

## **SUBMISSION OF ACW RESIDENTS TO THE ONTARIO ENERGY BOARD**

January 31, 2014

File No: EB-2013-0439 (K2 Wind Ontario Limited Partnership - Application for Electricity Generating Licence)

Ontario Energy Board  
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Attention: Kirsten Walli - Board Secretary - email: boardsec@ontarioenergyboard.ca

Cc. K2 Wind Ontario Limited Partnership  
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Dear Sirs;

### **1. Introduction**

We are a group of residents and landowners of the Township of Ashfield-Colborne-Wawanosh (ACW). We are submitting these comments to the OEB for consideration in its review of the K2 Wind application for a generating licence. The K2 project will have far reaching impacts on the lives and property of the township residents. Over 800 residents and landowners of this municipality have signed a petition opposing this project. As such, we feel that every resident should have the right to have his or her voice heard regarding this application.

### **2. Criteria for Assessing Electricity Generator Licence Applicants**

In the McLean Mountain wind project hearing, EB-2013-0015, the OEB staff submission dated May 17, 2013 outlined the criteria by which the Board reviews a generator licence application.

In the exercise of its licensing function, the Board's practice is to review a licence application based on the Applicant's ability to own and/or operate a generation facility and to participate reliably in Ontario's energy market.

The Board uses three main criteria to assess an electricity generator licence applicant:

- The applicant's ability to be a financially viable entity with respect to owning and operating a generation facility in Ontario's energy market;
- The applicant's technical capability to reliably and safely operate a generator; and
- The applicant and its key individuals' past business history and conduct such that they afford reasonable grounds for belief that the applicant will carry on business in accordance with the law, integrity and honesty.<sup>1</sup>

In commenting on the K2 Wind generating licence application, we will therefore focus on the aspects of these criteria which we, as residents of ACW, have experience with.

### **3. Financial Viability**

While we have grave doubts about the long-term viability of wind energy in this province, we unfortunately do not have access to the financial records of K2 to provide any insight into the financial viability of this company. However, we do note that without the extensive subsidization of the wind energy sector by the province, there would be no turbines constructed in Ontario. Remove the subsidies, which will undoubtedly happen given the financial situation of the province, and the ability of the wind energy companies to maintain their facilities becomes questionable. The K2 project includes a transformer station, a substation and a buried 230 KV underground transmission line. All of these components will add multiple millions to the project cost, putting significant financial pressure on the company.

However, we can comment on the fact that K2 wind was delinquent in its response to the OEB order for payment of costs regarding hearing EB-2012-0458. The Board Decision and Order On Cost Awards dated November 29, 2013 stated that pursuant to section 30 of the Ontario Energy Board Act, 1998, K2 Wind shall immediately pay the Residents Group the awarded costs. This is a very clear direction and yet no payment was forwarded until late January and payment was only received after the Residents Group representative, Mrs. Frayne, contacted the Board to lodge a complaint about non-payment. On the Board staff's direction, Mrs. Frayne contacted the K2 Wind lawyer to lodge a complaint of non-payment and only then was payment received when K2 Wind's lawyer, Ms. Newland, undertook to pay the bill.

Delayed payments to residents in ACW seems to be a pattern for K2 Wind. During the preliminary archaeological site investigations for the substation, approximately 20 acres of a winter wheat crop of an ACW tenant farmer was destroyed. The farmer in question did not receive compensation until almost 6 months later.

We can only question the financial operation of a company which cannot pay its bills promptly.

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<sup>1</sup> EB-2013-0015 - Board Staff Submission dated May 17, 2013.

#### **4. Past History & Conduct/Technical Capability**

If the past business history and conduct of a corporation and its staff is viewed in detail, it gives a blueprint for how that corporation will operate in the future. With that in mind, we would like to provide the Board with some insights into the operational history of the K1 Wind project in ACW. One of the partners in the K2 project is Capital Power, a subsidiary of EPCOR, which operates the 22 turbines in the Kingsbridge 1 (K1) wind project in ACW. The Applicant has cited the Kingsbridge 1 Wind Operation experience before the Ontario Energy Board in hearing EB-2012-0458, in support of their project.

We would like to illustrate for the Board, the type of operation that we anticipate with the K2 project based on the experiences with both the K1 project and the initial construction work that has been undertaken on the K2 switching yard and substation site.

These incidents are included here to illustrate a pattern of behaviour in this company.

