

**Ontario Energy Board**

**Form of Declaration and Undertaking**

EB-[2014-0022]

IN THE MATTER OF [Suncor Energy Products Inc. leave to construct]

**DECLARATION AND UNDERTAKING**

I, Elizabeth Bellavance, am counsel of record or a consultant for

**WAIT-PW**

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

**UNDERTAKING**

I undertake that:




1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
  - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
  - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.
7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this



proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Camlachie, Ontario this 20th day of  
May, 2014.

Signature: 

Name: Elizabeth Bellavance

Company/Firm: WAIT-PW

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May 20, 2014  
Ontario Energy Board  
Attn: Kirsten Walli, Board Secretary  
P.O. Box 2319  
27th Floor, 2300 Yonge

Re: EB-2014-0022

Please accept this letter as a request by WAIT PW for access to two documents filed by Suncor Energy Products in response to Board Staff interrogatory 4(v) and Lambton County interrogatory 1(1), namely -

1. Shared Transmission Facilities Agreement and Option Agreement with Kerwood Wind Inc., Jericho Wind Inc., and Bornish Wind LP
2. Jericho Shared Transmission Facilities Agreement and Option Agreement with Jericho Wind Inc.

I, Elizabeth Bellevance, hereby confirm that I am not external counsel and I am not consultant to the party requesting access to the documents in question.

Below, please find the reasons WAIT-PW has for making this request.

First, NextEra's transmission projects, Hydro One's construction at the Evergreens Switching Station, and Suncor's Cedar Point Project all are on different timelines. It is difficult to see how these timelines are to be coordinated from the evidence Suncor has filed to date. Suncor sees the risks, and says that it has managed those risks through executed agreements – until those agreements are made available, it is unclear what Suncor and NextEra have agreed to and how satisfactory that agreement is to the viability of the Suncor Cedar Point transmission facility project.

Second, since the FIT contracts NextEra holds for Jericho, Bornish and Kerwood were obtained at different times and the Suncor Cedar Point FIT contract was awarded at yet another time, questions arise regarding how the two parties – Suncor and NextEra - have crafted an agreement that reconciles these different end dates. Third, these transmission facilities have a life that exceeds the normal 20-year period for a FIT contract. It is not clear from the pre-filed evidence how the parties have resolved this eventuality.

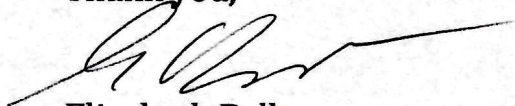


Fourth, it is not clear what arrangement has been made to provide for the costs and overall management of the maintenance of the shared transmission facilities. Suncor needs the Jericho Transmission Facilities for its connection to the IESO-controlled grid. That dependence brings into play the issue of the Jericho Facilities ongoing operation, a factor that is critical to the ongoing success of Suncor's project.

WAIT PW therefore respectfully requests that the Board, upon finding this request from WAIT PW and upon finding that the undersigned is not an external counsel, or a consultant for WAIT PW, provide WAIT PW with an appropriately modified version of the form of Declaration and Undertaking provided in Appendix C of the Practice Direction.

As taxpayers and ratepayers, we will be required to pay even in the event this speculative venture goes awry; thus we seek some assurance proper safeguards are in place.

Thank you,

A handwritten signature in black ink, appearing to read 'Elizabeth Bellavance', with a long horizontal flourish extending to the right.

Elizabeth Bellavance

Director, WAIT-PW