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Our File No. 134380

**VIA RESS, EMAIL AND COURIER**

Ontario Energy Board  
2300 Yonge Street  
Suite 2700  
Toronto Ontario  
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Attention: Kirsten Walli,  
Board Secretary

Dear Ms. Walli:

**Re: Suncor Energy Products Inc.  
Board File No. EB-2014-0022**

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In Procedural Order No. 4, issued on July 15, 2014, the Board decided, in part, that WAIT-PW, other intervenors, and Board staff may file written evidence in this proceeding. On July 2, 2014, WAIT-PW had filed a letter asking that it be allowed to file evidence. On July 25, 2014, WAIT-PW wrote the Board, asking that it be allowed to submit several documents as evidence in this proceeding. No other party has indicated its intent since the Board's decision. Board staff has indicated informally that it will not file evidence. While the Board did not set a time limit, in fairness to Suncor, the time to file evidence should be viewed as having expired.

WAIT-PW filed the following materials, or in most cases, a link to a website where the referenced material could be retrieved:

1. A link to Ontario's Long-Term Energy Plan ("LTEP").
2. A link to the Ontario Auditor-General's 2011 Annual Report; it mentioned the section of the Report which dealt with Renewable Energy.

3. Some data on Ontario wind energy project capacity factors prepared by Dr. John Harrison, Professor of Physics at Queen's University. It is not clear for what purpose the material was prepared.
4. A press release dated October 10, 2013 from the Ministry of Energy, dealing with the Ontario Government's decision not to proceed at that time with nuclear new build.
5. An article from the blog of a Mr. Don Jones, a retired nuclear engineer on the capacity factors and costs of wind energy generators and production, and the impact of wind energy power with gas turbine back-up, on GHG emissions, all compared to nuclear power.
6. A Report, entitled "Wind and the Electrical Grid", January 2014, prepared by a joint committee of the Ontario Society of Professional Engineers and the Professional Engineers Ontario, which dealt with the cost and benefits of wind energy generally, was meant to improve the quality of energy policy in Ontario, by providing an "engineering perspective".
7. An article by a number of authors, entitled "A Tutorial of Wind Turbine Control for Supporting Grid Frequency Through Active Power Control", published by the US DOE National Renewable Energy Laboratory (NREL). The article was prepared to summarize the status of ongoing research on the topic of wind energy's industry potential production of regulation services through new control mechanism, and to highlight areas for further research, as well as to highlight regulatory developments in some countries.

The materials submitted by WAIT-PW are not evidence, as contemplated under the Board's Rules of Practice and Procedure. The material was not commissioned by WAIT-PW, as expert evidence, for the purpose of this proceeding. The material is rather a series of public reports, much of which deal with various aspects (and some alleged shortcomings) of the Ontario Government's energy policy, that WAIT-PW may rely on in its submissions (argument) in this proceeding. Suncor does not object to the documents being referred to in argument, and it will address any issues so raised, including arguments as to their merits, and their relevance.

However, the principal test the Board uses to decide on the admissibility of material as evidence in a proceeding is relevance. In Suncor's view, these materials are, for the most part, not evidence as they are not relevant to the issues to be decided by the Board in the current proceeding.

Suncor notes that the purpose of this proceeding is to have the Board decide whether to grant Suncor leave to construct transmission facilities required to transport electricity from the Cedar Point Wind Generation Project to the IESO-controlled grid.

The Board's power to grant an applicant leave to construct electricity transmission facilities is set out in subsection 92(1) of the Ontario Energy Board Act (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”.

In discharging its duties under section 92, the Board is governed by section 96 of the Act, which states:

“96(1) If, after considering an application under section 90, 91 or 92 the Board is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall make an order granting leave to carry out the work.

(2) In an application under section 92, the Board shall only consider the following when, under subsection 1, it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public interest:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.
2. Where applicable and in a manner consistent with the policies of the Government of Ontario, the promotion of the use of renewable energy sources”.

The Auditor General’s Report, Mr. Don Jones’s materials on capacity factors, back-up costs, and GHG emissions, the Minister’s press release, and the Joint OSPE-PEO Wind Energy and the Electrical Grid, 2014, deal with the costs and benefits of wind energy generally, as opposed to the direct price impact of the proposed Transmission Facilities. They are out of scope of the proceeding.

In its recent decision in EB-2013-0361, the Board stated:

“In considering the interest of consumers with respect to prices under subsection 96(2) of the Act the Board limits its review to the direct price impact of the Transmission Facilities. Accordingly, the issue raised in a letter of comment concerning the impact of renewable generation on electricity prices in general, and the impact of Government of Ontario’s renewable energy policy on electricity prices, are not within the scope of this proceeding”.

The LTEP is a document that WAIT-PW may wish to refer to in its argument. Suncor does not object to such a reference, and it may refer to the LTEP in its own submissions.

The Research (Tutorial) Paper from the NREL, which deals with the manner in which wind generators may provide regulatory service to the grid, and recent technical advances in the field of active control techniques, is an interesting discussion of a subject which, insofar as it is

relevant to this proceeding, which has already been dealt with by the IESO in its SIA. The IESO stated at page 1 of the SIA:

“The functions of the proposed wind farm control system met the requirements in the Market Rules except that the inertia emulation control function is unavailable. The IESO reserves the right to ask the connection applicant to install this function in the future should the function become available for the proposed type of WTG”.

The IESO went on to recommend that Notifications of Conditional Approval for Connection be issued for the Project (page 5 of the SIA). Conditional Approval was issued at the same time the SIA was issued (a copy of the Notification of Conditional Approval of Connection Proposal was included as an Attachment to Suncor's response to Board Staff IR#3(iv)).

Suncor will, of course, comply with all the IESO requirements, and as stated in its response to Board Staff IR#3:

“Suncor will complete the IESO Facility Registration and Market Entry Process, following timelines established by the IESO”.

Finally, all the commitments, requested by the IESO and stated in the SIA findings will be incorporated in the Agreements between the Applicant, the IESO, and HONI, relating to the operation of the system, currently under negotiation.

In conclusion, Suncor believes that the materials filed are not relevant to this proceeding and are not evidence. To the extent WAIT-PW refers to them in its argument, Suncor will deal with the points raised in its reply.

Yours truly,

**FOGLER, RUBINOFF LLP**



Thomas Brett

TB/dd

Encl.

cc: All Parties