



EB-2014-0139

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Jericho Wind,
Inc. for an Order or Orders pursuant to section 41(9) of the
Electricity Act 1998, S.O. 1998, c. 15, Schedule A, as
amended, establishing the location of Jericho Wind, Inc.'s
distribution facilities within certain road allowances owned
by Lambton County.

PROCEDURAL ORDER NO.1
May 8, 2014

Jericho Wind, Inc. ("Jericho") filed an application dated March 18, 2014 with the Ontario Energy Board (the "Board"), under subsection 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended for an order or orders of the Board establishing the location of approximately 26 kilometers of Jericho's proposed distribution system ("Distribution Facilities") within certain public streets, highways and right-of-ways owned by the Corporation of the County of Lambton ("Lambton County"). The Board assigned File No. EB-2014-0139 to this application.

Jericho is in the process of developing a 150 megawatt wind farm called Jericho Wind Energy Centre (the "Project"), in the Municipality of Lambton Shores and the Township of Warwick in Lambton County, and in the Municipality of North Middlesex in Middlesex County, Ontario. Jericho's application for Renewable Energy Approval ("REA") from the Ministry of the Environment was received on April 14, 2014. The Project is being developed pursuant to a contract with the Ontario Power Authority under the Feed-in-Tariff program.

Notice of Application and Service

The Board issued a Notice of Application and Written Hearing (the “Notice”) on March 31, 2014 and directed Jericho to serve the Notice as specified in the accompanied Letter of Direction. On April 4, the Board directed Jericho to replace the map in the Notice with a revised map prior to serving the Notice. Jericho filed an affidavit of service dated April 11, 2014 indicating that it has served the Notice as directed by the Board.

Intervenor Request and Cost Eligibility

The Board received a request for intervenor status from Lambton County in a letter dated March 28, 2014. In that letter, Lambton County also requested dismissal of portions of the proposed proceeding pursuant Rules 18.01 (b) and/or 19.01 (d), and a motion for adjournment pending public consultation.

In Jericho’s April 9, 2014 response to Lambton County’s letter, it did not object to Lambton County’s request for intervenor status. The Board grants intervenor status to Lambton County. The Board notes that when assessing a party’s eligibility for costs, the Board is guided by the Practice Direction on Cost Awards (the “Practice Direction”) which explicitly excludes public bodies from eligibility. Consequently, Lambton County would not be eligible for a cost award. The Practice Direction and related forms are available on the Board’s website at www.ontarioenergyboard.ca.

The addresses of Jericho and Lambton County are attached as Appendix A.

Request for Dismissal and Adjournment

In its letter of April 9, 2014, Jericho objected to two other requests made by Lambton County; namely the request for dismissal of portions of the proposed proceeding and the request for a motion for adjournment pending public consultation. The Board will provide Lambton County with an opportunity to file a response to Jericho’s April 9, 2014 letter.

Jericho’s Request for Confidential Treatment

On April 24, 2014, in accordance with the Board’s Practice Direction on Confidential Filings, Jericho filed with the Board and on RESS a letter requesting the confidential treatment for Attachment “A” to its letter. Attachment “B” to the letter was a non-confidential summary of the document for which confidential treatment is requested.

The Board has reviewed the document and hereby grants Jericho's request for confidential treatment of Attachment "A" to the April 24, 2014 letter. The Board notes that this is the type of document for which the Board has granted confidentiality to in the past. Upon signing the Board's Declaration and Undertaking found at Appendix D of the Practice Direction on Confidential Filings, and filing it with the Board, the Board will provide the confidential document to Lambton County.

Form of Hearing

Jericho has requested a written hearing. Lambton County, in its March 28, 2014 letter, requested an oral hearing. The Board will decide on the form of hearing for this proceeding following completion of the steps outlined in this procedural order.

Scope of the Board's Jurisdiction in this Proceeding

The Board wishes to remind parties that the scope of this proceeding is limited to determining the location of Jericho's Distribution Facilities within the road allowances owned by Lambton County. The consideration of any aspect of the proposed wind generation facilities is not within the Board's jurisdiction.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Lambton County, if it wishes, can file a response to Jericho Wind, Inc's April 9, 2014 letter on or before **Tuesday, May 13, 2014**.
2. If Board staff or any party wishes information from Jericho that is in addition to the evidence filed with the Board and that is relevant to the hearing, they shall request the information by means of written interrogatories filed with the Board and delivered to all parties on or before **Friday, May 23, 2014**. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based.
3. Jericho shall file with the Board and deliver to all other parties and Board staff, a complete response to each of the interrogatories on its evidence on or before **Friday, May 30, 2014**.

All filings to the Board must quote file number EB-2014-0139, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca.

If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Board Secretary
E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, May 8, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**APPENDIX 'A' TO
PROCEDURAL ORDER NO. 1**

**Applicant and List of Intervenors
Jericho Wind, Inc.
Board File No: EB-2014-0139**

May 8, 2014

Jericho Wind, Inc.

EB-2014-0139

APPLICANT & LIST OF INTERVENORS

May 08, 2014

APPLICANT

Rep. and Address for Service

Jericho Wind, Inc.

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INTERVENORS

Rep. and Address for Service

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County of Lambton**

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