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FILED BY RESS and DELIVERED BY COURIER

September 18, 2014 File No.: 129316.1017

Ms. Kirsten Walli Board Secretary Ontario Energy Board Yonge-Eglinton Centre P.O. Box 2319 2300 Yonge Street, Suite 2700 Toronto ON M4P 1E4

Dear Ms. Walli:

Re: wpd Sumac Ridge Incorporated (the "Applicant")

EB-2013-0442

We are the solicitors of the Applicant, enclosed please find the Applicant's Response to Interrogatories. Two (2) hard copies will follow by courier shortly.

Should you have any questions, please do not hesitate to contact me.

Ingrid Minott

IM/dl Encl.

cc: Ron Taylor, City of Kawartha Lakes

Elizabeth Salmon, Intervenor

TORONTO

MONTRÉAL

OTTAWA

CALGARY

VANCOUVER

NEW YORK

LONDON

SYDNEY

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IN THE MATTER of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, Schedule B, (the "OEB Act");

AND IN THE MATTER of an Application by wpd Sumac Ridge Incorporated for an Order or Orders pursuant to section 41(9) of the *Electricity Act*, 1998, S.O. 1998, c. 15, Schedule A establishing location for the applicant's distribution facilities on public road owned by the Municipality of Kawartha Lakes, Ontario, as set out in this application.

WPD SUMAC RIDGE INCORPORATED ("wpd" or the "Applicant") RESPONSE TO INTERROGATORIES

1 Response to Board Staff Interrogatories

2 Interrogatory 1

- 3 (a) Please describe in detail the distribution facilities that are proposed to be located along
- 4 Gray Road.
- 5 (b) With respect to the facilities that are to be located along Gray Road, please provide
- 6 maps and detailed engineering drawings (such as cross sectional drawings and layout)
- 7 that clearly identify the location of the distribution facilities (such as location of poles,
- 8 conductors) and other relevant location information (such as the location of other utility
- 9 infrastructure).
- 10 (c) With respect to the facilities that are to be located beneath Wild Turkey Road, please
- 11 provide detailed maps and engineering drawings (such as cross-section drawings) that
- identify the location of the crossing and the location of the proposed facilities.
- 13 (d) It is stated in the application that the proposed facilities are to be located on an
- undeveloped portion of Gray Road. If available, please provide colour photographs of
- the affected sections (i.e. where distribution facilities are proposed to be located) of
- 16 Gray Road and Wild Turkey Road.

17 **RESPONSE**

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1	(a) wpd proposes to develop a 44 kV three phase overhead distribution line along Gray
2	Road. The distribution line will consist of a series of 40 inch wood poles with three
3	conductors strung on top, guy wires, anchors and stub poles as required.

- (b) A detailed map of the location of the facilities along Gray Road is attached hereto as Appendix "1". Detailed engineering drawings and cross-section diagrams have not been prepared at this stage of the development. Detailed engineering drawings and cross-sections will be prepared once a route for the distribution line has been determined.
- (c) A detailed map of the location of the facilities along Wild Turkey Road is attached hereto as Appendix "2". Detailed engineering drawings and cross-section diagrams have not been prepared at this stage of the development. Detailed engineering drawings and cross-sections will be prepared once a route for the distribution line has been determined.
- (d) Colour photographs of the affected sections of Gray Road and Wild Turkey Road where the distribution facilities are proposed to be located are attached hereto as Appendix "3".

18 Interrogatory 2

- (a) Has a decision on the appeal been issued? If so, please provide a copy. If not, when is the decision on the appeal expected?
- (b) In the Applicant's view, if the appeal is successful will it impact the location of the distribution facilities that are the subject of this application?
- (c) Please provide the most up-to-date Construction Schedule for the complete project. Please identify the date when construction of the facilities (that are the subject of this application) are planned to commence.
- (d) What are the risks and ramification if construction of the proposed facilities is delayed?
- 28 (e) Is the Applicant proposing to commence construction of the facilities (that are the subject of this application), before it receives a decision on the REA appeal. If it is the

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1 Applicant's intention to commence construction prior to the decision on the appeal, 2 please provide the reasons for such an approach.

