



## LEGAL SERVICES/CLERK'S DEPARTMENT

789 Broadway Street, Box 3000  
Wyoming, ON N0N 1T0  
Telephone: 519 845-0801  
Toll-free: 1-866-324-6912  
Fax: 519 845-0818  
www.lambtononline.ca

March 27, 2014

Ontario Energy Board  
P.O. Box 2319  
2300 Young Street, 27th Floor  
Toronto, ON M4P 1E4

**File No. EB-2014-0022**

**Attn: Ms. K. Walli, Board Secretary**

Dear Ms. Walli:

**Re: Request for Oral Hearing and Interrogatory to Applicant's Materials**

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Please accept this correspondence, on behalf of the Corporation of the County of Lambton ("Lambton County"), for the following purpose:

**1. Request for an Oral Hearing**

At time of writing, Lambton County staff are engaged in dialogue and negotiation with the Applicant with respect to the possible establishment of a Road Use Agreement ("RUA") which could potentially govern all aspects of how, where and when construction of electrical infrastructure might occur within County owned and governed road allowances. These discussions are still in relatively early stages, as the Applicant has been unable to provide the County Engineer with detailed technical drawings of sufficient specificity so as to allow for potential approval or agreement.

It is the County's position that should the parties be unable to conclude a RUA, only an oral hearing could possibly serve the public interest, as there will necessarily be conflicting evidence presented. Where testimony conflicts about such issues as the location, safety, and technical merits of infrastructure location, the probative value of viva voce evidence, particularly that produced by cross-examination, is substantial.



While the *Electricity Act, 1998* provides the Applicant with many rights regarding its capacity to utilize road allowances, the law recognizes limits to all rights, particularly when they have the capacity to interfere with the rights of others. Accordingly, it is important for the Board to hear the respective parties' positions with regard to the impact of the proposed infrastructure within the County's road allowances and how such infrastructure will impact upon the current and future needs of the right of way, including such factors as planned relocation of the right away. Specifically, the County of Lambton has a number of Registered Plans regarding Highway #6 (Thomson Road), which clearly demonstrate the municipal intention to widen and potentially relocate portions of said Highway. Only an oral hearing will provide the Board with the full information necessary to produce a considered ruling, as oral testimony will allow the Board to assess the credibility and reliability of witnesses and experts on the aforementioned important issues.

In addition, it is extremely likely that impacts and compatibility issues associated with the proposed electrical transmission and collection route infrastructure will constitute significant issues in this Hearing. The probative value of this evidence is that the Applicant's answers to numerous questions can foreseeably lead to an alternate route or the potential need for substantive changes to the proposed RUA. For the Board to effectively adjudicate this issue, it will have to be able to assess the credibility of the engineering evidence and testimony. Such credibility assessments will be a dominant factor in the outcome of this Application, and as such support the request for an oral hearing.

I trust the foregoing to be generally satisfactory.

Yours truly,



David Cribbs, BA, MA, JD, MPA  
County Solicitor

The Corporation of the County of Lambton  
789 Broadway Street, Box 3000  
Wyoming, ON N0N 1T0  
Tel: 519.845.5402 Fax: 519.845.0818

Email: david.cribbs@county-lambton.on.ca

cc: Suncor Energy Products  
P.O. Box 38  
112-4<sup>th</sup> Avenue S. W.  
Calgary, Alberta  
T2P 2V5

Fogler, Rubinoff LLP  
P.O. Box 95  
3000-77 King Street West  
Toronto, Ontario  
M5K 1G8  
Attn: Mr. Tom Brett