##### **a) Kingsbridge 1 (K1) Turbine Fire**

The K1 Wind turbine fire was discussed in detail in the Residents Group submission to the OEB in EB-2012-0458 and in evidence presented to the Environmental Review Tribunal in ERT-13-097/098 Drennan v. MOE. However, it is worth revisiting this incident for an insight into how K2 Wind's affiliates operate in an emergency situation, how they respond to the residents and how they deal with the aftermath.

In the early morning hours of April 2, 2013, turbine #19 in the K1 project caught fire and was destroyed. Attached in Appendix A (Pages ii-iv) is a copy of the Goderich Fire Department report regarding the fire. According to the fire department report, the fire was reported at 1:00 a.m. through a 911 call. On page 3 of that report the Board should note that the fire department contacted EPCOR or K1 Wind at 1:10 a.m. to inform the company that their turbine was on fire, not the other way around. A K1 Wind representative did not arrive on site until well after the turbine was fully engulfed by fire and the fire department was already on site.

The fire resulted in the visible destruction of the turbine hub and severe damage to the blades and the release of contaminant debris in a wide area beyond the actual site of the turbine itself. Photos 1-3, showing the burnt turbine, were taken by Michael Leitch the morning after the fire. Note the extent of the damage and the pieces of debris hanging from the turbine hub.

Residents living in the vicinity were not notified of the fire or contacted by K1 Wind representatives. The Capital Power website states that the smoke dissipated well above the ground. However, notwithstanding this assertion, one resident reported being able to smell noxious smoke from the burning turbine inside his home.

PHOTOS 1 to 3: Photos of Damaged Turbine #19 in K1 Wind Project.

These photos were taken by Michael Leitch on April 2, 2013. They show the extensive fire damage to the turbine nacelle and blades. Large pieces of dangling debris are visible.





Close up views of fire damage at turbine 19. Note dangling debris pieces.

Photo 2



Photo 3

The Township was not officially notified of the fire by any K1 staff and did not find out until the Township clerk contacted Paul Wendelgass who returned his call at 2:05 p.m. on April 2, 2013, and advised him of what was happening. The clerk did this in response to multiple calls from concerned residents. In conversations with Paul Wendelgass, he has repeatedly told residents of ACW that he has no knowledge of the K1 project so it is a mystery why he would be speaking to the turbine fire on behalf of K1.

The Residents Group understands that the Ministry of the Environment (MOE) was not immediately contacted by any representatives of K1 Wind regarding the fire despite there being in excess of 750 liters of oil in the turbine itself. The MOE office in Owen Sound was contacted on April 2, 2013 by a resident of the Township and staff subsequently made a field visit to investigate. The MOE office in Toronto was eventually contacted on April 3, again by Paul Wendelgass who we have been told is not connected with K1 Wind. Residents have been advised by MOE staff from Owen Sound that the Toronto office has nothing to do with turbines in ACW.

On the evening of Tuesday April 2, Mr. Dan Hayden, Site Manager of the K1 Wind project and Paul Wendelgass of K2 Wind attended a Council meeting at ACW. Signees of this submission were present at that Council meeting. Mr. Hayden indicated that the debris field from the turbine had spread from 100 to 200 metres from the turbine itself. In his report to Council Mr. Hayden also stated that he had driven around the neighbourhood in the dark with the window down smelling for smoke. Not smelling any, he then sent the fire department home.

The information released about this fire has been quite contradictory. In some newspaper reports (Appendix A, Pages v-vi - Farmers Forum), Mr. Hayden is referenced as stating that when the turbine caught fire, hundreds of sensors in the nacelle (the centre piece that the blades attach to) caused the blades to pitch 90 degrees and immediately stop turning which prevented fire debris from being thrown through the air.

This assertion is contradicted by other published reports quoting Mr. Hayden. In a London Free Press article dated April 2 (Appendix A, Pages vii-viii) he reports that the fire was brief. It raises the question as to how Mr. Hayden was able to assume anything about the length of time the turbine was on fire as he advised ACW Council that there is no fire detection system in the turbines and the company would not know if the turbine was on fire. He is quoted in the Free Press article as saying that the farthest reach of the debris was "300 metres, tops... it really is contained". Then we have an article (Appendix A, Pages ix-x), which indicates that larger pieces of debris were found within 200 metres and smaller pieces were located up to 400 metres away. Clearly, fire debris was in fact being spread quite a distance from the turbine.

