



EB-2014-0139

NOTICE OF APPLICATION AND WRITTEN HEARING
APPLICATION FOR DETERMINATION OF LOCATION OF
DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED
BY LAMBTON COUNTY

The Application

Jericho Wind, Inc. ("Jericho" or the "Applicant") filed an application dated March 18, 2014 with the Ontario Energy Board (the "Board"), under subsection 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended for an order or orders of the Board establishing the location of the Applicant's proposed distribution facilities within certain public streets, highways and right-of-ways owned by Lambton County.

The Applicant is in the process of developing a 150 megawatt wind farm called Jericho Wind Energy Centre (the "Project"), in the Municipality of Lambton Shores and the Township of Warwick in Lambton County, and in the Municipality of North Middlesex in Middlesex County, Ontario. Jericho's application for Renewable Energy Approval ("REA") from the Ministry of the Environment was deemed complete and Jericho currently anticipates receiving the REA for the Project in April, 2014. The Project is being developed pursuant to a contract with the Ontario Power Authority under the Feed-in-Tariff program.

As part of the Project, Jericho is proposing to construct a distribution system (the "Distribution System") that will convey the electricity generated at the wind turbines to the local distribution system and ultimately through transmission facilities for delivery to the IESO-controlled grid. Jericho's proposed Distribution System comprises approximately 225 kilometres of 34.5 kilovolt ("kV") distribution lines that will be constructed on private property and municipal and county right-of-ways. The proposed segments of the Distribution System located within Lambton County Road Allowances

(approximately 26 of the 225 kilometres) are located along or across portions of the following County lines and roads: Thompson Line; Ravenswood Line; Northville Road; Townsend Line; Nauvoo Road; and Arkona Road. The Attached Map includes the noted Distribution System segments. These segments are referred to herein as the Distribution Facilities. More details of the noted segments are shown in the application at Exhibit B/Tab 6/Schedule 1.

Jericho submits that it has not been able to reach an agreement with the Lambton County with respect to the location of the Distribution Facilities. Accordingly and pursuant to section 41(9) of the Electricity Act, Jericho requests that the Board issue an order determining the location of the Distribution Facilities within road allowances owned by Lambton County. Jericho also submits that the only person directly affected by this application is Lambton County and requests, pursuant to sections 2.01 and 7.01 of the Board's Rules of Practice and Procedure, an expedited hearing.

This application is in reference to the location of the Distribution Facilities on public lands within the authority of Lambton County. A map of potentially affected road allowances is appended to this Notice.

The Board has assigned File No. EB-2014-0139 to this application.

Scope Of This Proceeding

The scope of this proceeding is limited to determining the location of the Distribution System within the road allowances owned by Lambton County. The consideration of any other aspect of the Project is not within the Board's jurisdiction.

The Board's jurisdiction in this proceeding arises from section 41 of the *Electricity Act*. Subsections 41(1), 41(5) and 41(9) read as follows:

41. (1) A transmitter or distributor may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines.
- (5) The exercise of powers under subsections (1), (2) and (3) does not require the consent of the owner of or any other person having an interest in the street or highway.

- (9) The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the Board.

How to See the Application

To see a copy of the application, go to the Consumer page of the Board's website and enter the case number EB-2014-0139 in the "Find an Application" box. A copy can also be seen at the Board's office and at the Applicant's office at the addresses indicated below, or on the Applicant's website www.nexteraenergycanada.ca.

How to Participate

Comment

If you wish to give your opinion on the proceeding to the panel of Board Members hearing the application, you are invited to send a letter of comment to the Board no later than 30 days after the publication or service date of this notice. A complete copy of your letter of comment, including your name, contact information, and the content of the letter, will be provided to the Applicant and the hearing panel.

Observe

If you do not wish to actively participate in the proceeding but you do wish to receive documents issued by the Board, you may request observer status. Your written request must be received by the Board no later than 10 days from the publication or service date of this notice.

Personal Information in Letters of Comment and Observer Requests

All letters of comment or letters requesting observer status will be placed on the public record, which means that the letters can be seen at the Board's offices and will be available on the Board's website. Before placing the letters on the public record, the Board will remove any personal (i.e. not business) contact information from the letters (i.e. the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the letter will become part of the public record. Please address your letter to the Board Secretary at the address below, and reference file number EB-2014-0139 at the top of your letter.

Intervene

If you wish to actively participate in the proceeding (e.g., submit questions, file argument), you may request intervenor status from the Board no later than 10 days after the publication or service date of this notice. Instructions for requesting intervenor status are available on the Board's website at www.ontarioenergyboard.ca/participate. Everything an intervenor files with the Board, including the intervenor's name and contact information, will be placed on the public record, which can be seen at the Board's offices and will be available on the Board's website.

If you do not have internet access, please call 1-877-632-2727 to receive information about this proceeding and how to participate.

How to Contact Us

In responding to this notice, please reference Board file number EB-2014-0139 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

IMPORTANT

IF YOU DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board:

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings:
www.pes.ontarioenergyboard.ca/eservice/
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DATED at Toronto March 31, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX A

LOCATION MAP

**Note: The Map depicts the Applicant's Distribution System
including the 26 kilometers within Road Allowances Owned
By Lambton County**

BOARD FILE NUMBER EB-2014-0139

March 31, 2014

MAP OF PROPOSED GENERATION AND DISTRIBUTION FACILITIES ASSOCIATED WITH THE PROJECT

Filed, March 18, 2014 as Exhibit B/Tab 2/ Schedule 1/Appendix A

Note: This Map depicts the Applicant's Distribution System including the 26 kilometers within Road Allowances Owned By Lambton County

