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Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Yonge-Eglinton Centre
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto ON M4P 1E4

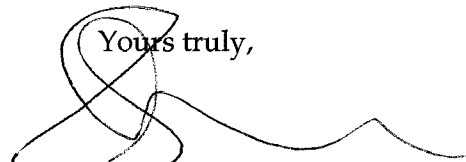
Dear Ms. Walli:

**Re: wpd White Pines Wind Inc.
EB-2013-0339**

On behalf of wpd White Pines Wind Incorporated, we enclose two copies of the Response to the Interrogatories of County of Prince Edward pursuant to Procedural Order No. 1.

Should you have any questions, please do not hesitate to contact me.

Yours truly,



Ingrid Minott

IM/dl
Encl.

TORONTO

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OTTAWA

CALGARY

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IN THE MATTER of the *Ontario Energy Board Act, 1998*, S.O.
1998, c. 15, Schedule B, (the “OEB Act”);

AND IN THE MATTER of an Application by wpd White Pines
Wind Inc. for an Order or Orders granting Leave to Construct
a new 69 kV transmission line and associated facilities in
Prince Edward County, Ontario.

**WPD WHITE PINES’ (“wpd”) RESPONSE TO THE COUNTY OF PRINCE EDWARD
INTERROGATORIES**

1 **Municipal Consultation Requests**

2 **Interrogatory 1**

3 When does the Applicant intend to present a draft lease or license agreement to the County
4 and to enter into negotiations?

5 **Response**

6 wpd has had discussions with Prince Edward County (the “Municipality”), with the most
7 recent discussion taking place on March 15, 2013. In addition, wpd’s attempts to engage in
8 further discussions with the Municipality, most recently in November and December 2013,
9 have been unsuccessful. wpd is unable to present the Municipality with a draft road use
10 agreement until it has had discussions with the Municipality regarding the terms of the
11 draft agreement. wpd is available and willing to enter into negotiations with the
12 Municipality as soon as the Municipality is available.

13 **Interrogatory 2**

14 When does the Applicant intend to present the County with “detailed engineering plans”?

15 **Response**

16 wpd has provided preliminary drawings of the Transmission Project at Exhibit B, Tab 2,
17 Schedule 5 of wpd’s Application. It is not feasible for wpd to provide a detailed engineering
18 plan until the route proposed for the transmission line has been approved by the Board and

the Project has received its REA. wpd will provide the Municipality with a detailed engineering plan after the Transmission Project has received these approvals.

Design Questions/Requests

Interrogatory 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 [sic] 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.

Response

Please refer to wpd's response to Interrogatory 2, above.

Interrogatory 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.

Response

Please refer to response 2(d) of wpd's Response to the Alliance to Protect Prince Edward County ("APPEC's") Interrogatories.

Interrogatory 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

1 route to determine any future financial impacts on the County arising from the installation,
2 operation, repair, maintenance and decommissioning of the proposed works? If so, please
3 provide this analysis to the County forthwith.

4 **Response**

5 wpd would be pleased to discuss this matter with the Municipality as part of the
6 negotiations surrounding the terms of the road use agreement.

7 **Interrogatory 6**

8 Please provide the County with all necessary documentation to properly and fully identify
9 the location of all of the culverts forthwith. Please advise whether permanent culverts will
10 also be required along any portion(s) of the length of the transmission line.

11 **Response**

12 Collector lines are not part of the Application that is the subject of this proceeding. wpd will
13 not be installing any culverts as part of the installation of the transmission line.

14 **Interrogatory 7**

15 Please clearly identify all roads that will have both transmission and collector lines within
16 the municipal road allowance. In addition, please provide details of this proposed work.

17 **Response**

18 Please refer to response 2(j) of wpd's Response to APPEC's Interrogatories.

19 **Interrogatory 8**

20 What measures does the Applicant propose to take to ensure that the transmission line and
21 collector lines will in fact be located within municipally owned lands?

22 **Response**

23 wpd would be pleased to discuss this matter as part of the negotiations surrounding the
24 terms of the road use agreement.

Interrogatory 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 fully copy of the environmental review together with the “other factors” analysis referred to on Page 5 of Exhibit B, Tab 4, Schedule 1.

Response

This matter is outside the scope of the Board’s jurisdiction under section 96 of the *Ontario Energy Board Act, 1998* (the “Act”). Please refer to wpd’s REA documentation for the project which can be accessed online at: <http://canada.wpd.de/projects/in-canada/white-pines/renewable-energy-approval-rea-documentation.html>

Interrogatory 10

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?

