

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

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Re: EB-2014-0022

Ontario Energy Board  
Attn: Kirsten Walli, Board Secretary  
P Box 2319  
27<sup>th</sup> Floor  
2300 Yonge Street Toronto ON M4P 14

April 22, 2014

Dear Ms. Walli,

**Motion to the Board re: EB-2014-0022**

Please accept this as our Motion to the Board in reply to Suncor's response to our request for a supplementary interrogatory.

Two paper copies have been sent to the Board as well.

In accordance with OEB Rule 29.3, CSLC-WAIT-PW submits the following motion:

That the Board require the Applicant to provide full and adequate responses to Suppl IR 20140406.

We respectfully submit that the Interrogatories are relevant and that the Applicant has or can gain access to the information needed to provide answers. The reasons for that contention are set forth below. The chronology of Suppl IR 20140416 is followed.

**CSLC&WAIT-PC Supplemental Interrogatory # 1**

Consideration of the public interest with respect to the construction of the work upon, under or over a highway, utility line or ditch.

1. Reference:

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

- (a) Exhibit B Tab 2 Schedule 1 p. 2 5. Description of the Project
- (b) Exhibit B Tab 2 Schedule 3 p.2 2.The Proposed Transmission Facilities
- (c) April 7 2014 Suncor letter Objection to the County of Lambton Request for an Oral Hearing

**Preamble**

At 1 (a) Suncor notes that the transmission lines will be located “entirely on private property”.

At 1(b) Suncor states that the line travels “adjacent to and parallel to Thomson Line, Army Camp Road...” along the edge of the private land...” “...along the boundaries...”.

At 1(c) Suncor states that “Suncor would move its poles a short distance to another location on the private lands”.

**Question/request**

- i. Please require that Suncor discuss how it balances the competing pressures of public interest in the road allowances and the interests of private landowners. Specifically, require that Suncor provide the analysis and supporting documentation that supports its decision not to place the poles in “another location” in the first place.

**SUNCOR’S RESPONSE (at para 2 page 2)**

(iii) a question (IR 1) that Suncor has addressed in its response to County of Lambton's IR 2(4), which is being filed today. That response deals with the issue raised in the question, which is Suncor's placement of its poles on private lands, including the location of the poles in relation to the lot boundaries.

**CSLC&WAIT-PW EVIDENCE TO SUPPORT THE MOTION**

Lambton County IR 2(4) states:

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.

Suncor’s response is:

Suncor has selected to install the transmission poles outside of the County right of way for the purpose

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

of reducing impacts on existing utilities within the County right of ways. The two locations where Suncor proposes to cross the County right of way with their overhead transmission line are clear of any existing above ground utilities. As such, our planned route has considered existing utilities. Suncor has also considered in the design the potential maintenance of utilities in the right of way by designing a pole that limits the swing of the transmission wires.

Of paramount importance to Suncor when planning a wind power facility is to minimize our impact on the existing agricultural industry which is the main industry currently utilizing the land. Suncor attempts to follow the Provincial Policy Statement, and consider renewable energy appurtenances as ancillary to the main industry of agriculture. As such Suncor is attempting to reduce the amount of agricultural land taken out of production by the transmission line. Those individuals planning to host the transmission line have requested that Suncor place poles as close as possible to their property lines. Suncor has proposed a location 1.5 meters from their property limit along Thomson Line.

We appreciate that Suncor has clarified how it balances the interests of private landowners and the public interest.

However, Suncor's response does not provide an answer to the second part of the IR 1(i), namely

Specifically, require that Suncor provide the analysis and supporting documentation that supports its decision not to place the poles in "another location" in the first place.

Suncor has already stated to the Board that it is prepared to move its transmission poles to accommodate the needed upgrades. Suppl IR 1 (i) requests that Suncor explain in a full and adequate manner, why, if Suncor is fully prepared now to place the poles to accommodate needed and planned upgrades to the road allowances, Suncor has decided not to place them that way from the outset.

This issue is clearly relevant to this proceeding. The Transmission Line is part of the LTC Application – Exhibit B Tab 2 Schedule 3 is devoted to the topic Project Location. Further, since Suncor has already agreed that it is within its power to relocate, Suncor possesses the information sought. Therefore, IR 1(i) meets both the relevance and possession of information tests. We respectfully request that the Board require Suncor to respond to the second part of IR 1(i).

**CSLC-WAIT PW Supplemental Interrogatory #2**

The interests of consumers with respect to prices and the reliability and quality of electricity service.

