

Appendix "C"

Ontario Energy
Board

Commission de l'énergie
de l'Ontario



EB-2013-0040
EB-2013-0041

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 Bornish Wind, LP, Kerwood Wind, Inc. and Jericho Wind, Inc. for an order or orders granting leave to construct a transmission line and transmission facilities;

AND IN THE MATTER OF an application by Kerwood Wind, Inc. for an order or orders granting leave to construct a transmission line and transmission facilities.

PROCEDURAL ORDER NO. 8 **August 23, 2013**

Bornish Wind, LP, Kerwood Wind, Inc. and Jericho Wind, Inc. (the "Co-owners") filed an application with the Ontario Energy Board (the "Board"), dated February 8, 2013, under sections 92, 97 and 101 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B) (the "Act"). The Co-owners have applied for an order of the Board granting leave to construct an electricity transmission line and related facilities. The Board assigned file number EB-2013-0040 to this application. A separate application under sections 92, 97 and 101 of the Act was filed by Kerwood Wind, Inc. ("Kerwood") on February 8, 2013. Kerwood has applied for an order of the Board granting leave to construct an electricity transmission line and related facilities. The Board assigned file number EB-2013-0041 to this application. In the interest of efficiency, the Board combined the EB-2013-0040 and EB-2013-0041 applications pursuant to the Board's power under section 21(5) of the Act. The Co-owners and Kerwood (the "Applicants") requested that the Board proceed by way of written hearing.

Form of Hearing

The Board issued a Notice of Application and Written Hearing (the “Notice”) for the combined applications on March 11, 2013. The Notice stated that the Board intended to proceed with these matters by way of a written hearing unless a party satisfied the Board that there was a good reason for not holding a written hearing. In response to the Notice, the Board received more than twenty requests for an oral hearing by way of letters filed with the Board in March 2013. While some of the requests were not supported by reasons, several parties, including the County of Middlesex, the Township of Adelaide-Metcalf and the Middlesex-Lambton Wind Action Group Inc. provided substantive reasons why they wished to have an oral proceeding. The specific matters raised by those parties as justification for an oral hearing are contained in the record of this proceeding which is on file at the Board.

The Applicants have filed correspondence reiterating their preference for a written hearing. In the Applicants' view, the issues relevant to the proceeding could be thoroughly and adequately considered by way of a written proceeding. The Applicants noted that the Board's interrogatory process provided an opportunity for all parties to seek further information and clarification from the Applicants. They also stated that it would be premature to determine whether cross examination would have high probative value until interrogatory responses were filed.

The Board issued Procedural Order No. 1 on April 15, 2013, which stated that the Board would determine if an oral hearing is required after the completion of the interrogatory phase. The interrogatory phase is now complete.

The Board has determined that it will proceed with an oral hearing as there were numerous requests for an oral hearing from the public, as well as from local governments who have indicated that they will actively pursue their participation in an oral hearing process to pursue the issues that are of concern to them.

The Board reminds parties that the scope of the Board's jurisdiction is limited and was summarized in Procedural Order No. 1. In particular:

Environmental issues are not within the scope of the Board's review, [and]

Issues relating to land-use, land valuation, construction activities, and health and aesthetics are also not within the scope of the Board's jurisdiction.

The Board notes that matters relating to electrical safety are generally under the authority of the Electrical Safety Authority and that matters relating to road safety for county roads are generally under the authority of the County

Parties must limit their cross examination and arguments to matters that are within the Board's jurisdiction.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. The Applicants shall file any evidence updates prior to the commencement of the Oral Hearing, and not later than **September 18, 2013**.
2. The Oral Hearing will commence on **September 25, 2013 at 9:30 a.m.** The Oral Hearing will be held at the London Convention Centre, 300 York Street, London. The hearing may continue on September 26, 2013 if necessary.
3. The Board will hear argument in chief followed by oral submissions and reply submission on **October 7, 2013**. The hearing of oral submissions will be held in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, and will commence at **9:30 a.m.**

All filings to the Board must quote the file numbers, EB-2013-0040 and EB-2013-0041, 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. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available

parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **August 23, 2013**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary