



**EB-2013-0367**

**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 McLean's  
Mountain Wind Limited for exemption from section 4.1.2 of  
the Ontario Energy Board's Transmission System Code.

By delegation, before: Jennifer Lea

## **DECISION AND ORDER**

**December 12, 2013**

### **The Application**

McLean's Mountain Wind Limited ("McLean's") filed an application on October 17, 2013 with the Ontario Energy Board, requesting an exemption from section 4.1.2 of the Board's Transmission System Code (the "TSC"). Section 4.1.2 of the TSC states in part that a transmitter may not amend the terms and conditions of a connection agreement except as expressly contemplated in the applicable version of the connection agreement set out in Appendix 1 of the TSC, or with the prior approval of the Board. McLean's is seeking an amendment to section 1.2.1 and the deletion of section 1.2.2 of the relevant connection agreement. McLean's also asked that the Board dispose of the application without a hearing. The Board assigned file number EB-2013-0367 to the application.

## Facts

The application relates to transmission facilities that will connect the McLean's Mountain Wind Farm Project to Hydro One Networks Inc.'s ("Hydro One") transmission system. McLean's has obtained leave of the Board to construct the transmission facilities<sup>1</sup>, and construction is underway.

McLean's is seeking the approval of the Board to amend the standard form of the connection agreement to eliminate the requirement for McLean's to provide an isolating disconnect switch at the point of interconnection with Hydro One's transmission system and allow McLean's to install a mid-span opener ("MSO") at the point of interconnection instead. Section 1.2 of Schedule E of the standard form connection agreement set out in Appendix 1 (version B) of the TSC reads:

### 1.2 Isolation from the Transmission System

1.2.1 The Customer shall provide an isolating disconnect switch or device at the point or junction between the Transmitter and the Customer, i.e., at the point of the interconnection, which physically and visually opens the main current-carrying path and isolates the Customer's facility from the transmission system.

1.2.2 The isolating disconnect switch shall meet the following criteria:

- 1.2.2.1 it shall simultaneously open all phases (i.e., group-operated open/close) to the connection;
- 1.2.2.2 it shall be lockable in the open and closed positions;
- 1.2.2.3 when the device is used as part of the HVI failure protection system, it shall be motor-operated and equipped with appropriate control circuitry; and
- 1.2.2.4 it shall be suitable for safe operation under the conditions of use.

McLean's is proposing that section 1.2.2 be deleted, and that section 1.2.1 be replaced with the following:

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<sup>1</sup> Leave to construct in respect of the project was granted on June 28, 2012 (EB-2011-0394)

- 1.2.1 The Customer shall provide a mid span opener (MSO), at the point or junction between the Transmitter and the Customer, i.e., at the point of the interconnection, which physically and visually opens the main current-carrying path and isolates the Customer's facility from the transmission system.

In the application, McLean's states that it will be installing an isolating disconnect switch. However, with the proposed amendment, the MSO, and not the disconnect switch, will be located at the point of interconnection. McLean's states that the application is being made because Hydro One does not currently have its own independent right to access the lands on which the isolating disconnect switch would be located (as part of the applicant's switching station), but it does have full access to the lands under which the MSOs will be located. The MSOs will be owned, operated and maintained by Hydro One, although the installation of the MSOs will be at McLean's expense.

On November 27, 2013, McLean's filed with the Board letters received from Hydro One and the Independent Electricity System Operator ("IESO") in which each entity confirms that it considers McLean's proposal to be acceptable. In its letter, the IESO notes that the change in demarcation point will not result in a material adverse impact on the reliability of the integrated power system or on the findings from the System Impact Assessments. In its letter, Hydro One notes that relieving McLean's of its obligation to provide an isolating disconnect switch at the exact point of interconnection would have no adverse impact on system reliability, operations or safety. The physical demarcation point between McLean's facilities and Hydro One's facilities will be established and maintained by the MSOs. Hydro One also confirmed that, if the Board approves McLean's application, Hydro One will apply the Board-approved amendments to its connection agreement with McLean's.

## **Board Findings**

In support of its request that the Board dispose of the application without a hearing, McLean's states that: (i) the relief being requested is related only to land matters and the connection agreement specific to the applicant and Hydro One and does not change the facilities to be constructed by Hydro One and the applicant, and both MSOs and disconnect switches are being installed, so that no precedent for alternative facilities is being created; and (ii) the proposed amendment will not adversely affect any other party in a material way.

Section 70.1(3) of the *Ontario Energy Board Act, 1998* ("the Act") and section 3.0.13 of the TSC make it clear that applications such as this may be determined without a hearing, and prescribe no test for deciding that question. In this case, I found the test in section 21(4)(b) of the Act useful. That section says that the Board may dispose of an application without a hearing where it determines that no person other than the applicant will be adversely affected in a material way by the outcome of the proceeding. The applicant has asked that the matter be decided without a hearing, and Hydro One and the IESO, which are affected entities, have demonstrated through their letters that granting the application will have no adverse effect on their operations.

I find that no other person will be adversely affected in a material way by the outcome of the application. As I understand the evidence, whether the application is granted or denied will have no effect on the continuation of the wind farm project. The connection of the McLean's project to Hydro One's system will proceed whatever the outcome of this application. What this application does is change the demarcation point between the two systems so that Hydro One has access to the infrastructure creating the demarcation point. The evidence indicates that there will be no change in the configuration of the transmission facilities as a result of this application, with the exception of the location of the demarcation point and the installation of MSOs on Hydro One's equipment. This adjustment is insignificant in relation to the project as a whole, and will have no material adverse effect on another person.

I further find that the application should be granted. The letters from the IESO and Hydro One, demonstrate that the granting of the relief requested by McLean's will not have an adverse effect on the safety or reliability of Hydro One's transmission system or the IESO-controlled grid. The conclusions in the System Impact Assessment from the IESO and the Connection Impact Assessment from Hydro One are unaffected. Rather, granting the application will facilitate Hydro One's access to the demarcation point between its system and McLean's system. The evidence in the application indicates that approval of the application would not require any change in land rights held by either McLean's or Hydro One, nor is any change in the configuration of the Board-approved transmission facilities proposed. I find that the need for the proposed amendments to the connection agreement is supported by the evidence filed.

**IT IS THEREFORE ORDERED THAT:**

Approval is granted to McLean's Mountain Wind Limited for an exemption from section 4.1.2 of the Transmission System Code, to allow two amendments to the standard form connection agreement in Appendix 1, version B, Schedule E:

1. The replacement of section 1.2.1 with the following:

1.2.1 The Customer shall provide, at the point of interconnection between the Transmitter and the Customer, a mid-span opener which physically and visually opens the main current-carrying path and isolates the Customer's facility from the transmission system.

2. The deletion of section 1.2.2.

**DATED** at Toronto, December 12, 2013

**ONTARIO ENERGY BOARD**

*Original signed by*

Jennifer Lea  
Counsel, Special Projects