Response

wpd is willing to consult with the Municipality about available construction techniques as part of the discussion surrounding the terms of the road use agreement.

Interrogatory 11

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.

Response

wpd has acquired all the private land rights it requires to complete the Transmission Project. Please refer to the Description of Land Area and Land Rights Required included at Exhibit F, Tab 1, Schedule 1 of the Application and the form of land agreements included at Exhibit F, Tab 1 Schedule 2. wpd will not provide the names of the landowners that have been presented with the land agreements included at Exhibit F, Tab 1 Schedule 2 as that information is confidential and irrelevant to this proceeding.

Interrogatory 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?

Response

Regarding the protective measures that wpd will implement, please refer to response 2(l) of wpd's Response to APPEC's Interrogatories. wpd will provide the Municipality with as-built drawings and is prepared to discuss this further with the Municipality as part of the negotiations surrounding the terms of the road use agreement.

Interrogatory 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.

Response

wpd will commit to prepare a decommissioning plan for the Transmission Project at an appropriate time prior to the end of the useful life of the Transmission Project. wpd is

1 prepared to discuss the precise details and timing for a decommissioning plan with the
2 Municipality as part of the negotiations surrounding the terms of the road use agreement.

3 **Interrogatory 14**

4 Is the Applicant agreeable to revisions or modifications to its intended transmission lines,
5 collector lines and other infrastructure (type/size/style)?

6 **Response**

7 As part of the negotiations surrounding the terms of the road use agreement, wpd is willing
8 to discuss revisions or modifications to the Transmission Project that fall within the scope of
9 the project's regulatory approvals.

10 **Interrogatory 15**

11 If it is not possible to construct the entirety of the line underground, what type of above
12 ground mounting is to be used and where would these be located?

13 **Response**

14 Please refer to response 2(p) of wpd's Response to APPEC's Interrogatories.

15 **Interrogatory 16**

16 Will the proposed transmission and collector lines involve any above or below ground
17 service vaults or structures? If so, please provide the County with detailed information
18 regarding their specific location, style or type, the construction work required to install such
19 vaults and any potential impacts arising from, during or after their installation.

20 **Response**

21 Please refer to response 2(g) and 2(h) of wpd's Response to APPEC's Interrogatories.

22 **Interrogatory 17**

23 Has the Applicant conducted a full structural and life cycle impact analysis of the two
24 bridges upon which it proposes to mount its cables? If so, please provide the analysis for
25 peer review by the County forthwith.

1 **Response**

2 This matter is outside the scope of the Board's jurisdiction under section 96 of the Act.
3 However, wpd is willing to discuss this issue as part of the negotiations surrounding the
4 terms of the road use agreement.

5 **Construction Questions/Requests**

6 **Interrogatory 18**

7 Given the particular geology in Prince Edward County, including the prevalence of
8 limestone bedrock, and the inability of other utility providers to bury their wire
9 infrastructure underground, which has resulted in requests being made of the County after
10 the initial approvals have been provided for utilities to be placed on new poles above
11 ground, please advise whether any detailed pre-construction feasibility report has been
12 done along the proposed transmission line and collector lines route. If so, please provide the
13 report to the County forthwith.

14 **Response**

15 This matter is outside the scope of the Board's jurisdiction under section 96 of the Act.

16 **Interrogatory 19**

17 Please explain in detail what measures the Applicant will take to ensure that construction
18 activity along the length of the transmission line and collector lines does not negatively
19 affect the ongoing public use of the road allowance. If full or partial closure of the road
20 allowance is required, please identify those locations and the methods proposed to address
21 traffic safety and control issues. If detour routes are proposed, please identify them, an
22 analysis of their adequacy for the resultant traffic and both the long term and short term
23 impacts upon the detour routes.

24 **Interrogatory 20**

1 Is blasting proposed for any portion of the construction of the transmission line, collector
2 lines and other infrastructure? If so, where? Have the localized effects of blasting been
3 studied? If so, please provide the report to the County forthwith.

4 **Interrogatory 21**

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

9 **Interrogatory 22**

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

14 **Interrogatory 23**

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

17 **Response (Interrogatories 19 through 23)**

18 These questions are premature and are also outside the scope of the Board's jurisdiction
19 under section 96 of the Act. wpd will consult with the Municipality and other affected
20 stakeholders regarding these matters at the relevant time.

