

**IN THE MATTER OF an application by wpd White Pines Wind Incorporated for an order pursuant to Section 92 of the Ontario Energy Board Act, 1988 granting leave to construct transmission facilities to connect a wind generation project to the Ontario transmission system in Prince Edward County
EB-2013-0339**

INTERROGATORIES OF THE COUNTY OF PRINCE EDWARD

MUNICIPAL CONSULTATION REQUESTS

1. wpd White Pines Wind Incorporated [herein referred to as “the Applicant”] states in *Exhibit F, Tab 1, Schedule 1, Page 2* that it is “*negotiating with the municipality for a lease or license agreement charting the terms under which the municipality will permit the construction and operation of the portions of the transmission line that will be located within the municipal road allowance.*” The Corporation of the County of Prince Edward [herein referred to as “the County”] expressly denies that there have been any such negotiations. **When does the Applicant intend to present a draft lease or license agreement to the County and to enter into negotiations?**
2. In *Exhibit G, Tab 1, Schedule 1, Pages 5 and 6*, the Applicant states that it has been “committed to working with the municipality to determine the best route for the transmission line. Regarding the municipalities need to review detailed plans prior to providing any consent, the Applicant committed to providing detailed engineering plans for municipal review”. The Applicant has to date failed to provide to the County any “detailed engineering plans” for municipal

review. Only preliminary drawings have been provided to the County by the Applicant to date at such a scale that it is difficult if not impossible for the County to review them with any precision. **When does the Applicant intend to present the County with “detailed engineering plans”?**

DESIGN QUESTIONS/REQUESTS

3. As noted above, the County requests that the Applicant forthwith provide **detailed engineering and construction design plans for the full length of proposed the transmission line and collector lines** that precisely describe the route and the location of Applicant’s proposed infrastructure within the County road allowances. The Applicant was advised by the County that it was not possible for the County to offer detailed comments, approvals or even a position on the preliminary drawings. As a result, only very general comments were provided by the County. Reviewing “detailed engineering plans” may change the County’s prior general comments.
4. The County requests the Applicant to provide forthwith detailed information as to what **type of transmission line** is intended to be constructed as part of the Application. Please provide the name of the manufacturer, all specifications and other relevant details including the required maintenance and reliability of same over the lifetime of the transmission line.
5. Has the Applicant conducted a **full structural, future life cycle and future maintenance cost impacts analysis of the municipal roads** along the intended transmission and collector lines route to determine any future financial impacts on the County arising from the installation, operation, repair, maintenance and

decommissioning of the proposed works? If so, please provide this analysis to the County forthwith.

6. According to the Application documentation, **culverts are required to construct collector lines through sensitive marsh and wetland areas.** However, culverts have not been identified or detailed in the Applicant's documentation for the transmission line. Please provide the County with all necessary documentation to properly and fully identify the location of all of the culverts forthwith. Please advise whether permanent culverts will also be required along any portion(s) of the length of the transmission line.
7. Based on a review of Figure 1, Tile 4 found at Exhibit B, Tab 2, Schedule 3, inter alia, both transmission and collector lines are proposed to be laid along County roads, including Maypul Layn Road. **Please clearly identify all roads that will have both transmission and collector lines within the municipal road allowance.** In addition, please provide details of this proposed work.
8. The County identified in the pre-consultation meeting with the Applicant that the **County has strong reservations in using forced roads**, such as Maypul Layn Road and Crowes Road. Forced roads by their very nature [i.e. not having been laid out in accordance with surveys] have uncertain, irregular and varying widths, unconfirmed municipal ownership. What measures does the Applicant propose to take to ensure that the transmission line and collector lines will in fact be located within municipally owned lands?
9. The County also raised a **concern about the impact the transmission line and collector lines would have on the mature trees** that frame the above-noted roads. In *Exhibit B, Tab 4 "Transmission Alternatives Considered"* the

Applicant makes reference to “**an environmental review**” conducted by the Applicant. The County has not been provided with a copy of that environmental review. The County requests that the Applicant provide a full copy of the environmental review together with the “**other factors**” analysis referred to on *Page 5 of Exhibit B, Tab 4, Schedule 1*.

