

**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 wpd White Pines Wind Incorporated for an order or orders pursuant to section 92 of the Ontario Energy Board Act, 1998 granting leave to construct transmission facilities in Prince Edward County.

**INTERROGATORIES OF AL S. WARUNKIW**

Mr. Al. S. Warunkiw is a property owner whose lands are adjacent to the route of the proposed transmission line.

**Water safety and supply**

1. Mr. Warunkiw's well is within 10 meters of the road. The river bed and waterfalls are on Mr. Warunkiw's property and attract about 1000 visitors per year. The bridges on Crowe's Road and the culvert that diverts excess flow are used by children and adults to access water play areas. The County is responsible for the maintenance of the bridge. The Crowes Road bridges provide the shortest route for emergency vehicles taking patients from Milford and beyond to the Picton or Belleville Hospitals.
  - a. How will the construction activity in the Crowes Road area affect the existing flows and water table during construction and after construction if the proposed transmission line is buried? The trench filled with crushed rock or sand will act as a water route as west to east flow of run-off and ground water enter.
  - b. Have the effects on natural water in the vicinity been assessed by an appropriately qualified engineer and an expert in habitat conservation?

- c. If wpd has collected such scientific information, why hasn't it been made available to adjacent landowners? If not when will it be studied and how will the data be shared?
- d. What measures has wpd taken to ensure the safety of the tourists, the visitors to the falls?
- e. What measures has wpd taken to ensure the continuance of the bridge and waterways historic uses?
- f. Has wpd negotiated a contract with the County to assume financial responsible for additional costs of bridge maintenance?
- g. Has the practice of running high-tension lines on the sides of small bridges such as this been approved by government regulatory agencies? If so, when and which agencies?
- h. Will wpd sign a binding agreement to be financially responsible for any damage their construction causes to Mr. Warunkiw's water supply and/or water quality?

### **Buildings, structures and roads**

2. The terrain near Mr. Warunkiw's property is largely shale that fragments easily and blue stone that is harder. The knee wall on Mr. Warunkiw's foundation is made of concrete blocks while the foundation is a slab. On this property stands the last historic mill in the town with roots going back 200 years. It is located at the corner of Crowes Road and Scott's Mill Road. Volunteer groups have worked to maintain it for many years. The foundation on the south-west side of the foundation wall is fragile and requires repair now. Mr. Warunkiw is concerned about what effects of blasting, jack hammering and moving heavy equipment will have on this example of historic architecture. The old mill

abuts Mr. Warunikiw's property at the junction of Scotts Mill Road and Crowes Road and Mr. Warunikiw is the Chair of Friends of Clapp-Scott's Mill.

- a. Will wpd agree to hire a mutually approved engineering consultant firm to assess these risks, and document the pre-existing conditions?
- b. Will wpd share the reports of the mutually approved engineering consultant firm with Mr. Warunikiw, the Friends of Clapp-Scott's Mill and the South Marysburgh recreation committee?
- c. Will wpd set aside a fund sufficient to cover potential costs of repairs to such buildings, structures and roads?
- d. Will the repair compensation process be straightforward and timely, namely one that does not require the injured landowner to be out of pocket for more than 1 month?
- e. What types of insurance will wpd provide written assurances that it will cover any potential major damage to buildings, structures and roads?

**Financial compensation for losses to Mr. Warunikiw's business and property value**

3. During construction of the proposed transmission line while machinery is present, the rate of traffic that flows past Mr. Warunikiw's property is likely to be affected. During construction noise, vibration, dirt and dust are likely to be present in addition to the possibility of chemical spillage. After construction the beauty and serenity of the area will be altered.
  - a. In order to provide some respite for Mr. Warunikiw's bed and breakfast guests, will wpd limit construction to 9am to 5pm?

- b. To keep the area as appealing as possible to Mr. Warunikiw's bed and breakfast guests, will wpd instruct any contractor who works for them to store equipment, trucks, wire spools etc. out of view at the end of each work day?
  - c. What protective measures will be taken to prevent accidents?
  - d. What are the details of the compensation process wpd will agree to have be in place if an accident occurs?
4. Based on the unanimous decision in *Antrim Truck Centre Ltd. v. Ontario (Transportation)*, 2013 SCC 13, wherein the Supreme Court awarded damages and costs to the Antrim Truck Centre for the injurious affection resulting from the relocation of Highway 17 that reduced the property value and destroyed the business of the Antrim Truck Centre. Even though the highway relocation was in the public interest, the Court ruled unanimously that the Antrim Truck Centre must be fairly compensated for its loss of property value and business revenue caused by the injurious affection of the construction of the highway that was done pursuant to an act of government.

If built, the proposed transmission line would surely have an impact on the property values and businesses of many private citizens, including Mr. Warunikiw, that are located on property adjacent to or within sight of the proposed transmission line. That impact is surely to be negative; the degree to which might be estimated but is not accurately known at this time. Depending on the as-yet-undetermined appearance of the transmission line, everyone whose business or property has a viewscape of the area inhabited by the line will be affected.

- a. How much compensation has wpd determined will be paid to Mr. Warunkiwi to recognize his loss of property value and bed and breakfast business revenue experienced during construction as well as during the expected lifetime of the proposed transmission line impairing, as it will, the perceived scenic beauty of the property and violating the radiation-free safety of the location?
- b. What will be the total net cost impact upon Ontario taxpayers and Ontario electricity ratepayers of all such compensation payments that may be ordered by future courts, to be paid by the government, by wpd and by OPA or other parties to this project?
- c. Putting a dollar value on the above impact will not be easy, but nevertheless it is one of the responsibilities of the proponent of this project. It is the responsibility of the OEB to ensure that this matter is satisfactorily resolved in the interest of electricity ratepayers and taxpayers, prior to approval of the proposed route.

### **Health effects**

5. The proposed transmission lines will be between 20 and 30 meters (depending on exactly where on the road or in the ditches the lines go from Mr. Warunkiwi's studio, house garage and patio; most health studies and the World Health Organization report that an acceptable minimum setback is a 50 meters:
  - a. Does wpd have any proof of its concern for local residents' health and welfare?

- b. Will wpd buy at fair market value properties that are too close (by health scientists' consensus) to the sites they finally select for their transmission lines?

**Feasibility of alternatives transmission routes**

- 6. wpd entered this community in a clandestine manner; wpd's methods of approach alienated even the pro-green energy members of the community and created serious hostilities among landowners.
  - a. Which residents and landowners along the potential transmission routes were consulted by wpd prior to announcing the proposed transmission route? How were they selected?
  - b. On what assumptions did wpd base its decision not to involve the community at large and the property owners from the beginning?
  - c. What alternate transmission line routes, such as ones with safe setbacks from human habitation, did wpd explore the costs for?
  - d. Will wpd provide the evidence that it did due diligence in proposing this route?
  - e. Will wpd change its manner of interacting with this community and treat its all residents with respect by openly discussing issues, accepting our input and benefiting from local knowledge?

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**ERIC K. GILLESPIE  
PROFESSIONAL CORPORATION**

Barristers & Solicitors  
10 King Street East, Suite 600  
Toronto, Ontario M5C 1C3

**Eric K. Gillespie** (LSUC# 37815P)

Tel.: (416) 703-6362

Fax: (416) 703-9111

E-mail: [egillespie@gillespielaw.ca](mailto:egillespie@gillespielaw.ca)

Solicitors for the Intervenor,  
Al S. Warunkiw