



EB-2014-0014

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 Rainy River
Resources Ltd. for an order or orders pursuant to section
92, 96, 97 and 101 of the *Ontario Energy Board Act, 1998*
granting leave to construct transmission facilities in the
Territorial District of Rainy River, in Northwestern Ontario.

PROCEDURAL ORDER NO. 1

March 10, 2014

Rainy River Resources Ltd. (the "Applicant" or "RRR") has filed an application with the Ontario Energy Board (the "Board"), dated January 13, 2014 under section 92, 96, 97 and 101 of the *Ontario Energy Board Act, 1998* ("the Act").

The Applicant has applied for an order or orders of the Board granting leave to construct approximately 17 km of 230 kV electricity transmission line and associated facilities. The line would connect the Applicant's Rainy River Mine in the Township of Chapple in the Territorial District of Rainy River in northwestern Ontario to the provincial power grid.

The Board has assigned file number EB-2014-0014 to this application.

The Board issued a Notice of Application and Written Hearing on February 7, 2014. The Notice was published and served by the Applicant as directed by the Board.

Scope of the Board's Jurisdiction

The Board will only approve this application if it finds the electricity transmission line to be in the public interest. In making this determination, subsection 96(2) of the Act limits the scope of what the Board shall consider, namely:

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 Act does not provide the Board with the jurisdiction to address issues relating to the Applicant's mining facility itself, nor to environmental issues.

Further, the Act states that leave to construct shall not be granted until the applicant satisfies the Board that it has offered or will offer to each owner of land affected by the approved route or location an agreement in a form approved by the Board. To that end, the Board will consider the form(s) of easement agreements that have been or will be offered to affected landowners.

Participation in the Proceeding and Cost Eligibility

The following parties requested intervenor status in this proceeding:

- The Independent Electricity System Operator
- Hydro One Networks Inc.

Both of these parties have substantial interest in the outcome of this proceeding and are granted intervenor status. These parties have not requested and are not eligible to apply for a cost award for participation in this proceeding.

A list of the Applicant and intervenors, their representatives and contact information is attached as Appendix A to this procedural order.

Request for Confidential Treatment of Land-related Information

In its letter to the Board dated January 13, 2014, the Applicant requested that certain personal information related to its land acquisition process be kept confidential and not appear on the public record nor be made available for public review because it contains the names and particulars of individual Landowners.

The redacted version of the information is included in the pre-filed evidence under the following Exhibits:

Exhibit A, Tab 3, Schedule 2 — List of Interested Parties (Updated February 25, 2014)

Exhibit B, Tab 6, Schedule 4, Table B.6.4 -1

Exhibit B, Tab 6, Schedule 4, Attachment 1 — Detailed Corridor Land Ownership Map

Exhibit B, Tab 6, Schedule 4, Attachment 2 — Detailed Corridor Land List

The Board accepts that the Requested Confidential Information is “personal information” within the meaning of *Freedom of Information and Protection of Privacy Act (Ontario)*, and pursuant to section 42 of that Act will not release the information publicly. The Applicant’s request to afford this information confidential status is, therefore, granted.

Procedural Matters

In its Notice of Application and Written Hearing, the Board indicated that it intended to proceed by way of a written hearing unless any party satisfied the Board that there was a good reason for not proceeding by way of a written hearing. No requests for an oral hearing were received by the Board.

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. Board staff and intervenors who wish information and material from the Applicant that is in addition to the pre-filed evidence filed with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the Applicant on or before **March 26, 2014**. Where possible, the questions should specifically reference the pre-filed evidence.
2. The Applicant shall file with the Board and deliver to all intervenors a complete response to each of the interrogatories by **April 7, 2014**.

3. Board staff and intervenors shall, on or before **April 11, 2014**, indicate if it is their intention to file evidence. If any party indicates an intention to file evidence, the Board will issue further procedural orders revising the schedule that is set out below.
4. The Applicant shall file argument-in-chief, if any, with the Board and deliver it to all intervenors by **April 16, 2014**.
5. Board staff and intervenors shall file their submissions, if any, with the Board, and deliver it to the Applicant and all intervenors by **April 23, 2014**.
6. If the Applicant wishes to respond to any of the submissions, the response must be filed with the Board and delivered to all intervenors by **April 30, 2014**.

All filings to the Board must quote the file number, EB-2014-0014, 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. If the web portal is not available you may email your document 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, March 10, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX "A"

APPLICANT & LIST OF INTERVENORS

Rainy River Resources Ltd.

Leave to Construct Application

Board File No. EB-2014-0014

**Rainy River Resources Ltd.
EB-2014-0014**

APPLICANT & LIST OF INTERVENORS

March 10, 2014

APPLICANT

Rep. and Address for Service

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APPLICANT

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**Rainy River Resources Ltd.
EB-2014-0014**

APPLICANT & LIST OF INTERVENORS

March 10, 2014

INTERVENORS

Rep. and Address for Service

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