests for intervenor status by **December 2, 2013**. The Applicant shall file with the Board its objections, if any, and deliver a copy to the parties, by **December 6, 2013**.

All filings to the Board must quote the file number, EB-2013-0361, 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](http://www.ontarioenergyboard.ca). If the web portal is not available you may email your document to the address below.

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](mailto:Boardsec@ontarioenergyboard.ca)

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

**DATED** at Toronto, November 25, 2013

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**APPENDIX “A”**

**JERICO WIND, INC.**

**Leave to Construct Application**

**Board File No. EB-2013-0361**

**APPLICANT & LIST OF INTERVENORS**

**Dated: November 25, 2013**

**Jericho Wind, Inc.**

**EB-2013-0361**

**APPLICANT & LIST OF INTERVENORS**

**November 25, 2013**

**APPLICANT**

**Rep. and Address for Service**

**Jericho Wind, Inc.**

**Ross Groffman**

Jericho Wind, Inc.  
c/o NextEra Energy Canada, ULC  
390 Bay Street, Suite 1720  
Toronto, ON M5H 2Y2

Tel: 416-364-9714

Fax: 416-364-2533

[ross.groffman@nee.com](mailto:ross.groffman@nee.com)

**APPLICANT COUNSEL**

**Jonathan Myers**

Torys LLP

79 Wellington St. W.

Suite 3000, Maritime Life Tower

P.O. Box 270, Toronto Dominion Centre

Toronto ON M5K 1N2

Tel: 416-865-7532

Fax: 416-865-7380

[jmyers@torys.com](mailto:jmyers@torys.com)

**Charles Keizer**

Torys LLP

79 Wellington St. W.

Suite 3000, Maritime Life Tower

P.O. Box 270, TD Centre

Toronto ON M5K 1N2

Tel: 416-865-0040

Fax: 416-865-7380

[ckeizer@torys.com](mailto:ckeizer@torys.com)

**INTERVENORS**

**Rep. and Address for Service**

**Jericho Wind, Inc.**

**EB-2013-0361**

**APPLICANT & LIST OF INTERVENORS**

- 2 -

November 25, 2013

**Hydro One Networks Inc.**

**Erin Henderson**

Senior Regulatory Coordinator

Hydro One Networks Inc.

483 Bay Street

7th Floor - South Tower

Toronto ON M5G 2P5

Tel: 416-345-4479

Fax: 416-345-5866

[Regulatory@hydroone.com](mailto:Regulatory@hydroone.com)

**Susan Frank**

VP and Chief Regulatory Officer

Hydro One Networks Inc.

483 Bay Street, 8th Floor, South Tower

Toronto ON M5G 2P5

Tel: 416-345-5700

Fax: 416-345-5870

[Regulatory@hydroone.com](mailto:Regulatory@hydroone.com)

**Independent Electricity  
System Operator SME**

**Tam Wagner**

Senior Regulatory Analyst

Independent Electricity System Operator

655 Bay Street

Suite 410

P.O. Box 1

Toronto ON M5G 2K4

Tel: 905-403-4291

Fax: 905-855-6371

[RegulatoryAffairs@ieso.ca](mailto:RegulatoryAffairs@ieso.ca)

**Jericho Wind, Inc.**

**EB-2013-0361**

**APPLICANT & LIST OF INTERVENORS**

- 3 -

**November 25, 2013**

**Middlesex County**

**Wayne Meagher**

County Solicitory / Director  
Corporation of the County of Middlesex  
399 Ridout St. North  
London ON N6A 2P1  
Tel: 519-777-7241  
Fax: 519-265-7249  
[wmeagher@middlesex.ca](mailto:wmeagher@middlesex.ca)

**The Corporation of the  
County of Lambton**

**David Cribbs**

General Manager  
The Corporation of the County of Lambton  
789 Broadway Street  
Box 3000  
Wyoming ON N0N 1T0  
Tel: 519-845-5402  
Fax: 519-845-0818  
[david.cribbs@county-lambton.on.ca](mailto:david.cribbs@county-lambton.on.ca)