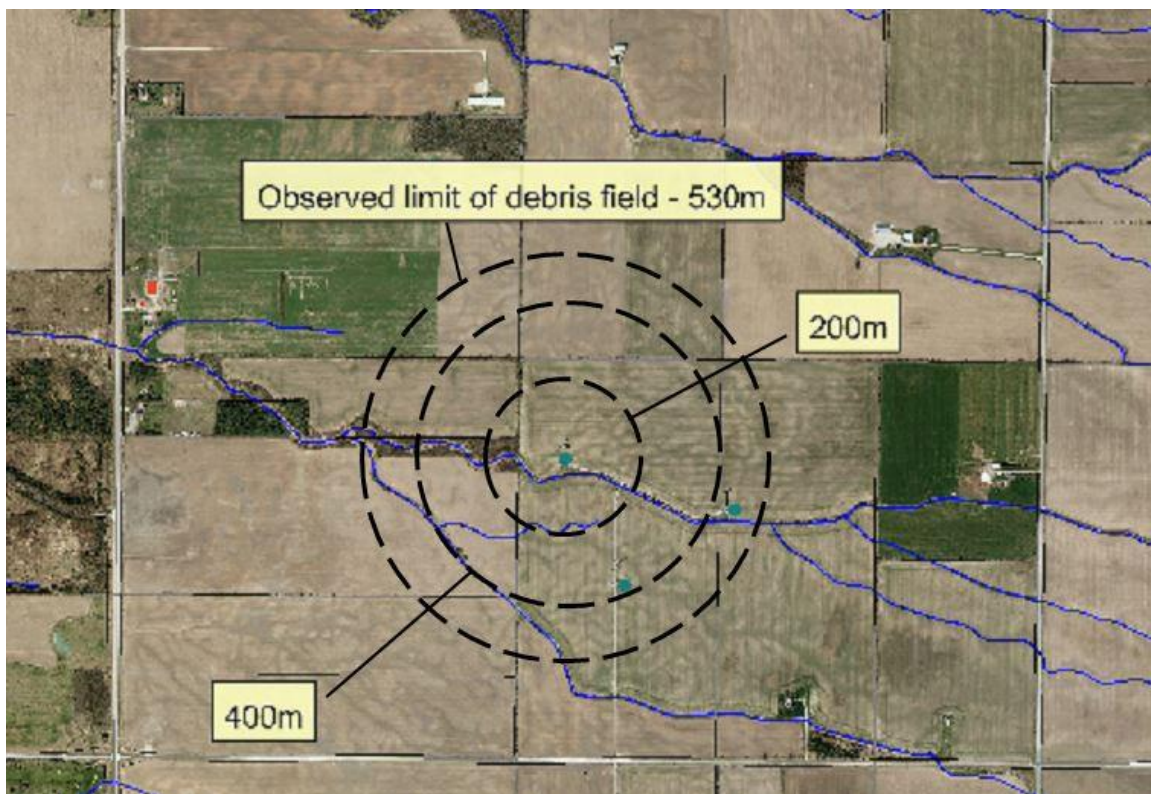
According to the Goderich Signal Star article, all these debris pieces, totaling 10 garbage bags, were found in the same field as the turbine. That would imply that there was no risk to any surrounding lands or to any person had they been present on the surrounding lands.



However, this fire in fact caused a risk to more than the site of the turbine and that is shown in the attached affidavit (Appendix A, Pages xi-xxvi) of Mr. Paul Frayne, a signee of this submission. Mr. Frayne farms the field located immediately to the northwest of the damaged turbine (Appendix A - Affidavit Map 2, Page xviii). After the fire, he discovered an extensive debris field on this land. The extent of this debris field that he found is shown on the map. Note the photos and the size of one of the debris pieces that he found - 8 feet long and one foot wide. This was clearly not a small piece and it was not contained in the same field as the turbine. Notice also how small pieces are flaking away from the larger piece.

Figure 1 shows the extent of the potential debris fields around the turbine based on the distances mentioned in the Signal Star report - 200 m and 400 m. The OEB members can see that the area of debris found by Mr. Frayne extends far beyond that. He found both large and small pieces extending up to a distance of approximately 530 metres. That is considerably more than the 300 m tops as stated by Mr. Hayden. Depending on where the wind was blowing, there was a large area where burning debris could have landed and it was well beyond the same field as the turbine. K1 Wind would also have been aware of the distance that the debris traveled because Mrs. Frayne contacted them to let them know what had happened and to request that the debris be attended to.