**2. Reference**

- (a) Exhibit B Tab 2 Schedule 1 p.3 para 8. Impact Assessments
- (b) Exhibit H Tab 2 Schedule 1 Disclaimers
- (c) Exhibit H Tab 2 Schedule 1 Inertia Emulation Capability

Preamble

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

At (a) Suncor notes that it was issued a Notification of Conditional Approval for Connection.

At (b) the IESO states that “conditional approval means that there are no significant reliability issues or concerns that would prevent connection to the IESO-controlled grid”

... conditional approval does not ensure that a project will meet all connection requirements”. Hydro One notes that “Additional facility studies may be necessary to confirm constructability and the time required for construction. Further studies at more advanced stages of project development may identify additional facilities that need to be provided or that require upgrading.” In other words, there are reliability issues and concerns with the transmission facility, ones that, while not preventing connection, persist.

At (c) the IESO notes that the wind turbine Suncor has selected (in common with all IWTs) has no “Inertia Emulation Capability”. This fact has implications for the transmission facility itself in its connectedness to the grid. Its location not only connects to our location for electricity service: it is simultaneously located to other transmission facilities conveying the same type of power source to the grid and therefore repeating and compounding the same reliability issues and concerns.

Donald Jones, in his article “How wind affects Ontario’s power system dynamics and effect on CANDU refurbishment” notes that

adding variable wind and solar generation to the Ontario grid displaces gas-fired generation and some hydro generation. Wind and solar have no inherent capability to help maintain frequency control of the grid.

...

The presence of large amounts of wind generation has changed the dynamics of the grid by displacing the synchronous generators that have provided passive inertial response and active primary frequency control. This is especially so at night and on weekends if wind generation is high when grid demand is low. The large gas-fired stations will be taken off line leaving the combined heat and power units, nuclear, and some hydro units on line. Primary frequency control would then be degraded and mostly left to the hydro units with inertial response from the nuclear and hydro units. The inherently variable wind generation in these circumstances could result in a jittery grid.

...

Modern wind turbine units ... cannot inherently contribute the inertia of their rotating masses, inertial response, to the grid when grid frequency changes or contribute to primary frequency control.  
<http://thedonjonessarticles.wordpress.com/2014/04/01/how-wind-affects-ontarios-power-system-dynamics-and-effect-on-candu-refurbishment/>

**Questions/Requests**

- i. Please request that the IESO discuss at which point the cumulative effect of wind energy transmission facility reliability issues and concerns will be deemed to have a significant adverse effect

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

on grid operation.

- ii. Please request that HONI in its Addendum: Customer Impact Assessment at p.3 explain why it placed the Cedar Point Wind Project in the Township of Adelaide-Metcalf in Middlesex County.
- iii. Please provide evidence to refute the assertion that the absence of inertia emulation capability in the Transmission Facility could result in a jittery grid, and a consequent potential loss of reliability and quality of electricity service.
- iv. Please require that Suncor demonstrate due diligence in meeting the many complex requirements caused by the location of the transmission facility as specified in the SIA and CIA reports by implementing the following:
  1. Appoint an expert VP to oversee and be accountable and responsible for conducting annual in-house compliance reviews regarding the obtaining of all Transmission Facility permits and approvals and submit an Annual Compliance Report for public view and comment;
  2. Charge the VP with primary responsibility for achieving due diligence with regard to implementation of wind turbine innovations, refurbishments, procurements that would stabilize reliability and quality of grid connection;
  3. Develop and implement an inspection/investigation protocol to ensure that the transmission facilities do not compromise HONI reliability and quality performance indicators. The protocol must be developed in cooperation with HONI.
  4. Commission an expert engineering consultant to annually assess Transmission Facility operation from a compliance/due diligence perspective having special regard to its impact on the price, reliability and quality of electricity service provided by HONI and the IESO.
  5. Devise and implement quality performance indicators to assess the effectiveness of transmission facility maintenance procedures in mitigating the lack of inertia emulation capability and publish the results monthly.

**SUNCOR RESPONSE at Para 2**

Moreover, the intervenor's questions are either

- (i) not questions at all, but rather, submissions, which they can make in argument at the appropriate time. This category includes the request for a stay on page 1 and IR 2(iv) at pages 3 and 4;
- (ii) questions that should be directed to either HONI or IESO (IR 2(i) and (ii)), or which deal with a matter which would have been addressed by the IESO in its SIA, were it deemed to be relevant to this application (IR2(iii));

**CSLC&WAIT-PW EVIDENCE TO SUPPORT THE MOTION**

In Suncor Response (i), Suncor offers a very narrow definition of an interrogatory as a question

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

sentence.

