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Delivered via Post and Email

Sarah Paul
Director, Environmental Approvals Access and Service Integration Branch
Ministry of the Environment
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Dear Ms. Paul:

Re: wpd White Pines Wind Incorporated Application for Leave to Construct Transmission Facilities, Ontario Energy Board File Number EB-2013-0339 and Environmental Registry Number 012-1279

We are the solicitors for the Alliance to Protect Prince Edward County ("APPEC"). Thank you for your letter of May 14, 2014 in which you clarify the Ministry of the Environment's position with respect to subsection 4(1) of O.Reg. 328/09 under the *Electricity Act, 1998*. According to your letter the 50 kilometre definition of a renewable energy generation facility applies separately to distribution lines and transmission lines.

While we would not agree with this interpretation of subsection 4(1), or at least how it is perceived to apply in this particular case, our clients feel that the interpretation you provided to us is moot. As our April 21 letter points out, APPEC has found that "transmission lines associated with or ancillary to the White Pines renewable energy generation facility are well over 50 kilometres in length." It is important to note that our previous letter does not indicate the presence of any distribution lines. The White Pines renewable energy generation facility will not connect to a Local Distribution Company, which in this instance would be Hydro One, nor is the renewable energy generation facility intending to distribute power directly to local consumers. Instead, wpd White Pines Wind Incorporated intends to connect directly into the IESO-controlled grid at a substation to be constructed north of Picton. As a result subsection

5(2) of the *Electricity Act, 1998* clearly applies in this case and further clarifies subsection 4(1) as follows: "A transmission line is associated with or ancillary to a renewable energy generation facility if the line is used to transmit electricity within the facility or from the facility to the IESO-controlled grid."

For further assistance, please refer to the Ministry's *Technical Guide to Renewable Energy Approvals*, section 4.3.1., *Scope of Transmission or Distribution Lines Associated with or Ancillary to the Project*. It is our client's opinion that the wpd White Pines renewable energy generation facility can be best described by Example 4 "*Applicant builds a transmission line (< 50km) directly to the IESO controlled grid*" in Figure 5.

We trust that this information will assist you in understanding APPEC's findings and concerns as described in the April 21 letter. APPEC continues to await a response to their requests.

Yours very truly,

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION



Eric K. Gillespie
EKG/ga

cc Kirsten Walli, Board Secretary, Ontario Energy Board

I. Minott, Stikeman Elliott LLP, counsel for wpd White Pines Wind Inc.

Mirrun Zaveri, Ministry of Energy Renewables and Energy Facilitation Branch

Hon Bob Chiarelli, Minister of Energy

Hon Glen Murray, Minister of the Environment