**Figure 1: Potential Debris Fields From Turbine #19 Fire in ACW**



Scale: 1:17,866

Note: The blue dots are existing wind turbines as mapped by the Huron County GIS system. Turbine #19 is at the center of the indicated potential debris fields. The circles show the extent of potential debris spread based on reported distances of located debris. The 200m and 400m distances were both reported in newspaper reports as the extent of the debris field after the fire at Turbine #19 in ACW. The 530m distance is the extent of the debris field observed by Paul Frayne.

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Had Mr. Frayne been present on the property when the fire started he might well have been dodging pieces of debris. As noted in his affidavit, if Mr. Frayne had been growing beans this year which are harvested low to the ground, this debris could have been a concern with plugging his equipment. There is no way the wind farm operators would have been able to clean up the debris if the fire had occurred when the crop was planted and growing without causing extensive damage to the crop. There is also the potential for contamination of the actual crop if small pieces make it through the screening mechanisms and into the load. This could be a real concern with crops destined for human or animal consumption. Mr. Frayne's affidavit makes clear that the cleanup effort undertaken by K1 staff did not result in a clean field as numerous pieces of debris the size of a five-dollar bill were still strewn throughout the field after they had conducted their cleanup.

In the aftermath of the fire K1 Wind indicated that a full report would be made to Township Council regarding the fire. To date this has not happened. The question this raises is whether or not the company has any idea about what caused the fire, and if they do know, whether or not they are willing to release that information to the public. Given the hazard that a fire of this nature would have posed had it occurred in the dry summer months, it is unacceptable for the company to not provide a full report to the public regarding the cause and the steps they have taken to prevent another occurrence.

#### Problems With K1 Wind Response to the K1 Turbine Fire

- No knowledge or awareness of a serious problem with generating facility until contacted by fire department
- No notification of adjacent residents
- Assessment of risk depended on the staff being able to smell fire
- Staff did not remain on site after the initial response, despite the obvious hazard of a severely damaged wind turbine and potential for secondary ignition of the oil
- Township was not notified of incident by K1 Wind representatives until well after incident occurred
- K1 Wind did not officially contact MOE to assess situation
- Inadequate assessment of extent of debris field & inaccurate information supplied to public about this
- Demonstrated inability to fully clean up the debris on adjacent lands
- No follow up with local Council despite verbal promise to do so.



This haphazard response speaks to a lack of capability to respond in a timely fashion to an emergency situation and represents a disorganized, chaotic approach to dealing with a crisis.

#### **b) Stray Voltage Problems - K1 Wind Project**

Reliability of electrical service entails more than just the ability to hire someone to construct electrical facilities. A fundamental aspect of reliability is the capacity to properly maintain and manage those facilities. This also means that the operator must have the capability and knowledge and will to respond to problems and issues affecting customers and to resolve them in a timely manner. Residents of ACW should not have to approach their local Council in order to find help to resolve such issues.

A review of Township records from 2006 to 2011 indicates that once the K1 Wind project became operational, it created stray voltage problems for residents in the Colborne ward of ACW.<sup>2</sup> The records indicate that residents approached Council on various occasions seeking assistance in resolving the problem. The ongoing presentations made by residents during this time period indicate that they experienced challenges in getting these problems resolved.

The K1 Wind project created a significant stray voltage issue for local cattle farmers in Colborne ward – Ross and Darlene Brindley. Prior to the development of the KI project the Brindleys operated a cow-calf farm on Lot 4, Concession 9 WD of Colborne ward. In the spring of 2006 a high voltage transmission line was erected along their access road and 10 turbines were built in the immediate area.

The stray voltage issues on the Brindley farm began when the K1 Wind project was energized. The nightmare experienced by Ross and Darlene Brindley has been well documented. Their cattle exhibited the following problems: restlessness and agitation, aggressive and erratic behaviour including kicking of newborn calves, prolapsed birthing, weight loss, a decline in herd fertility, high incidences of mastitis, deformed calves and a high incidence of stillbirths. The Brindleys themselves experienced health problems including sleeplessness, nausea, headaches and other problems. A letter was sent to Stephan Cain of the OEB by the Brindleys in December of 2007. It outlined the problems they experienced in detail.