10. **County Council adopted Resolution 436-2009** that stated the County does not support the use of Maypul Layn Road as a hydro transmission corridor due to concerns for unacceptable damage to existing mature old trees and narrow road widths of unclarified ownership. The Applicant was provided this information at its pre-consultation meeting with the County. The said County resolution identified an alternate transmission route acceptable to the County, subject to a road use agreement, that utilizes an unopened road allowance running along the boundary between South Marysburgh and Athol Wards as well as a small distance on another unopened road allowance that extends east and connects with Bond Road. Given the County’s concerns with Maypul Layn, Royal Road and Crowes Road, **will the Applicant consult with the County on the extent of proposed work and be guided by the County’s preference for construction technique (above or underground) for these particular portions of the route?**

11. In *Exhibit F Tab 1* the Applicant advises that it requires **land area rights for use of private lands for the transmission line**, however no details are provided of the private lands that are required for the transmission line and whether an agreement has been reached to obtain those rights. Please provide details of the private lands that are required for the transmission line, whether an agreement has been reached to obtain those rights and a copy of the

agreements. Please also advise **if it is the Applicant's intention to utilize the road allowance in areas where private agreements cannot be reached.**

12. Please advise what plans, if any, will be implemented to **protect the transmission lines, collector lines and other infrastructure against accidental damage or exhumation by others?** Will there be a system of warning signs along the transmission route? If so, please provide the number of such signs and locations. Will the Applicant undertake to provide the County with complete and accurate as-built drawings for its reference?
13. Please provide a **detailed plan for the decommissioning and removal of the transmission lines, collector lines and other infrastructure within all road allowances** upon decommissioning of the wind energy project.
14. Is the Applicant agreeable to **revisions or modifications to its intended transmission lines, collector lines and other infrastructure (type/size/style)?**
15. If it is not possible to construct the entirety of the line underground, what type of **above ground mounting** is to be used and where would these be located?
16. Will the proposed transmission and collector lines involve any **above or below ground service vaults or structures?** If so, please provide the County with detailed information regarding their specific location, style or type, the construction work required to install such vaults and any potential impacts arising from, during or after their installation
17. Has the Applicant conducted a **full structural and life cycle impact analysis of the two bridges** upon which it proposes to mount its cables? If so, please provide the analysis for peer review by the County forthwith.

CONSTRUCTION QUESTIONS/REQUESTS

18. Given the particular geology in Prince Edward County, including the prevalence of limestone bedrock, and the inability of other utility providers to bury their wire infrastructure underground, which has resulted in requests being made of the County after the initial approvals have been provided for utilities to be placed on new poles above ground, please advise whether any **detailed pre-construction feasibility report** has been done along the proposed transmission line and collector lines route. If so, please provide the report to the County forthwith.
19. Please explain in detail what **measures** the Applicant will take to **ensure** that **construction activity along the length of the transmission line and collector lines does not negatively affect the ongoing public use of the road allowance**. If full or partial closure of the road allowance is required, please identify those locations and the methods proposed to address traffic safety and control issues. If detour routes are proposed, please identify them, an analysis of their adequacy for the resultant traffic and both the long term and short term impacts upon the detour routes.
20. Is **blasting** proposed for any portion of the construction of the transmission line, collector lines and other infrastructure? If so, where? Have the localized effects of blasting been studied? If so, please provide the report to the County forthwith.
21. In *Exhibit C Tab 1 Overview of Construction Schedule*, we note that construction of the transmission and collector lines is planned primarily from September 2014 to March 2015. This **construction window includes the**

winter months and construction in areas of significant snowfall events in the County. Please explain how your winter construction will not interfere and/or frustrate the County's winter snow removal and roadside snow storage efforts. Please provide a detailed timeline for the proposed construction for each section, what order the work is to be done, how long and where road restrictions, obstructions or closures are to occur, etc.

22. Where clearing of the road allowance is proposed along the transmission line and collector lines route, please **confirm the extent of the clearing of the road allowance**, including variations in distance along different sections, and a description of what will be cleared along various sections.

23. Please provide a **complete list of locations where staging of materials and construction vehicles will be required within the road allowance**.