OEB Rule 28. Interrogatories subsection 28.02 (b) provides that Interrogatories contain specific requests for clarification of a party's evidence, documents or other information in the possession of the party and relevant to the proceeding

The purpose of an interrogatory is to gather clarifying information: it is a vehicle for requesting evidence, documents and so on. It is commonplace for Intervenor to frame interrogatories as polite imperatives as well as questions. For example, of the 35 Board Staff Interrogatories, 25 are presented as imperative sentences, 4 as questions, and 5 are mixed. Suncor responded to all 35 without objection, reservation or hesitation. Therefore, we assert that Interrogatory #2 is correctly worded and presented and is in complete conformity with Board Rule 28.02(b).

In Suncor Response (ii) above, Suncor makes a startling assertion – apparently anyone seeking clarification of its Application's SIA reports or CIA reports cannot rely on Suncor, the owner of the Application, to have the necessary competence to clarify content of reports that are central to the PTF. Suncor relies on the substance of these reports and its relationship with these agencies in order to connect its transmission facilities in good workmanlike manner and is entrusted with overall responsibility to ensure all HONI and IESO imposed conditions are fulfilled. The Board uses these reports to assess the Application against its two criteria – in this case, the interests of consumers with respect to prices and the reliability and quality of electricity service. We note that Suncor responded to Board Staff Interrogatory 3 without objection, including providing evidence that it as transmitter intends to meet the Requirements for Connection – please see Suncor IRR 21040417 at page 4:

111. Suncor confirms that it intends to meet the Requirements for Connection, where applicable to Suncor.

Suncor can only meet those requirements if it knows what those requirements are. Suncor has /can access the information requested in IR 2(i) from the IESO. It is incredulous to think that discussions of reliability and quality of electricity service are not topics of mutual interest. The whole point of the IESO conditions is to secure reliability. Therefore, we find that IR 2 (i) is relevant to these proceedings and that Suncor is capable of providing the clarification requested.

IR 2(ii) is also directly relevant to this proceeding and Suncor has/can access the information requested. We believe that it is reasonable to know Suncor's view of where HONI thinks the proposed transmission facility (PTF) will be located inasmuch as it differs so radically from where Suncor says it intends to locate its PTF in its Application, namely in the Municipality of Lambton Shores, Lambton County.

As IR 2(iii) notes, because the Suncor selected turbine is not yet able to provide any form of inertia emulation capability, the IESO has reserved the right to ask Suncor "to install this function as soon as it becomes commercially available". Doing so is a connection requirement. The subject matter of IR #2 (iii) is clearly relevant to this proceeding because it requests clarification of a mandatory condition Suncor has already agreed to abide by.

Further, Suncor is an experienced wind energy developer. It appears somewhat disingenuous for Suncor on one hand to confirm without hesitation or reservation that it has full knowledge of all IESO

**CSLC&WAIT PW OEB Rule 29.3 Motion Regarding the Suncor Response to CSLC WAIT-PW Suppl IR 20140417**

conditions and then, on the other hand, when asked to draw on that experience to help community members better appreciate the concept of lack of functionality regarding inertia emulation capability, Suncor determines not to do so. We seek to understand this concept and what Suncor's view of it is. Accordingly, we believe that IR 2 (iii) is relevant to this proceeding and that Suncor Energy Products Inc., being entirely dedicated to wind energy development, has in its possession/can access clarifying information on this topic.

Regarding IR2(iv), we are interested in having Suncor clarify how it ensures due diligence in meeting the many and complex conditions identified in the SIA and CIA reports. If due diligence is not achieved through a senior management position, we are interested in understanding what practices Suncor has in place to achieve this end. Suncor claims many times throughout its Responses to Interrogatories that it will be in full compliance and in doing so implies that it has the managerial expertise and experience to accomplish that compliance. Therefore, IR 2 (iv) is relevant to this proceeding and Suncor has the information needed to provide a full and adequate answer.

For all of the reasons stated above and the evidence presented, we respectfully request that the Board grant our motion to require Suncor to provide full and adequate answers to CSLC&WAIT-PW Supplemental Interrogatories 20140416.

Sincerely,

Santo Giorno

Concerned Seniors Lambton County & WAIT-PW