Attached as Appendix B are two graphs showing the extent of the voltage problem on their farm. Hydro One Networks, which was monitoring the voltage situation at the Brindleys' farm, produced these graphs. They have been presented to the K1 wind developers and the Ashfield-Colborne-Wawanosh Council, and submitted to the ERT in ERT-13-097/098 Drennan v. MOE and are part of the public record. Particular attention should be paid to Graph #1 (Appendix B, Page i) as this graph shows the voltage present during an ice storm situation in the region when Hydro One's power lines were down along Highway 21. The electrical grid for this area was down for three days – no one

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<sup>2</sup> Township of Ashfield-Colborne-Wawanosh, Minutes of Council Meetings 2006-2011.

could put on a light including the Brindleys. The 22 wind turbines of K1 are on separate circuits that were briefly off. Once these circuits were back on line, the chart clearly shows that the Brindleys' farm was experiencing almost 6 volts of stray transmission from the KI power lines. That was enough stray voltage to affect their cattle even though they had no electrical power in their home or barn.

The second graph (Appendix B, Page ii) clearly shows the correlation between the K1 turbine generation and the problems on the Brindley farm. The red and yellow lines on the chart represent the two transmission lines for the K1 Wind project; the light blue line is their combined amperage output. The dark blue line represents the measured stray voltage on the Brindley farm. Note the strong correlation. When the wind blows, the Brindley farm receives stray voltage. It is quite obvious that the K1 Wind transmission line (now owned by Capital Power) was responsible for this problem. To date, the problem has not been resolved.

Wind companies such as Capital Power in the Kingsbridge 1 wind project have been utilizing the response that it is Hydro One's problem to fix, even when the wind company can be proven to be at least partially or fully responsible. This leaves the residents caught between two corporate entities which bounce the responsibility to each other. To try and obtain a resolution can involve lengthy delays and often a great deal of cost for residents.

This is the unfortunate experience of the Brindleys. Given the nightmare which these former residents encountered from the existing K1 project, the possibility for an additional 140 turbines in our municipality is cause for alarm for current residents. If 22 turbines and associated transmission lines can create problems, the potential for additional stray voltage issues is substantial. It is a particular concern in an area with large-scale livestock producers as farm animals are highly sensitive to stray voltage. Residents are extremely concerned with the possibility of becoming the 'man in the middle' of two entities that will blame each other if problems are encountered. If a company does not acknowledge its responsibility and take quick and decisive action to solve a problem it has created for one farm, how can the OEB and the remaining residents of ACW place any faith in assurances that they will be protected and problems dealt with and satisfactorily resolved?

#### Problems With K1 Wind Response

- Denial of responsibility for creation of the voltage problem
- Length of time involved in responding to the residents' problems
- Issue was never fully resolved - stray voltage situation continues
- Residents were not compensated for damage to their health and loss of income from their cattle operation.

#### **c) Goderich Tornado – K1 Wind Emergency Response Procedures**

In 2011 the Town of Goderich and surrounding area was hit with an F3 tornado that caused extensive damage and one death. Hydro distribution lines were downed

throughout the area including the private transmission lines that are owned by and exclusively service the K1 Wind project. The Residents Group notes that a Hydro One Networks crew was diverted in response to a request from K1 Wind, a private entity, to restore these private lines. This occurred while the residents of the town were still without power. It should also be noted that the request for Hydro One's help came about as a result of the K1 Operations Manager stopping Mr. Leitch (employed at that time as an Area Distribution Technician) on the side of the road to find out if a hydro crew would fix the K1 lines. Mr. Leitch referred the matter to his supervisor.

In emergency situations, Hydro One usually advises residents and businesses that restoration of privately owned lines and services is their personal responsibility and they should contact an electrician. A Hydro One crew should not have been reallocated during an emergency to deal with a private line when the broader public did not have electrical service. As with the K1 turbine fire, this speaks to a lack of preparedness and ability on the part of KI Wind to deal with emergency situations and raises questions about the potential for similar situations to arise with K2 Wind. It shows that there is no clear set of procedures for dealing with major unexpected events. If K2 Wind is relying on the experience and abilities of its affiliates, this raises serious issues of public safety and reliability for the grid.

#### Problems With the K1 Wind Response

- An emergency plan did not appear to be in place to react to an actual emergency situation
- Private contacts and crews should have been in place to deal with private line issues
- Hydro One crews should not have been authorized to work on private lines during a public emergency.

