

COMMENTS - EB-2013-0442 FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES

To:
Attention: Board Secretary
Ontario Energy Board
P.O. Box 2319
27th Floor, 2300 Yonge Street
Toronto, ON M4P 184
Tel (Toll Free): [1-888-632-6273](tel:1-888-632-6273)

From:
Diane Chen

[REDACTED] of the Board,

These comments are filed pursuant to Section 4.4 of the Ontario Energy Board Act under Stakeholder Input which states: "The Board shall establish one or more processes by which consumers, distributors, generators, transmitters and other persons who have an interest in the electricity industry may provide advice and recommendations for consideration by the Board. 2004, c. 23, Sched. B, s. 4."

This submission is in support of the interveners and a request that the application **EB-2013-0442 FOR DETERMINATION OF LOCATION OF DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED BY THE MUNICIPALITY OF KAWARTHA LAKES** originally filed on January 27th, 2014 and then **re-filed on March 28th, 2014 be set aside.**

The Ontario Energy Board is statutorily obliged to ensure that any proposed work is in the public interest and in the interest of consumers with respect to the reliability and quality of the electricity services as well as to ensure generation of electricity from renewable energy sources is in a manner consistent with the policies of the Government of Ontario. The Government of Ontario policy regarding renewable energy projects such as the Sumac Ridge project includes a streamlined approvals process with service guarantees for renewable energy projects while ensuring that high safety and environmental standards are met: <http://www.energy.gov.on.ca/en/renewable-energy-facilitation-office/#.U0nH46xOUqQ>

It is requested that application EB-2013-0442 be set aside since it is not in the public interest or serves the best interest of the consumer. The Gray Road transmission line and a distribution line crossing Wild Turkey Road, components of the Sumac Ridge project, will not ensure reliability and quality of electricity services and also fails to meet high safety and environmental standards as set under government policy. **To build the transmission line along Gray Road will involve significant and permanent alteration of a heritage trail, and the distribution line that crosses Wild Turkey Road located on the Oak Ridges Moraine will result in a costly but intermittent energy supply, which is not in the public interest. High safety and environmental standards have not been met.**

Support for the request to set aside application EB-2013-0442 includes but not limited to the following:

1. **Approval of the Sumac Ridge REA application stipulates an underground transmission line along Gray Road. The application before the OEB is not the same as the plan approved by the Ministry of the Environment.** The design has changed dramatically from the REA application to the application before the OEB. The public was not, and has not been made aware of this new plan for an aboveground transmission line. There has been no opportunity for the public or the City of Kawartha Lakes to raise potential safety and reliability issues or to examine and address any issues that might arise as a result of this new design concept.