RESPONSE

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- 4 (a) No decision has been issued with respect to the REA appeal. The Applicant anticipates that it will receive a decision at the end of January 2015.
- 6 (b) At this time, the wpd has no reason to anticipate that the issues raised on appeal will
 7 affect the location of the distribution facilities. In any event, wpd will comply with
 8 the terms and conditions of any decision issued in the REA appeal.
 - (c) A Construction Schedule is attached hereto as Appendix "4". Week 1 of the attached schedule commences immediately following the Applicant's receipt of all necessary permits and regulatory approvals.
 - (d) The Construction Schedule provided could be affected by weather, contractor schedule, blackout periods and other delays.
 - (e) At this time, wpd has no plans to immediately begin construction prior to the issuance of an appeal decision. However, wpd continually reassesses its construction plans as circumstances change.

17 Interrogatory 3

- (a) Has the Applicant reached an agreement with the city regarding the city's stated concerns? If an agreement has been reached, please indicate if the Applicant will be filing a letter/document with the Board as has been requested by the city.
- 21 (b) If the Applicant objects to the city's request, please provide reasons for the objection.

RESPONSE

- (a) At this time, no agreement has been reached with the city.
- 24 (b) wpd objects to the city's request that three conditions be imposed on Board's approval of this Application:
 - First, a condition requiring issuance of the Ministry of Transportation's ("MTO") consent is unnecessary because wpd must obtain the necessary permit(s) or approval from the MTO before proceeding with construction of

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1 the distribution facilities in any event. It would be inappropriate for the 2 Board to duplicate the role of the MTO, particularly given that the MTO has 3 chosen not to intervene in this proceeding despite being served with Notice. 4 Second, the city's suggestion that the Board's approval be withheld until a 5 REA appeal decision is issued is also unnecessary. As noted above, wpd will 6 be required to comply with any terms and conditions imposed by the REA 7 appeal decision before proceeding with construction. In the unlikely event of 8 an inconsistency between the REA conditions and this Board's decision, wpd 9 will be required to negotiate a resolution with the city or apply to the Board 10 for a variance of its order. 11 Third, wpd objects to the city's request that the Board make its approval 12 conditional on the execution of a road access agreement. Section 41 of the 13 Electricity Act, 1998 provides wpd with a right of access to the road allowance 14 within the terms mandated by the statute and does not require a road access 15 agreement.

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Response to Interrogatories of Elizabeth Salmon

18 Interrogatory 1

- 19 Detailed stamped official surveys of Wild Turkey Road and Gray Rd between Hwy 35 and
- 20 Wild Turkey Rd, showing the current elevation, alignment, property lines, hydrological
- 21 features, woodlands and proposed location of transmission lines and all related
- 22 infrastructure pertaining to the Sumac Ridge wind project.

Interrogatory 2

- 24 A detailed construction report, including the precise location of the distribution system
- 25 within the road allowances known as Gray Road and Wild Turkey Road together
- 26 with a detailed survey, design and construction report, with a list of all materials and their
- 27 quantities, and construction methods that will be employed for the alteration of Gray Road

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1 (between Hwy 35 and Wild Turkey Road) and Wild Turkey Road as part of the Sumac

2 Ridge wind project.

3 Interrogatory 3

- 4 All correspondence between staff at the Ministry of the Environment and/or the Ministry of
- 5 the Environment & Climate Change, and wpd Canada regarding the approval of the Sumac
- 6 Ridge project, in particular, the placement of the distribution line along Gray Road.

7 Interrogatory 4

- 8 All correspondence between wpd Canada and the City of Kawartha Lakes and municipal
- 9 staff regarding the application for a distribution system. The wpd application contains
- 10 selective correspondence.

11 Interrogatory 5

- 12 All internal correspondence in reference to the Class B Municipal EA by staff of wpd
- and agencies working on their behalf. The website <u>www.municipalea2014.ca</u> indicates
- that both Gray Road and Wild Turkey Road are part of the study area: "The purpose of
- 15 the study is to determine what road improvements may be required to service the
- 16 Sumac Ridge Wind development. This project has initially been identified as a
- 17 Schedule B undertaking, which requires consideration of alternative ways to service
- 18 the study area, including road improvements."