#### **d) Sanctions Against Capital Power K1 Wind Project**

In 2011 the IESO fined CP Renewable Energy (Kingsbridge) LP \$3,500 for two separate incidents<sup>3</sup>.

21. CP Renewable Energy (Kingsbridge) LP.: In March 2012, CP Renewable Energy (Kingsbridge) LP was sanctioned \$3,500 for failure to promptly notify the IESO of a change in status to their facility and for failure to comply with an operational instruction received from the IESO for a reliability purpose. The breach was in relation to the Kingsbridge wind generating facility. Kingsbridge has also been ordered to provide sufficient evidence of the implementation and efficacy of certain mitigation measures to MACD by August 31 2012. The breaches occurred in April and May of 2011.

The Capital Power website indicates that the fines were the result of "errors in communication between our staff and the IESO"<sup>4</sup>. Judging by the poor communication

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<sup>3</sup> IESO: <http://www.ieso.ca/imoweb/marketComp/sanctions.asp>

shown by K1 Wind in connection with the turbine fire in 2013, communication skills would seem to be an ongoing problem for this company.

## **5. K2 Wind Project - Preliminary Construction Activities**

One of the questions that the OEB should ask in assessing this application is whether or not the applicant has shown any change in its approach to dealing with local residents. Have improvements been made in how the company interacts with neighbouring landowners in light of experiences in the K1 project? Have there been improvements in the way they react to unexpected situations? To answer these questions let us take a look at the preliminary construction work that has been started at the switching yard site on Glens Hill Road in ACW. While the switching yard part would ultimately be owned and operated by Hydro One, the entire site is currently owned by K2 Wind. As such, K2 Wind is ultimately responsible for the work done on its property and the impacts that this work may have on adjacent lands.

### **a) Drainage Issues**

Throughout the public consultation phase of this project local residents and adjacent landowners identified the drainage and surface water problems that the proposed K2 transformer station and switching yard would cause. They were repeatedly assured by representatives of K2 Wind, including Mr. Paul Wendelgass, that a drainage and stormwater management plan would be prepared that would address those issues and there was no need for them to be concerned. In essence, they were assured that any problems would be dealt with by this future plan.

Let us review, therefore, how the drainage and surface water issues have been dealt with to date during the initial phases of construction of the K2 facilities located on Glens Hill Road in ACW. Construction activity on the site of the switching yard began in November 2013. November was a wet month with a number of rainstorms in ACW. The K2 construction site had substantial problems with water that were affecting their activity. In response to these problems, the landowner (K2 Wind) allowed a drainage ditch to be dug from the center of their property to the Township road allowance. This ditch collected and channeled water onto the public roadway and subsequently onto a neighbouring non-participating property.

This drainage work was undertaken in contravention of the Drainage Act which does not permit landowners to collect and direct drainage water. They were also specifically advised by the ACW road superintendent not to divert water to the road allowance. The actions taken in diverting this water have caused extensive flooding problems for the adjacent landowner.

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<sup>4</sup> Capital Power: <http://corporateresponsibility2011.capitalpower.com/Strategy--Risk-Management/Risks-and-Challenges.aspx#UuqigvldWgY>

The flooding problems that have been caused by this water diversion are shown in the accompanying photos taken on December 2013.

PHOTO 4: Photo taken on December 5, 2013. This photo shows water flooding as a result of construction activity on the K2 Wind property on Glens Hill Road in ACW. The ditch that was dug to channel this water onto the road allowance is clearly visible in the center of the photo.

PHOTOS 5 & 6: Photos taken on January 12, 2014. These photos show the water diversion created at the K2 Wind property. The water is being directed into the public road allowance and is subsequently flooding the adjacent farm.

PHOTOS 7 & 8: Photos taken on January 12, 2014. These photos show the adjacent land being flooded as a result of water being channeled from the K2 Wind construction site. This water is backing up and flooding onto the neighbouring farm as a result of being channeled and diverted onto the road allowance from the construction site.





