



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

Sent Via Email

April 01, 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: Suncor Energy Products Inc. Cedar Point Project - Interrogatories of The Corporation of the County of Lambton

Please accept this document as satisfaction of the Corporation of the County of Lambton's ("County") written interrogatory with respect to this hearing. For ease of reference, the County has first identified the section of the Application and evidentiary item upon which the relevant questions are based. Where the Application is silent upon potential evidence, which is absent or omitted, for reasons unknown, this has also been identified.

Exhibit B - Application, Paragraph 10

The applicant requires the use of the Jericho Shared Transmissions Facilities (Jericho Facilities) to connect the Cedar Point Project Transmission Facilities (Transmission Line) to the IESO - controlled grid. The Jericho Facilities are currently the subject of a Section 92 Application [OEB 2013-0361] by Jericho Wind, Inc., a wholly-owned subsidiary of NextEra Energy Canada, ULC. This establishes a significant level of reliance on the approval, construction and continued long term operation of the Jericho Facilities, of which both are uncertain at the time of this Application.

1. Please provide a copy of the executed agreement between the Applicant and Jericho Wind, Inc. for the use of the Jericho Facilities.
2. Indicate what the Applicant's alternative options are, if any, to connect to the IESO-controlled grid in the event that the Section 92 Application by Jericho Wind, Inc. is unsuccessful or delayed significantly with respect to the Cedar Point Project operational timelines?



3. Indicate what the Applicant's alternative options are, if any, to connect to the IESO-controlled grid in the event that the Jericho Facilities fall into disrepair, become inoperative, or are otherwise unable to meet the Cedar Point Project transmission needs during the term of the Feed-In-Tariff contract?

Exhibit B - Application, Paragraph 14; Exhibit B, Tab 2, Schedule 4 - Maps

Suncor indicates that the entire Transmission Line will be located on privately owned lands and has signed options to lease the required land from each landowner from whom it requires such rights. The information provided in in Exhibit B - Tab 2, Schedule 4 - Maps is neither consistent nor is it accurate enough to determine the exact proposed pole locations.

In addition, even though it is indicated that proposed pole locations are located on privately owned lands, there is the potential for the Transmission Line to impact road user safety based on the proximity of pole locations. There is no evidence in the Application that the Applicant has made any consideration regarding safety of the road user with respect to the proposed Transmission Line pole locations and, as stated above, the information provided is not presented in sufficient detail for the County to assess or make informed comments regarding such matters.

Lastly, the County Official Plan prescribes a road allowance width for County Roads that has been determined using sound engineering judgement for the construction, operation, and maintenance of the County road network. In some locations in the County, legacy road allowances exist which are less than the prescribed widths for various historical reasons and the County has a mandate to acquire additional lands adjacent to the existing road allowance to meet the minimum width. The Application proposes Transmission Lines near or adjacent to County Road 6 (Thomson Line) which exhibits this situation in the current state and requires greater than ten (10) metres of additional road allowance width outside the existing property line to meet the County's requirement. The future road cross-section and maintenance activities may be subject to significant operational and cost impacts due to infrastructure associated with the Transmission Line being located adjacent to the existing County road allowance. This situation has been demonstrated to the Applicant as part of their municipal liaison.

1. Please provide detailed engineering drawings to 1:1000 scale or greater showing the exact location, with relative sizing, of all Transmission Line poles and other appurtenances proposed to be located within ten (10) metres of the County road allowances including all material and construction specifications of poles, wires, guying, foundations, trenching, temporary conditions and any other items related to this infrastructure.
2. Identify through explanation, drawings, and plans any and all easement rights owned by the Applicants, Suncor Energy Products Incorporated, or any Suncor Energy Products Incorporated affiliate which are within ten (10) metres of the County road allowances.
3. Provide the analysis and engineering review to demonstrate that road user safety was considered as part of the design locating the Transmission Line poles and other appurtenances.

4. Demonstrate that the design locating the Transmission Line infrastructure accounted for the efficient maintenance of the road allowances, location of other utilities and associated maintenance of those utilities, and avoidance of unnecessary and costly future relocation of the Transmission Line infrastructure due to the County acquiring property and upgrading the County road allowances to specified widths.

Exhibit E, Tab 2, Schedule 1 - Codes, Standards, and Other Regulatory Approvals, Paragraph 4

Table 1 - Potentially Applicable Permits, Approvals, and Authorizations is not a full representation of potentially required permits or approvals from the County of Lambton.

1. Please comment on and include the following Municipal permits or approvals:
 - a. Entrance Permits under County of Lambton By-Law 142 of 1994
 - b. Sign Permits under County of Lambton By-Law 23 of 2000
 - c. Oversize Overweight Load Permit under County of Lambton By-Law 88 of 1998

Absent or Omitted Evidence

Although the Board has instructed the parties to reference a section in the Application with respect to the Interrogatories, for the following questions there is no material to reference. It is the County's position that the omissions in the following regards are serious deficiencies with respect to the application. Essentially, it is impossible to fully review, comment or approve the application in the absence of the foregoing:

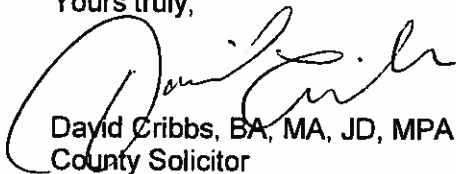
Please acknowledge or deny that in the event the County were to grant the Applicants permission for County's road allowances to be used, the Applicants' willingness to:

1. Install all transmission lines above-grade in the location approved by the County Engineer at an appropriate elevation so to avoid conflicts with other existing infrastructure, road maintenance responsibilities and future planned road construction by the County;
2. To minimize the potential interference with and be 100% responsible for damages to all existing equipment, installations, utilities, and other facilities within, on or under County road allowances;
3. Obtain written approval from the County Engineer prior to installation, placement, installation, construction, re-construction, inspection, maintenance, operation, alteration, enlarging, repair, replacement, relocation and/or removal of electrical infrastructure;
4. Act in accordance at all times with County and other municipal by-laws, the *Highway Traffic Act*, and all other applicable law;

5. Arrange, pay for and maintain insurance satisfactory to the County which insures the Applicants, their guarantors, and the County from all claims related to the use of the road allowance for electrical infrastructure;
6. Release, indemnify, defend and save harmless the County from any and all claims related to the use of the County road allowances for electrical infrastructure and ensure that such indemnity will not be discharged by any change in the existence, structure, constitution, name, control or ownership of the Applicants or any insolvency, bankruptcy, reorganization or other similar proceeding affecting the Applicants or their assets;
7. Not to transfer or assign any easements potential rights enjoyed by the Applicants without the written consent of the County;
8. Make all security deposits required by the County;
9. Acknowledge that any easement rights granted by the County would be non-exclusive in the nature and subject to the rights and privileges that the County may grant to other persons on the road allowances; and
10. Install, construct, re-construct, inspect, maintain, operate, alter, enlarge, repair, replace, relocate and remove electrical infrastructure and related appurtenances over, along, across, within or under County road allowances at 100% its own expense

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
112-4th 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