19 Interrogatory 6

- 20 Correspondence between Tentra Tech [sic] and wpd Canada regarding the design of the
- 21 distribution system. Provide the details of the proposed contractors who will construct the
- 22 underground line, including their background and specific experience in installing a 44
- 23 KV underground collector line crossing beneath Wild Turkey Road and constructing a 44
- 24 KV aboveground electrical power distribution line along Gray Road. Indicate if their
- 25 related experience pertains to an urban or rural environment.

Interrogatory 7

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1 The names of any engineers who were involved in the design of the proposed 44 KV

2 transmission line and provide their full C.V.s with details of their experience in working

3 on and designing 44 KV underground and above ground lines. Indicate if their related

4 experience pertains to an urban or rural environment.

Interrogatory 8

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- 6 The minutes and/or correspondence from any discussions or meetings held with design
- 7 engineers regarding the proposed underground and above ground transmission lines.

8 Interrogatory 9

- 9 Hydrogeological and/or hydrological report or reports. Include the locations of all test
- sites, all test results and all field notes in regard to such testing. The groundwater table is at
- the surface along an approximately 500 m section along Gray Road. The application calls for
- 12 hydro poles that will be placed 6 feet below ground along Gray Road. The below
- 13 ground cabling across Wild Turkey Road is within 120 meters of a headwater. Source
- 14 drinking water for area residents is obtained from an aquifer designated 'High
- 15 Vulnerability'.

16 **Interrogatory 10**

- 17 The specifics on the soil characteristics along the length of the proposed underground 44 KV
- line, with particular attention to conditions required to dissipate heat from the line as well
- 19 the soil characteristics for sites for the poles along Gray Road. Indicate how many poles will
- 20 be erected and exact locations. Indicate how frequently the soil along the length of both the
- 21 underground and above ground transmission lines were tested, who conducted the testing,
- 22 their qualifications and provide all results and field notes from such testing.

23 Interrogatory 11

- 24 An inventory of trees along Gray Road and Wild Turkey Road where the 44 KV
- 25 underground and above ground transmission line is to be constructed. Provide the number
- of trees including species, height and age that will be removed during the construction and
- 27 installation of the above and below ground transmission lines.

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Interrogatory 12

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- 2 The specific definitions and technical criteria within the Oak Ridges Moraine technical
- 3 papers that were consulted during the design of the underground 44 KV which will cross
- 4 Wild Turkey Road. Provide the specific definitions and criteria within the ORM technical
- 5 papers that will be employed during construction of the 44 KV line under Wild Turkey
- 6 Road. The technical papers were developed specifically for the policy and ecological context
- 7 of the Oak Ridges Moraine Conservation Plan Area.... According to the Ontario Ministry of
- 8 Municipal Affairs and Housing, "These technical papers represent the Province's
- 9 approach to implementing Plan policies. The content of the papers does not
- 10 constitute new policy for the Oak Ridges Moraine; rather it provides clarification and
- 11 assistance for the implementation of the policies already contained in the Plan.
- 12 Adherence to these papers regarding the development of land or changes in
- land use within the Oak Ridges Moraine Conservation Plan Area will help to ensure
- 14 conformity with the applicable policies contained in the Plan. These papers should be
- 15 read in conjunction with both the Oak Ridges Moraine Conservation Act, 2001 and
- 16 the Plan and should not be applied in isolation." Provide details how the
- 17 underground crossing of Wild Turkey Road conforms to the ORMCA and ORMCP.

18 **Interrogatory 13**

19 All correspondence between wpd Canada and the Ontario Ministry of Transportation.

20 RESPONSE – Interrogatories 1 through 13

- 21 Interrogatories 1 through 13 are irrelevant to the issues in this proceeding and are outside
- 22 the scope of the Board's jurisdiction under section 41 of the *Electricity Act*.

