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File No.: C10-31-001

August 18, 2014

Ontario Energy Board

via e-mail: Boardsec@ontarioenergyboard.ca

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Ontario Energy Board File Number: EB-2013-0442

This letter is in reply to Procedural Order No. 1 in the above-noted matter, dated August 7, 2014. The Corporation of the City of Kawartha Lakes does not request intervenor status, but wishes to submit this letter of public comment to the Board in accordance with rule 23.01 of the Board's Rules of Practice and Procedure.

We do not object to this matter being heard in writing, however, we trust that the applicant will address the issues raised in this letter by way of a document filed with the Board for its consideration, prior to the final Order being rendered in this matter, in accordance with Rule 23.03 of the Board's Rules.

The City reiterates the fact that its concerns have been satisfied by the consent of the applicant to the following conditions to OEB approval/Order:

1. OEB approval will be conditional upon the issuance of Ministry of Transportation approval (to confirm for the City appropriate coordination, alignment and linkage to infrastructure adjacent to the subject City lands);
2. OEB approval will be held until the Environmental Review Tribunal issues its final Order in ERT Case Nos. 13-140/13-141/14-142 , which process may re-establish the location of some of the towers (and subsequently transmission corridors); and
3. OEB approval will be conditional upon the parties executing an access agreement similar to those the City has signed with other utility companies for urban roadways, with modifications being made to account for the fact that these are rural and unopened road allowances.

These concerns were raised by the City in its letter to the Board dated April 30, 2014 (a copy of that previous correspondence is attached). Through a previous meeting with the proponents it is our understanding that the above-noted conditions were agreed to by them.

The City wishes to note to the Board that the final paragraph on page 3 of its Procedural Order No. 1 respecting this matter, which states: "Further, the City submits that the Applicant cannot be considered a distributor under the Electricity Act until the project receives REA approval.", does not reflect the current City position, nor does it reflect the City position as of the City's letter to the Board dated April 30, 2014. The City disputed the applicant's authority to approach the OEB before the Ministry of the Environment issued an REA for the project. Despite being subject to appeal, such REA has been issued and the City does not challenge the applicant's ability to approach the OEB at this time. Rather, the applicant and the City, in agreeing to the above-noted conditions to OEB Order, recognize that OEB approval in advance of finalized details being determined through the REA process and through the MTO approvals process, would render the approvals of the OEB to be putting the "cart before the horse". In other words, changes to the locations of the towers, through the REA or MTO processes, would affect the applicant's requirements to access municipal road allowances pursuant to the OEB process.

The City requests that it be copied on all Board Orders and Notices, responding submission of wpd Sumac Ridge Incorporated (wpd) to this letter, and detailed design of the project as submitted by wpd to the Board.

Yours truly,



Ron Taylor
Director

RT/we

C.C.: Mary-Anne Dempster, Director of Corporate Services
Mark Fisher, CAO
Heather Stauble, Councillor, Ward 16