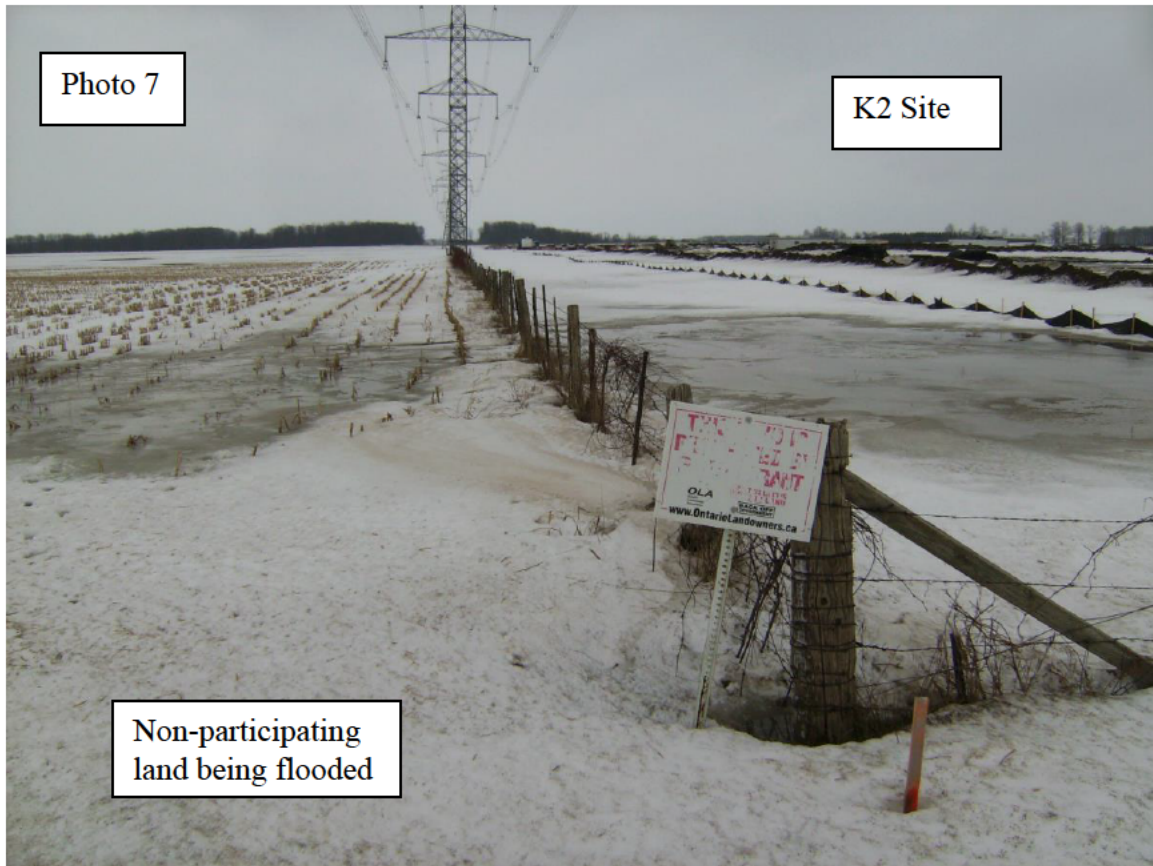


Photo 5: Ditch dug from centre of K2 site channeling water onto road allowance



Photo 6: Water draining onto road allowance





On December 5, 2013, the landowner brought the drainage problems to the attention of the Township road superintendent and the Hydro One crew working on the site. It is our understanding that Hydro One alerted K2 Wind to the issue. The problem continued throughout December. The problem was made worse on January 10, 2014 by the actions of a work crew digging a larger opening in the ditch which increased the flow of water onto the road allowance and expanded the flooding on the neighbouring land.

The landowner affected by the flooding was scheduled to address ACW Council on January 7, 2014 to seek action on the issue but due to inclement weather and cancellation of the meeting, the issue was not on the Council agenda until January 21. A representative of K2 Wind, Mr. Glenn Hubbers, was present at the January 21<sup>st</sup> meeting but made no comment on the drainage problem. To date, no action has been taken by K2 Wind to correct the problem that they have created.

A summary of the K2 Wind actions in dealing with this on site drainage issue would read as follows:

- Provide the public and neighbouring residents with vague assurances of no problems during preliminary consultation
- Undertake work without development of an adequate stormwater/drainage management plan
- Attempt to resolve a problem by contravening a Provincial statute and specific directions from a Township official
- Continue causing problems for the abutting landowner over a two-month period without making any attempt to cease their actions or reverse the impacts.