23 Interrogatory 14

- 24 All details of any fail safe/safety/backup systems in the event of a failure in the
- 25 transmission line. Provide details of any measures that will be taken to prevent
- 26 electrification of the surrounding lands in the event of a failure in the transmission line.

27 Interrogatory 15

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1 In the event of voltage issues/complaints associated with the transmission system,

2 provide details of procedures for resolving these issues. Indicate which wpd Canada

3 staff members will be responsible for resolving these issues. If outside contractors

4 will be required, indicate which contractors will be retained.

Interrogatory 16

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6 A copy of the emergency response plan for dealing with a failure in the transmission

7 line. Provide details of the OPP and other emergency responders protocols for

responding to an emergency situation involving the proposed transmission line as

9 well as the connective substation. Provide details of the procedure for contacting

10 residents and neighbouring landowners in the event of an emergency situation or

11 failure in the underground cables, above ground transmission lines and substation.

12 Indicate who will be responsible for initiating this emergency contact. Provide

13 information on the acceptable response time for such emergency contact. Outline

14 the inspection/maintenance regime for maintaining the security and safety of the

15 underground and above ground 44 KV transmission line. Provide specific details on

16 the size, location and nature of any above-ground identification or markers which

17 indicate the underground cable location.

18 **RESPONSE – Interrogatories 14 through 16**

19 The Applicant is building a distribution line, not a transmission line. It is a condition of the

20 REA approval that wpd prepares a written manual outlining the operating procedures and

21 maintenance program for the wind facility, including emergency procedures, prior to

commencing operation of the facility. wpd will prepare an emergency response plan to the

23 nature and extent required by local authorities.

Interrogatory 17

25 The minutes and/or correspondence from any meetings or discussions held with the

26 IESO in regards to integration of the output of this application into the Ontario

27 electrical grid. Provide the minutes and/or correspondence from any meetings or

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1 discussions held with Hydro One Networks in regards to the connection of the

2 proposed project to the existing 500 KV transmission line.

3 **RESPONSE**

- 4 Interrogatory 17 is irrelevant to the issues in this proceeding and are outside the scope of the
- 5 Board's jurisdiction under section 41 of the *Electricity Act*.

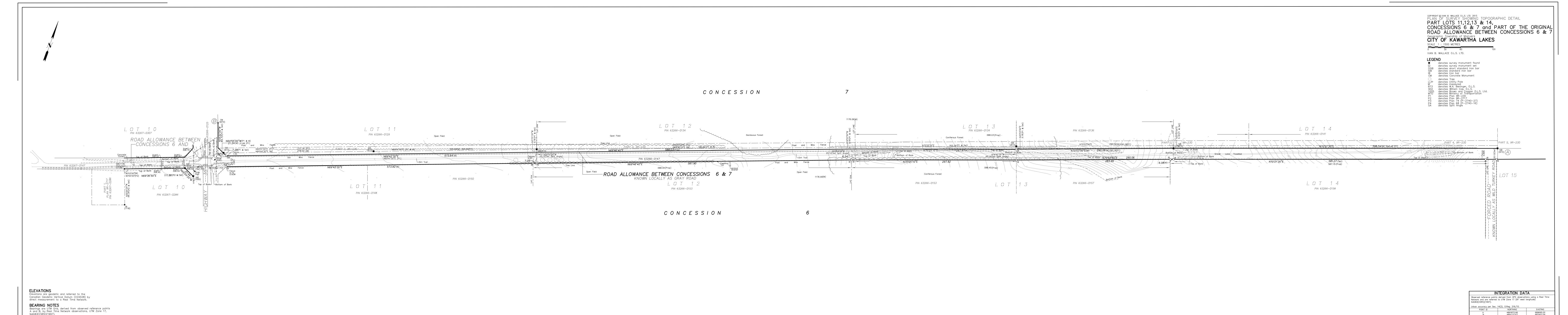
6 **Interrogatory 18**

- 7 Verification that the property owners of Lots 11 and 12 Concession 6, Manvers
- 8 Township, City of Kawartha Lakes whose lands back onto the road allowance Gray
- 9 Road, Tibetan Majestic Mastiffs located at the address 754 Hwy 7A Bethany and Peter
- 10 Hoefelmayr have received the notice and the application.

