

THE CORPORATION OF THE COUNTY OF DUFFERIN

INTERROGATORY #1

References

Tab B, Schedule 1, Exhibit E

Preamble

The trail lands will continue to be owned by the County and will continue to be used by the public for walking, snowmobiling and other recreational activities both during and after construction. It appears the temporary working area easement is not segmented. These questions pertain solely to the lands owned by the County.

Questions / Requests

- (a) What is the process that DWPI used to determine the extent of the temporary working area easement? Please provide a detailed description and highlight any areas where DWPI deviated from the process and the reasons therefore.
- (b) What is the time duration of the temporary working area easement?
- (c) How will DWPI maintain safe accessibility during construction for the public users of the trail?
- (d) What is the process for removing the temporary working area easement from the lands records?
- (e) What is the process that DWPI used to determine the extent of the permanent working area easement? Please provide a detailed description and highlight any areas where DWPI deviated from the process and the reasons therefore.
- (f) What assurance does the County and its residents have that proper insurance, liability and environmental, will be maintained by DWPI (or subsequent transmitter) throughout construction, operation and decommissioning of the transmission line?
- (g) What is the anticipated decommissioning cost of the transmission line?
- (h) What guarantee does the County have that sufficient funds will be maintained by the Applicant and its successors to decommission the transmission facility and remove the permanent easement from title?

Response

- (a) The source of the County's reference to a "temporary working area easement" is unclear. As described in the Application, for the County's rail corridor lands the Applicant is seeking a Transmission Easement along one side of the corridor and an Access and Maintenance Easement for the balance of the width of the corridor.

The transmission facilities will be situated within the Transmission Easement. The Access and Maintenance Easement will be on the portion of the corridor that is currently used for a recreational trail. The Applicant will only use those lands insofar as is necessary for purposes of construction, as well as for accessing and maintaining the transmission facilities in the Transmission Easement. The Access and Maintenance Easement is necessary due to elevations along the corridor - the recreational trail runs generally along the former location of the railroad tracks, which are level with road crossings along the route to facilitate access.

The process and rationale used for determining the extent of the Access and Maintenance Easement is described in response to Board Staff IR #3(iv). One deviation from the standard approach is that in each of the three locations along the rail corridor where overhead/underground transition facilities are to be situated, due to the size of those structures the Transmission Easement is slightly wider (11.5 m rather than 10 m) and, as a result, the corresponding width of the Access and Maintenance Easement in those locations is 13.5 m rather than 15 m, in each case for a length of approximately 40 m. Another deviation is that although the Transmission Easement and the Access and Maintenance Easement together reflect the full width of the rail corridor along most of the route, there are several locations along the rail corridor where the County's lands are significantly wider than the typical 25 m width of the corridor. In these locations, the Applicant has not sought easements over the additional lands.

- (b) The term of the Access and Maintenance Easement will be consistent with the term of the Transmission Easement - 45 years.
- (c) It is expected that the recreational trail will have to be closed during the initial phase of construction while foundations and poles are being installed because this work will be undertaken by multiple crews working at multiple points along the route. The recreational trail would then be reopened in sections as cable stringing, following closely behind the pole setting crews, is completed along the length of the line. The three areas along the recreation trail where the overhead/underground transition stations are located will have to remain closed until construction of those transition stations are completed.

- (d) After the 45-year term of the Access and Maintenance Agreement, it will no longer be of any force or effect. As described in s. 28 of the approved form of easement offered to the County in respect of the rail corridor, the Applicant would take any steps that are necessary at such time to give effect to this.
- (e) See response to (a) above, as well as to Board Staff IR #3(iv). The extent or width of the Transmission Easement within the rail corridor was determined based on conductor swing under blowout out wind conditions with required electrical clearance to the outer edge of the railroad corridor limit. The placement of the transmission facilities within the Transmission Easement and within the rail corridor is depicted in the drawing attached hereto at **Appendix 'A'**.
- (f) The Applicant offered various assurances in the approved form of easement presented to the County, such as at paragraph 20 thereof. Any obligations under an easement would be to the relevant landowner and not to residents of the community generally.
- (g) The decommissioning cost for the transmission line, taking into account the salvage value of the recovered materials, is estimated at approximately \$200,000 in today's dollars.
- (h) The Applicant offered certain assurances with respect to decommissioning under the approved form of easement presented to the County. Moreover, the Applicant has obligations in respect of decommissioning pursuant to its Renewable Energy Approval, the application for which included a Decommissioning Plan.

APPENDIX 'A'

**LOCATION OF TRANSMISSION FACILITIES WITHIN TRANSMISSION
EASEMENT AND RAIL CORRIDOR**

Dufferin County IR #1(e)

