

Ontario Energy
Board
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Commission de l'énergie
de l'Ontario
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2300, rue Yonge
Toronto ON M4P 1E4
Téléphone; 416- 481-1967
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BY E-MAIL

September 25, 2014

Kevin and Gail Elwood
[REDACTED]

Dear Mr. and Mrs. Elwood:

**Re: wpd Fairview Wind Incorporated
Revised Application to Establish the Location of Distribution Facilities
within Municipal Road Allowances
Board File No. EB-2014-0226
Application for Intervenor Status - Request for Additional Information**

I have received your letters dated September 2, 2014 and September 15, 2014, requesting intervenor status in the wpd Fairview Wind proceeding and raising a number of other issues with respect to the appropriateness of the application.

In order to make a decision as to whether intervenor status should be granted, more information is needed with respect to your specific interests related to the current application before the Board.

By way of background, the Ontario Energy Board's *Rules of Practice and Procedure* require, among other things, that a person applying for intervenor status must satisfy the Board that he or she ***has a substantial interest in the proceeding*** and that every letter of intervention ***contains a concise statement of the nature and scope of the intervenor's intended participation.***

In this case, wpd Fairview Wind Incorporated has applied under section 41(9) of the *Electricity Act, 1998* for an order determining the location of distribution facilities within certain Clearview Township road allowances. That section and a related subsection are provided below:

41(1) A transmitter or distributor may, over, under or on any public street

or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines.

41(9) The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the Board.

The *Electricity Act, 1998* creates a statutory right to occupy the road allowances. The Ontario Energy Board's jurisdiction in this matter is strictly limited to determining the location of the distribution facilities within the road allowances where there is disagreement. The question for this case is therefore not whether the applicant may locate its distribution facilities within the road allowances, but rather, where specifically within the road allowances the distribution facilities will be located.

The scope does not include considering alternative locations for the distribution facilities outside of the road allowances, seeking the consent of any party related to the distribution facilities themselves or re-considering any prior approvals related to the wind generation project.

Given this very limited scope of inquiry, **please provide a concise statement as to how your interests are affected by the location of the distribution facilities within the Clearview Township road allowances.**

Please provide your response **no later than October 7, 2014.**

I did note that there were some discrepancies with respect to the dates required to be included in the Notice for this application. The complete Notice and application are now available on the project website, as ordered by the Ontario Energy Board. A hardcopy of the application is available for perusal at the Ontario Energy Board's offices and also, I understand, at the head office of the applicant. The applicant should provide a hard copy of the application on request.

With respect to the procedure in this matter, once intervention requests have been determined, a further document setting out the next steps for this case, including the ability to introduce evidence, ask written questions on the applicant's evidence (called interrogatories) and for responses from the applicant, will be set out formally in a Procedural Order. Procedural Orders are provided by the Board to all parties,

including any persons who are granted intervenor status. Future Procedural Orders will outline further steps, including the form of hearing (oral vs. written) and submissions. For those that are not intervenors in the case, the Board allows 60 days from the date of the Notice for written comments to be filed.

All filings to the Board must quote the file number EB-2014-0226. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address.

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
Toronto ON M4P 1E4

Attention: Board Secretary

E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, September 25, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kristi Sebalj
Registrar

cc. Jaclyn D'Angelo, Jesse Long and Ian McRae, wpd Fairview Wind Incorporated