11 **RESPONSE**

- 12 wpd served the address 754 Hwy 74, Kawartha Lakes, Ontario. wpd does not have an
- 13 address for Peter Hoefelmayr.

Map of Facilities Along Gray Road



For bearing comparisions the following rotations were applied: P1, 1°37'00" counter—clockwise

Distances are ground and can be converted to grid by multiplying by the combined scale factor of 0.999993.

DISTANCE NOTES — METRICDistances and coordinates are in metres and can be converted to feet by dividing by 0.3048.

SURVEYOR'S CERTIFICATE I CERTIFY THAT: This survey and plan are correct and in accordance with the Surveys Act and the Surveyors Act and the regulations made under them.
 The survey was completed on January 22, 2013. 2. The survey was completed on January 22, 2013.

IVAN B. WALLACE

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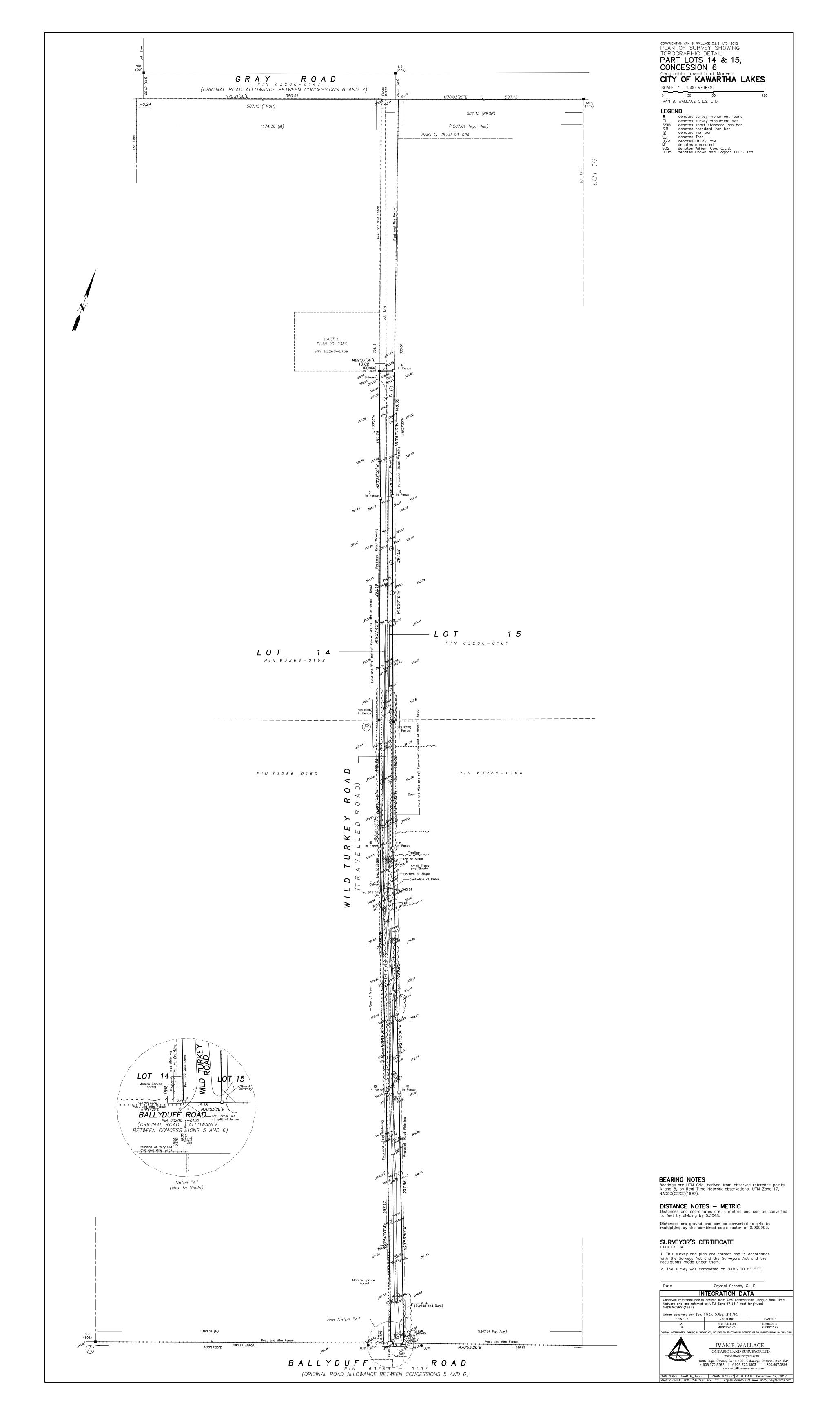
CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THI

