



EB-2013-0421

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 Hydro One Networks Inc. for an order or orders pursuant to section 92 of the *Ontario Energy Board Act, 1998* (as amended) granting leave to construct transmission line facilities in the Windsor-Essex Region, Ontario.

PROCEDURAL ORDER NO. 2

July 22, 2014

Hydro One has applied to the Ontario Energy Board (the "Board") for an order granting leave to construct approximately 13 kilometers of transmission line in the Windsor-Essex area and to install optic ground wire ("OPGW") on existing and new towers as part of the Supply to Essex County Transmission Reinforcement ("SECTR") project. The Application was filed on January 22, 2014, under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act").

The Board issued a Notice of Application and Hearing ("Notice") on February 13, 2014. The Notice was published and served in accordance with the Board's Letter of Direction.

On March 31, 2014, the Board issued Procedural Order No. 1 in which it granted intervenor status to the following parties: Comber Wind Limited Partnership, E.L.K. Energy Inc., Entegrus Powerlines Inc., Enwin Utilities, Essex Powerlines Corporation, the Independent Electricity System Operator and the Ontario Power Authority.

The Board also decided to adjourn the hearing until the filing of the System Impact

Assessment (“SIA”) and the Customer Impact Assessment (“CIA”), which Hydro One had indicated would be filed by February 2014 but was further delayed to May 2014. On May 23, 2014, Hydro One filed an update to its application and submitted draft versions of the SIA and CIA. On June 11, 2014, Hydro One filed the final versions of the SIA and CIA. With the filing of the SIA and CIA, the Board has decided to reconvene the hearing.

THRESHOLD QUESTIONS

The Board has determined that before considering the merits of the application, it will first consider the threshold issue of what are the transmission facilities that fall under the scope of section 92 of the Act and for which an applicant must seek Board approval.

Hydro One states that the SECTR project includes the following facilities and work:

- i. construction of approximately 13 kilometers of new 230 kV double-circuit transmission line on steel lattice towers on a new right-of-way;
- ii. installation of OPGW on new and existing towers; and
- iii. building of a new 230/27.6 kV Leamington Transformer Station (“Leamington TS”).

The Board's power to grant an applicant leave to construct electricity facilities is set out in subsection 92 (1) of the Act which states:

92 (1) No person shall construct, expand or reinforce an **electricity transmission line** or an electricity distribution line or make an interconnection without first obtaining from the Board an order granting leave to construct, expand or reinforce such line or interconnection.
[Emphasis Added]

Section 89 of the Act defines “*electricity transmission line*” as: “*means a line, transformers, plant or equipment used for conveying electricity at voltages higher than 50 kilovolts*”.

As stated at Exhibit B/Tab 2/Schedule 2/p.2 of the application, the Board notes that Hydro One is seeking Board approval under section 92 of the Act **only** for the construction of the transmission line and installation of OPGW on new and existing towers. Although the Leamington TS is part of the SECTR project and will be built in conjunction with the transmission line, Hydro One is not seeking approval under section 92 for the construction of the Leamington TS.

Given that the definition of “*electricity transmission line*” under section 89 of the Act, includes “*transformers, plant or equipment used for conveying electricity at voltages higher than 50 kilovolts*” it is unclear to the Board why approval under section 92 is being sought for the installation of OPGW and why approval is not being sought for the construction of the Leamington TS.

The Board therefore seeks submissions on what transmission facilities fall under the scope of section 92 of the Act and for which an applicant must seek leave of the Board to construct, expand or reinforce. Additionally, the Board invites Hydro One to clarify its position in relation to the approvals it is seeking in this application.

Form of Hearing

The Board in its Notice stated that it intended to proceed with a written hearing in this application unless there was good reason to proceed with an oral hearing. No one has written to the Board requesting that it convene an oral hearing in this matter. The Board will therefore proceed with a written hearing.

THE BOARD ORDERS THAT:

1. Parties and Board staff wishing to make submissions on the threshold questions described above shall file their submissions with the Board, and copy on all other parties, by August 4, 2014.
2. Parties and Board staff wishing to make submissions in response to the initial submissions of other parties shall file their submissions with the Board, and copy all other parties, by August 11, 2014.

All filings to the Board must quote the file number, EB-2013-0421, 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. Please 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 you may email your document to the address below.

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
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Attention: Board Secretary

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Tel: 1-888-632-6273 (toll free)
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DATED at Toronto, July 22, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary