

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O.
1998, c.15, Sch. B, as amended;

AND IN THE MATTER OF an application by Niagara Region Wind
Corporation for an order under section 92 and subsection 96(2) of the
OEB Act granting leave to construct an electricity transmission line and
related facilities.

SUBMISSIONS OF THE INTERVENOR, THE CORPORATION OF THE
TOWNSHIP OF WEST LINCOLN

Ms. Sara Premi
Ms. Monique Atherton
SULLIVAN MAHONEY LLP
LAWYERS
40 Queen Street
P.O. Box 1360
St. Catharines, ON
L2R 6Z3

905-688-8039 (tel)
905-688-5814 (fax)

sjpremi@sullivanmahoney.com
matherton@sullivanmahoney.com
Lawyers for Township of West Lincoln

1. The Township of West Lincoln sought intervenor status in this proceeding on the basis that it is affected by the proposed transmission line in a manner that is related directly to the issues before the Board.
2. In Procedural Order No. 1, the Board granted intervenor party to the Township, and also requested that the parties make submissions on two preliminary issues.
3. In its Procedural Order No. 2, the Board determined that:
 - (i) An Applicant is not required to submit a form of road use agreement for the purposes of Section 97 of the OEB Act; and
 - (ii) The approved route in Section 97 is "the route or location approved by the Board in response to an application under Section 92, approved in accordance with the criteria set out in Section 96.
4. The Township is cognizant of the limited jurisdiction of the Board with respect to this application.
5. On February 18, 2014, the Township filed the following interrogatories:
 1. **Will there be any negative effect on the interests of consumers with respect to prices and the reliability of quality of electrical service if the transmission facilities proposed are buried or re-routed?**
 2. **Will there be any negative effect on the promotion of the use of renewable energy sources consistent with the policies of the Government of Ontario if transmission facilities are buried or re-routed?**
 3. **We understand that the proponent considered alternate locations for the transmission line which it ultimately rejected. Did this review consider placement of the transmission line to the east of the Smithville Urban Area and further, did the review disclose**
 - (i) **any negative effect on the interest of consumers with respect to prices and reliability of quality of electrical service; and**
 - (ii) **any negative effects on the promotion of the use of renewable energy resources consistent with the policies of the Government of Ontario;**

6. The Township has been clear and consistent with respect to its concern of the impact of the proposed transmission facility on the municipality, and in particular on the Smithville Urban Area.
7. In its submission, the Applicant indicates that it considered a variety of factors in order to choose the project route. Factors included a preference for use of existing rights of way, where feasible, and the objective of minimizing the need for private land owner easements, in order to minimize the adverse effects of construction and operation on existing infrastructure.
8. The Applicant's response to Interrogatory #3 with respect to the consideration of this alternate route was that the review did not discuss negative impacts on the interest of consumers with respect to prices and reliability of quality of electrical services nor the negative effects on the promotion of the use of renewable energy resources consistent with the policies of the Government of Ontario.
9. It is the Township's respectful submission that the Applicant's review ought to have evaluated the alternate routes as against the relevant criteria.
10. Further, and with respect, it is the Township's view that the Applicant has failed to consider the adverse impacts on the Township and its future needs in relation to growth.
11. The Township respectfully submits that the alternative routes should have been evaluated as to whether the price, reliability and quality of electricity will be maintained, and whether or not the approval of the facility is consistent with the promotion of the use of renewable energy resources in a manner consistent with the policies of the Government of Ontario.

All of which is respectfully submitted.