

To:

The Board  
Ontario Energy Board  
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Attention Board Secretary  
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From: June M. Bushell

Dear Members 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 intervenors 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 27<sup>th</sup>, 2014 and then re-filed on March 28<sup>th</sup>, 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/#\\_U0nH46xQUqQ](http://www.energy.gov.on.ca/en/renewable-energy-facilitation-office/#_U0nH46xQUqQ)

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. Support for the request to set aside application EB-2013-0442 includes the following:

**In the public interest regarding reliability and quality of electric services:**

1. 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.
2. The applicant has indicated the Sumac Ridge project might supply energy to meet the needs of 1800 residential units. This 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.
3. 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.
4. Gray Road is an unmaintained trail. Year round access to the transmission line for maintenance and repairs will not be possible. Not being able to maintain the line or access it during emergency situations places the public in danger.
5. The Sumac Ridge project is under appeal to the Environmental Review Tribunal. The REA is being amended since Turbine # 1 has been identified as being too close to a 'receptor'. The configuration of the project might be changed.
6. 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.
7. Possible changes to the Sumac Ridge project might affect the route of the transmission line; arguably the application before the OEB is premature.
8. Wpd Canada did not inform residents of the application before the OEB when originally posted. Wpd Canada did not post a public notice in the local media. Wpd Canada did not contact immediate landowners when the application was first filed. Under Treaty 20, the lands in question are under the stewardship of First Nations. There is no evidence that the seven First Nations communities under Treaty 20 have been notified about this application.
9. Wpd issued a press release on May 22, 2013, without the knowledge of the City of Kawartha Lakes, and while the Sumac Ridge project was under review at the Ministry of the Environment. The project had not been approved. This action demonstrates disregard for the public and its representatives:

For immediate release Wednesday, May 22, 2013

## **Kawartha Lakes decision could force expensive Ontario Energy Board Process**

**Mississauga** -- A refusal by Kawartha Lakes Land Management Committee to enter into discussion on the placement of collector lines with wind project developer, wpd Canada, could force the company to ask the Ontario Energy Board (OEB) to settle the matter. wpd is looking to build a portion of their proposed electrical collector line underground on an un-assumed road near the project site. The OEB is the independent Crown Corporation tasked with regulating the province's electricity and natural gas sectors... [from WPD Canada press release](#)..

**10. The news story headline below dated June 5<sup>th</sup>, 2013 demonstrates wpd Canada is not acting in the public interest or is respectful of the REA process. It appears that wpd Canada is using the OEB as a tool to force the municipality of City of Kawartha Lakes into an unpalatable position:**

## **Wind energy company threatens to take its case to Ontario Energy Board to move Sumac Ridge Wind Farm forward**

(KAWARTHA LAKES) A wind energy company says a refusal by the City of Kawartha Lakes to discuss the placement of collector lines for a controversial wind turbine project in Manvers Township could force the company to ask the Ontario Energy Board (OEB) to intervene - and the City may have to pay for the hearing...<http://www.mykawartha.com/news-story/3846800-wind-energy-company-threatens-to-take-its-case-to-ontario-energy-board-to-move-sumac-ridge-wind-farm/>

**11. Ontario Minister of Energy Bob Chiarelli has indicated that Ontario has a surplus of energy and will continue to have a surplus for years to come. The applicant's estimated output of 26,000 MWh per annum will place an unnecessary financial burden on consumers. Each 2.5 MW wind turbine installed today, might expect to produce at a capacity factor of 30%. The energy will be produced mostly at night and in the spring and fall when the system electricity price is lowest. The rate of \$135 per MWh for wind energy does not compare favourably with the same amount of 'green' non- CO2 emitting nuclear electricity at the nuclear base price of \$45 per MWh.**

**12. Parties voicing concerns regarding and their opposition to the wpd Canada Sumac Ridge project, the first industrial wind project approved to be constructed on the supposed government-protected Oak Ridges Moraine and currently under appeal before the Environmental Review Tribunal include ...**

- The Buddhist community with thousands of followers in the GTA who see a 100 million dollar long-term investment placed in jeopardy.
- The Seneca Flying School that has made a huge financial investment moving to the Peterborough Airport
- The Peterborough Airport that sees a multi-million dollar expansion placed in jeopardy
- NAV Canada
- The Township of Cavan Monaghan
- The City of Kawartha Lakes
- The over 5000 people who signed petitions of opposition
- Those who submitted a record 2874 comments to the MOE when the project was posted to the EBR
- Naturalists
- Agencies and individuals working to protect The Oak Ridges Moraine
- Conservation authorities
- Scores of area residents, farmers and business owners
- 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.

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

The transmission line along Gray Road which 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 for a costly, intermittent energy supply is not in the public interest.

[The role of the OEB to ensure renewable energy sources are developed in a manner consistent with the policies of the Government of Ontario which includes: "ensuring that high safety and environmental standards are met"....](#)

High safety and environmental standards have not been met. The applicant has indicated the Sumac Ridge project will cover 477 hectares leaving a significant physical, environmental, social, cultural and economic footprint.

1. The application before the OEB is for an aboveground transmission line located on the north side of the Gray Road that will be constructed in significant woodland and wetland areas. Approval of the Sumac Ridge Project NUMBER 8037-9AYKBK states on page 17 the Gray Road distribution line will be constructed below ground - not above ground as indicated in the application before the OEB.

2. All studies regarding the approved MOE Sumac Ridge application are based on the transmission line along Gray Road being below ground. Wpd Canada has not included natural heritage assessments, avian impact studies (there is a large 3 acre pond used as a migratory stopover for waterfowl) environmental impact statements, wetland impact assessments, geotechnical, hydrological or archaeological studies that support the 'new' aboveground plan and the location of the poles and cabling in the current application before the OEB. High safety and environmental standards have not been introduced, let alone met. There are several species at risk in the proposed construction zone.

3. In order to construct the transmission line along the unopened trail road allowance known as Gray 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. First Nations peoples who are stewards of the lands in question under Treaty 20 have not been consulted regarding land alteration.

4. Gray Road is a dead end trail. In order to allow the passage of construction vehicles, a turn-around area will have to be created. Wpd Canada has not included plans for alteration of the road allowance as well as a turnaround area either in the REA application or this application before the OEB. Without a detailed site and construction plan including various requisite assessments, the safety of residents will be put at risk.

5. The widening and opening of a dead-end trail such as Gray Road will invite unwanted vehicular traffic at certain times of the year, including possible illegal activities as well as illegal dumping. Gray Road trail is not maintained. It is inaccessible to vehicular traffic during the winter months. It is also impassable during part of the spring and fall months. During emergency situations and/or required maintenance, access to the transmission line will not be possible thus putting the safety of residents at risk.

6. 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 hydrogeologic assessment will place area wells in jeopardy including wells used at two nearby elementary schools.

7. 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 need for the project or that an alternative was considered.

The intervenors in case EB-2013-0442 speak for the multitudes that 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.