2. **The Sumac Ridge project is under appeal to the Environmental Review Tribunal. The REA is being amended by MOE since Turbine # 1 has been identified as being too close to a 'receptor'. The configuration of the project might be changed.**
3. **Turbine # 2 in the Sumac Ridge project has been identified as a navigation hazard by the Peterborough Airport and the configuration of the Sumac Ridge project might change.**
4. Based on the latest development re Turbine #1 and Turbine #2, possible changes to the Sumac Ridge project might affect the route of the transmission line, hence arguably the **application before the OEB is premature.**
5. According to the MNR Renewable Energy Atlas, wind power in the Sumac Ridge project area is rated as being 'marginal' and will not provide consistent, reliable, quality energy production and service. **Wpd Canada did not supply meteorological data to the Ministry of the Environment in the application for approval** that confirms the developer's estimated annual output for the Sumac Ridge project will be 26,000MW per annum. The energy production estimate might not be accurate. Marginal rated wind resources in the project area could result in less energy output than predicted.
6. The applicant has indicated the Sumac Ridge project might supply energy to meet the needs of 1800 residential units. The Sumac Ridge project will not fulfill the needs of the nearby villages of Pontypool, Bethany and Janetville which totals 2241 households. Residents in these villages, in overwhelming numbers, have expressed their opposition to the Sumac Ridge project. **A record 2874 comments were made to the MOE when the project was posted to the EBR objecting to the Sumac Ridge project.**
7. **Gray Road is an unmaintained trail. There are additional considerations and process steps that need to be performed before any approval should be given. The following are some of these important considerations:**
 - Year round access to the transmission line for maintenance and repairs will not be possible. **Not being able to maintain the line and not being to access it during emergency situations places the public in danger.**
 - In order to construct the transmission line along the unopened trail road, the heritage pioneer trail will have to be considerably altered. **Wpd Canada has not provided any designs or site plans that include road alteration to the MOE or in the application before the OEB. This omission places the safety of those who use the trail for recreational purposes at risk.**
 - The water table is at the surface along an extended section of Gray Road. There are also seeps, springs and a wetland. **Alteration of water features along Gray Road without any form of hydro-geologic assessment will place area wells in jeopardy including wells used at two nearby elementary schools.**
 - The Sumac Ridge project is located partially in the Oak Ridges Moraine. The applicant is seeking to construct a distribution line across Wild Turkey Road located on the Oak Ridges Moraine. **Under Section 41 of the Oak Ridges Moraine Plan, Ontario Regulation 140/02, "Transportation, infrastructure, and utilities uses may be permitted to cross a key natural heritage feature or a hydrologically sensitive feature if the applicant demonstrates that, (a) the need for the project has been demonstrated and there is no reasonable alternative". Wpd Canada has not demonstrated a real need for the project or that there is no other alternative.**
 - First Nations peoples who are stewards of the lands in question under Treaty 20 have not been consulted regarding land alteration. **This is a violation of their treaty agreement with the Government of Canada, and also violation of their constitutional rights.**

Please note the following communities / organizations have voiced their strong objections to the approval of the Sumac Ridge project:

- The Buddhist community with thousands of followers in Ontario and the GTA who objected to having their Four Sacred Buddhist pilgrimage sites in that area put into jeopardy by the Sumac Ridge project. This interferes with their constitutional right of practising their religion as intended. Please note that Cham Shan Temple is one of the appellants to the Sumac Ridge project.
- The Seneca Flying School that has made a huge financial investment moving to the Peterborough Airport. Wind Turbine #2 constitutes a safety hazard for their flying students. Please note that legal representation has been made to the Environmental Review Tribunal to voice their objections.
- The Peterborough Airport that sees a multi-million dollar expansion program funded and supported by the Federal government, the Provincial government and local municipalities and business stake holders being placed in jeopardy. Wind Turbine #2 constitutes a safety hazard for pilots under adverse bad weather conditions. Please note legal representation has been made to the Environmental Review Tribunal to voice their objections.
- The Township of Cavan Monaghan
- The City of Kawartha Lakes
- The over 5000 people who signed petitions of opposition
- The local residents who submitted a record 2874 comments to the MOE when the project was posted to the EBR voicing their objections
- Naturalists and Agencies and individuals working to protect The Oak Ridges Moraine
- Conservation authorities
- Scores of area residents, farmers and business stakeholders
- Parents of schoolchildren who will be affected by the project
- The Williams Treaties First Nations comprised of seven First Nations including the Chippewas of Beausoleil First Nation, Georgina Island First Nation, Rama First Nation, Mississaugas of Alderville First Nation, Hiawatha First Nation, Scugog First Nation and Curve Lake First Nation. Please note legal representation has been made to the Environmental Review Tribunal to voice their objections.

This in strong contrast to the support for the Sumac Ridge project, where aside from the developer wpd Canada, only four (4) landowners who signed the land lease agreements and one (1) person who registered support for the project on the EBR.

The interveners in case EB-2013-0442 speak with multiple reasons why the Sumac Ridge project, which includes the transmission line along Gray Road and a distribution line that crosses Wild Turkey Road on the Oak Ridges Moraine, is not in the public interest, that the public interest is not being served, the project will not provide reliable and quality service and does not adhere to government policy that the highest safety and environmental standards have been met. **It is respectfully requested that the Ontario Energy Board set this application aside.**

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Diane Chen