21 **Heritage Impact Questions/Requests**

22 **Interrogatory 24**

23 The County is concerned about potential impacts from the proposed construction on a
24 number of structures along the proposed transmission line and collector lines route which
25 are less than 60m from the proposed route and are/may be of heritage interest or

1 designated under the Ontario Heritage Act. Will the Applicant agree to a condition of any
2 approval by the Ontario Energy Board (OEB) to carry out pre and post condition surveys of
3 these structures, and to continuously monitor these structures during construction?

4 **Interrogatory 25**

5 What measures will the Applicant take to (a) document existing trees and landscaping
6 features along the entire line, (b) safeguard this documentation in a public place, (c) ensure
7 that the same trees and features, which may include mature trees, historic fencing or other
8 man-made features, and wild, indigenous plants are replaced immediately and (d) address
9 ownership issues/concerns with in-situ tree which do not form part of the road allowance?

10 **Interrogatory 26**

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

15 **Interrogatory 27**

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

20 **Response (Interrogatories 24 through 27)**

21 These questions are outside the scope of the Board's jurisdiction under section 96 of the Act.
22 Questions of this nature will be addressed as part of the REA process or other regulatory or
23 permitting processes. The Board does not have jurisdiction to impose conditions related to
24 heritage impact.

Interrogatory 28

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.

Response

As part of the REA process, wpd consulted with Aboriginal communities and other stakeholders regarding the addition of the transmission line to wpd's REA application. Please refer to wpd's REA documentation for the project which can be accessed online at: <http://canada.wpd.de/projects/in-canada/white-pines/renewable-energy-approval-rea-documentation.html>

Municipal Permits and Security

Interrogatory 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?

Response

wpd will obtain all permits required by law. The Board does not have jurisdiction to impose conditions relating to municipal permits and approvals.

Interrogatory 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

1 to any OEB approval? Is the Applicant prepared to consent to the foregoing being made a
2 condition of any approval by the OEB in these proceedings?

3 **Response**

4 Section 3.05(i) of the Board's Practice Direction on Cost Awards provides that municipalities
5 are not eligible for a cost award. In addition, Procedural Order No. 1 in these proceedings
6 provides that only APPEC, Al S. Warunkiw and Gordon Gibbons are eligible for a cost
7 award.

8 **Interrogatory 31**

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

15 **Response**

16 wpd is willing to discuss this issue as part of the negotiations surrounding the terms of the
17 road use agreement. The Board does not have jurisdiction to impose conditions relating to
18 relocation costs as part of these proceedings.

19 **Interrogatory 32**

20 If granted Leave to Construct by the OEB, does the Applicant intend to commence
21 construction on the Transmission Line, collector lines and other infrastructure before
22 receiving REA approval and the expiration of all appeal periods?

23 **Response**

24 Please refer to response 3(b) of wpd's Response to APPEC's Interrogatories.

25 **Interrogatory 33**

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

4 **Response**

5 Under section 41(7)(c) of the *Electricity Act, 1998* wpd must provide compensation for any
6 damages caused by construction of the transmission line within the municipal road
7 allowance. While wpd is not required to post financial security, it is willing to discuss this
8 issue as part of the negotiations surrounding the terms of the road use agreement.

9 **Interrogatory 34**

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

12 **Response**

13 Under section 41(7)(c) of the *Electricity Act, 1998* wpd must provide compensation for any
14 damages caused by construction of the transmission line within the municipal road
15 allowance.

16 **Miscellaneous Questions/Requests**

17 **Interrogatory 35**

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

20 **Response**

21 wpd has a contract with the OPA. As noted in the Description of the Need for the Project
22 found at Exhibit B, Tab 3, Schedule 1, wpd obtained its OPA contract in May 2010. The OPA
23 contract is a private commercial agreement and wpd will not provide further information
24 regarding its terms.

1 **Interrogatory 36**

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

6 **Response**

7 This question is irrelevant and the matter is outside the scope of the Board’s jurisdiction
8 under section 96 of the Act.

9 **Interrogatory 37**

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

13 **Response**

14 wpd will prepare an Emergency Response Plan for the wind power project in consultation
15 with the project stakeholders once the project has received regulatory approval. The Plan
16 will be reviewed prior to and during each phase of the project. A description of the
17 Emergency Response Plan can be found in Section 8.0 of the Design and Operations Report
18 filed as part of the REA Application and available at: [http://canada.wpd.de/projects/in-](http://canada.wpd.de/projects/in-canada/white-pines/renewable-energy-approval-rea-documentation.html)
19 [canada/white-pines/renewable-energy-approval-rea-documentation.html](http://canada.wpd.de/projects/in-canada/white-pines/renewable-energy-approval-rea-documentation.html)