

From: BoardSec
Sent: April 28, 2014 9:58 AM
To: [REDACTED]
Subject: FW: Board file number EB-2013-0442

From: Phil & Diane Seto [mailto:[REDACTED]]
Sent: April-27-14 9:42 PM
To: BoardSec
Cc: [REDACTED]
Subject: Board file number EB-2013-0442

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

The Board
Ontario Energy Board
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Dear Members of the Board:

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 CITY OF KAWARTHA LAKES originally filed on January 27th, 2014 and then re-filed on March 28th, 2014 be set aside.

This submission also supports the Cost Request under cost eligibility set under the Ontario Energy Board's Practice Direction on Costs Award. Those seeking intervenor status have an "interest in land that is affected by the process", as per section 3.03 of the Practice Direction on Costs Awards.

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".

It is requested that application EB-2013-0442 be set aside since it is not in the public interest nor 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.

Here are some points to support the request to set aside application EB-2013-0442:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Possible changes to the Sumac Ridge project might affect the route of the transmission line; arguably the application before the OEB is premature.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

Yours truly,

Phil and Diane Seto

A large black rectangular redaction box covering the signature of Phil and Diane Seto.

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