Crystal Cranch, O.L.S.

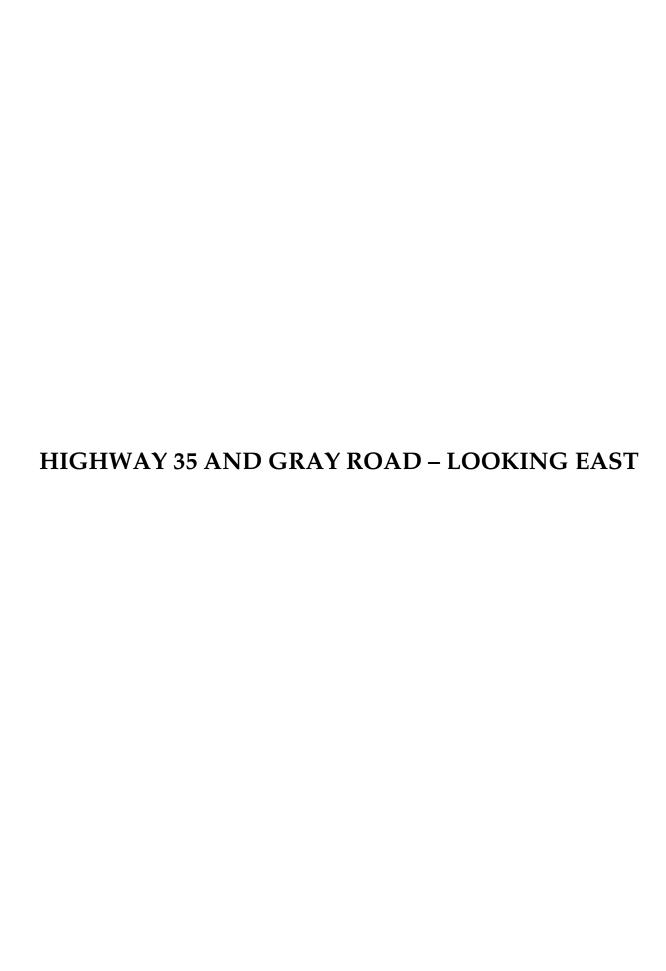
DWG NAME: 4-4118_Topo | DRAWN BY: DGC | PLOT DATE: January 22, 2013

PARTY CHIEF: BW | CHECKED BY: CC | copies available at www.LandSurveyRecords.com

Map of Facilities Along Wild Turkey Road



Photographs of Affected Sections of Gray Road and Wild Turkey Road





HIGHWAY 35 AND GRAY ROAD – LOOKING NORTH



HIGHWAY 35 AND GRAY ROAD – LOOKING SOUTH



HIGHWAY 35 AND GRAY ROAD – LOOKING WEST



WILD TURKEY ROAD – LOOKING NORTH







Construction Schedule

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	r	r5>r4		r5>r4>r2>Gray Road>r3r1		r4 r5 r2		r4 r5 r2 r1 r3 r4 r5 r2 r1 r3	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 r3	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station.	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station, connect	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station, connecting tur	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station, connecting turbines	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station, connecting turbines site facilities; remova	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station, connecting turbines site facilities; remova	r4 r5 r2 r1 r3 r4 r5 r2 r1 r3 delivery & assembling switching station, connecting turbines site facilities; removal	r4 r5 r2 r1 r3 r3 r6				