

April 10, 2014

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Letter of Comment**

**Re: EB-2014-0139**

**Jericho Wind Inc. (Jericho) Application to Determine the Location of Distribution Facilities within Road Allowances Owned by the County of Lambton**

I am in complete opposition to this application by Jericho especially its duplication with EB-2014-0361. In the event that the Board decides to proceed, I request that Jericho and the Board respond to the question below regarding any urgency for a decision, other than to deny the application.

In Exhibit A Tab 2 Schedule 1, at para 9 Jericho requests

... that the Board expedite its hearing of this application in accordance with Sections 2.01 and 7.01 of the Board's *Rules of Practice and Procedure* because (i) the only person directly affected by this application is the County as the sole owner of the Road Allowances, and (ii) Jericho anticipates receiving a REA for the Project by in April 2014, and its project schedule requires construction to commence shortly after receipt of its REA.

Jericho's application for an REA was posted to the ER on December 4 2013 - **EBR Registry Number:** 011-9647. The public consultation period ended January 03 2014.

The Guide titled **The Environmental Bill of Rights and You** in the section **Public Comment Process** states at p.11 para 4 :

After the ministry reviews all written comments and considers all those relevant to the decision, the final decision is posted on the Environmental Registry, including an indication of the number of comments received and how the ministry considered the comments. *Since the minister does not have to decide*

*whether to approve a particular proposal within a set time frame, you may have to monitor the Registry for several months.* (my emphasis)

Any schedule that Jericho may have constructed for this project is entirely its own wishful thinking. Jericho cannot compel or dictate when an ERA decision may occur. Further, the decision may be appealed to the Environmental Review Tribunal.

Moreover, the very law firm Jericho uses, Torys, on its **Environmental, Health and Safety** link, makes it clear that Commercial Operation Dates are amendable-

On February 9, 2011, the Ontario Power Authority (OPA) announced that it will offer feed-in tariff (FIT) contract holders an extension of up to one year on their milestone date for commercial operation (milestone COD). To take advantage of this extension, electricity suppliers will be required to execute a FIT-contract amending agreement with the OPA. According to the OPA, the extension offer is a response to delays in the province's renewable energy approval (REA) process.

### **Question**

Please provide evidence for the need to expedite this hearing given what is plainly and clearly known about both the ERA and the OPA processes as identified above.

Thank you.

Sincerely,

Doris St. Amand

[REDACTED]