HERITAGE IMPACT QUESTIONS/REQUESTS

24. The County is concerned about **potential impacts from the proposed construction on a number of structures along the proposed transmission line and collector lines route which are less than 60m from the proposed route** and are/may be of **heritage interest or designated under the Ontario Heritage Act**. Will the Applicant agree to a condition of any approval by the Ontario Energy Board (OEB) to carry out pre and post condition surveys of these structures, and to continuously monitor these structures during construction?

25. Construction of the transmission line and collector lines will require direct or indirect clearing along the road allowance. **What measures will the Applicant take to (a) document existing trees and landscaping features along the**

entire line, (b) safeguard this documentation in a public place, (c) ensure that the same trees and features, which may include mature trees, historic fencing or other man-made features, and wild, indigenous plants are replaced immediately and (d) address ownership issues/concerns with in-situ tree which do not form part of the road allowance?

26. Please confirm that where above ground line mounting is proposed the Applicant will provide **a report to the County identifying culturally significant views and vistas along the route and any impacts upon these views and vistas**, especially for all previously identified Cultural Heritage Landscapes.

27. Parts of **Crowes Road** in its current state have no existing above ground wire infrastructure (i.e. no poles). **What are the Applicant's plans for preserving this extensive tree-lined road allowance** that is equivalent in character and importance to the County as Maypul Layn Road?

28. Southern portions of the transmission line and collector lines route are in areas identified as being of aboriginal interest. *Exhibit G.1.1, Section 5.2, Page 5.4 of the Stantec May 2013 Consultation Report* states "On April 17, 2013, the Project received a request for capacity to undertake a review of the addendum reports from the Kawartha Nishnawbe First Nation. *wpd is working with the First Nation to understand their interests and address their request*" (our emphasis). This statement appears to indicate that Aboriginal consultations remain incomplete. **Has the Applicant now completed the requisite Aboriginal consultation on potential interest in the route of the transmission line and collector lines?** If so, please provide to the County a full and complete summary of the consultation and the results of same.

MUNICIPAL PERMITS AND SECURITY

29. In *Exhibit E, Tab 2, Table 3* the Applicant has neglected to acknowledge that **municipal permits and approvals are required for: (i) vehicles transporting heavy or oversize loads on County roads: (ii) for new or upgraded roads to service the Applicant's project and (iii) upgrading a seasonal road suitable for year round access/use.** Please confirm that the Applicant is prepared to pay all costs for these approvals. Is the Applicant prepared to consent to the foregoing being made a condition of any approval by the OEB in these proceedings?

30. Will the **Applicant agree to reimbursing the County for the full cost** of staff time, solicitors and peer reviewers in reviewing plans and specifications and preparing agreements related to any OEB approval? Is the Applicant prepared to consent to the foregoing being made a condition of any approval by the OEB in these proceedings?

31. Is the Applicant prepared to **agree in writing with the County that any re-location of the Applicant's transmission line, collector lines and other infrastructure** that may be required as a result of future County road or bridge work will be at the Applicant's sole expense in perpetuity and upon receiving adequate prior notice from the County in our sole and unfettered discretion? Is the Applicant prepared to consent to the foregoing being made a condition of any approval by the OEB in these proceedings?

32. If granted Leave to Construct by the OEB, does the **Applicant intend to commence construction on the Transmission Line, collector lines and other**

infrastructure before receiving REA approval and the expiration of all appeal periods?

33. Is the **Applicant prepared to post financial security** satisfactory to the County to ensure against damage or default on the part of the Applicant and its contractors, subcontractors, agents, workmen, employees, successors and assigns?

34. Is the Applicant prepared to fully **indemnify and save harmless the County** with respect to works undertaken by or on behalf of the Applicant within municipal road allowances?

MISCELLANEOUS QUESTIONS/REQUESTS

35. Please advise as to **whether the Applicant has an in force OPA contract?** If so, what is its expiry date? Can the expiry date be extended?

36. In *Exhibit B Tab 2* the Applicant indicates it will enter into a **service agreement with a “wind manager”** who will be responsible for all operations and maintenance activities with respect to the Wind Project and the Transmission Project. Please provide a copy of this Agreement to the County, or in the alternative, a sample of a similar agreement.

37. In *Exhibit B Tab 1* the Applicant refers to its intention to establish an **Emergency Response Plan**. Please provide a copy of this Plan to the County, or in the alternative, a sample of a similar emergency response plan.