#### **b) Incidents of Trespass & Property Damage**

There are multiple incidents of trespass by both K1 Wind and K2 Wind employees/sub-contractors and workers in the vicinity of the proposed transformer station and switching yard. Non-participating landowners around the site have had laneways repeatedly blocked by vehicles, found people trespassing on their land and had damage done to their property. As an example, Mr. Alton's land near the K2 site has had damage from vehicles associated with the K2 site. Had the damage occurred a few yards further on his land, it could have caused major issues with a culvert and catch basin. K2 Wind has provided ACW Council with a "quick response phone number" for people to contact if problems arise. When Mr. Alton contacted the "quick response phone number" to lodge a complaint, he did not receive any response until well after a month later. This cannot be considered in any way to be a "quick response". The damage to his property has not been repaired and no indication given to him that it will be.

These incidents have been raised at local Council meetings and with the K2 representatives and yet the problems have continued. The interactions between K2 Wind and adjacent landowners indicate a sense of entitlement and arrogance on the part of K2 Wind contracted staff and show a lack of respect for neighbours' property rights.

## **6. Samsung Pattern Energy - Company Behaviour**

Samsung Pattern Energy was listed as one of the partners in the K2 project in the K2 Wind filing before the OEB in EB-2012-0458. This company is also involved in the development of the 92 turbine Armow Wind project north of Kincardine. An appeal was lodged with the Environmental Review Tribunal against this project by Ken and Sharon Kroeplin (ERT-13-124/12-125 Kroeplin v MOE). The Kroeplins have been attempting to sell their property since July 2012. In testimony before the ERT the Kroeplins indicated that after they lodged the appeal, SP Armow Wind LP approached them with two offers to buy their farm but only on condition that they abandon the appeal (Appendix C). The Kroeplins declined the offers on that basis.

This action was a blatant attempt to circumvent the appeal process even before it started. It is a clear effort to undermine the rights of Ontario citizens to have a review of issues associated with this particular wind project. It speaks volumes about the ethics of one of the partners associated with the K2 Wind project.

## **7. Conclusion**

We have already seen how the companies involved in the K2 Wind project operate in ACW and it is, frankly, not an impressive history. Problems are created for residents and landowners and there is no effective effort made to resolve those problems. A company that is not aware of a fire in its turbine, depends on the sniffing ability of its employees to assess risk, does not adequately communicate information to residents and the local Council and cannot undertake a thorough cleanup of contaminated neighbouring lands has no business operating a generating facility. A company that cannot or will not take decisive action to fully resolve a stray voltage problem that they have created is not a company that has any business operating a generating facility. A company that cannot deal with a simple problem of drainage water without taking an unauthorized action and creating flooding problems on adjacent land, is not an entity that has any business operating a generating facility.

There is an arrogance and sense of entitlement that permeates the dealings that residents have had with the representatives and contractors of K2 Wind. The attitude that is presented is that we have the right to do whatever we want because the Green Energy Act says we can and there is nothing you can do about it.

We would also point out to the OEB that none of the safety issues raised during the leave to construct application were dealt with. This application involves the construction of a 230kV underground transmission line on the public roads of our township. We still feel that there are significant safety considerations that need to be addressed with such a high voltage underground line on public land near fences, ditches and drains. When we look at the inept way that the drainage and surface water issue has been dealt with to date in

this project, the thought that this company would be trusted to construct, operate and maintain a transformer station, substation, a 230kV underground transmission line and other facilities is cause for alarm for the residents of ACW. All of these facilities must be properly maintained for the length of the project in the interests of public safety. This is substantially different than an isolated turbine that can sit burnt and idle for several months until the company is able to fix it, as happened in the K1 turbine fire. The experience in the K1 fire does not provide any assurance that the company has the procedures and ability to undertake quick and effective action to deal with problems that may arise which will be a direct threat to public safety.

As a final thought for the Board members to consider, Ontario has now moved into the unenviable position of having the second highest electricity rates in North America. Manufacturing jobs are fleeing the province in droves, with electricity rates being one of the driving factors. If the overall mandate of the Ontario Energy Board is to act in the best interests of Ontario electrical ratepayers, then the path that the Board has followed to date has clearly missed the target. Perhaps it is time to take a different direction.

We would urge the Board to give serious thought as to whether or not this company with its associated partners is capable of properly managing this project over the long term without adversely impacting the residents and landowners of ACW. It is our position that a generating licence should not be granted to K2 Wind Ontario Limited at this time.

Michael Leitch & Anne Marie Howard

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[REDACTED]  
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Marianne & Paul Bollinger

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