



**EB-2014-0295**

**IN THE MATTER OF** the *Electricity Act, 1998*, S.O. 1998,  
c. 15, Schedule A;

**AND IN THE MATTER OF** an application by Suncor  
Energy Products Inc. to determine the location of electricity  
distribution facilities within road allowances owned by the  
Town of Plympton-Wyoming.

**PROCEDURAL ORDER NO. 1**

**November 19, 2014**

Suncor Energy Products Inc. ("Suncor") filed an application with the Ontario Energy Board (the "Board") on September 12, 2014, under subsection 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended (the "Electricity Act") for an order or orders of the Board establishing the location of Suncor's proposed distribution facilities within certain public streets, highways and right-of-ways owned by the Town of Plympton-Wyoming (the "Town"). Since Suncor and the Town have not been able to agree on the location of certain distribution facilities, Suncor is asking that the board determine the location of these distribution facilities.

The Board has assigned the application file number EB-2014-0295.

The Board issued a Notice of Application and Hearing (the "Notice") and Letter of Direction to Suncor on October 30, 2014. Suncor submitted an affidavit confirming service of the Board's Notice on October 10, 2014.

**Requests for Intervenor Status**

The Town, Mr. Wilfred Baillargeon and Mr. Ron Cornelis applied for intervenor status. The intervention requests of both Mr. Baillargeon and Mr. Cornelis stated that a portion of the proposed distribution facilities are to be installed on the road allowance in front of or adjacent to their properties.

I grant the Town of Plympton-Wyoming intervenor status.

I deny each of Mr. Baillargeon and Mr. Cornelis intervenor status for the reasons set out below.

This application relates only to the location of distribution facilities within certain road allowances. The relevant statutory sections 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 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 Suncor 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 of the proceeding, and therefore the Board's jurisdiction, does not include considering:

- (a) whether the distribution facilities should be built at all;
- (b) the construction, maintenance or decommissioning of the distribution facilities;
- (c) any potential environmental impacts of the distribution facilities; or
- (d) any aspect of Suncor's generation facilities, including prior, pending or required approvals related to the generation facilities.

The concerns cited by Mr. Baillargeon and Mr. Cornelis in their requests for intervenor status do not relate to the question of the location of the Suncor's distribution facilities within the Town road allowances and therefore to the mandate of the Board in this case.

### **Form of Hearing**

Suncor has requested a written hearing. The Town however has requested an oral hearing. The Board will decide whether an oral hearing is necessary once the interrogatory process outlined in this Order is complete.

I consider it necessary to make provision for the following matters related to this proceeding.

### **IT IS THEREFORE ORDERED THAT:**

1. Any further evidence of Suncor and the evidence of the Town related to the location of the distribution facilities within the road allowances shall be filed with the Board and served on all parties on or before **November 27, 2014**.
2. If the Town or Board staff wish information from Suncor that is in addition to the evidence filed with the Board and that is relevant to the hearing, they shall request the information by means of written interrogatories filed with the Board and delivered to all parties on or before **December 8, 2014**. All interrogatories and responses must include a specific reference to the evidence on which the interrogatory is based.
3. If Suncor or Board staff wish information that relates to any evidence filed by the Town that is in addition to the evidence filed with the Board and that is relevant to the hearing, it shall request the information by means of written interrogatories filed with the Board and delivered to all parties on or before **December 8, 2014**. All interrogatories and responses must include a specific reference to the evidence on which the interrogatory is based.
4. Suncor shall file with the Board and deliver to the Town and Board staff, a complete response to each of the interrogatories on its evidence on or before **December 19, 2014**.
5. The Town shall file with the Board and deliver to Suncor and Board staff, a complete response to each of the interrogatories on or before **December 19, 2014**.

All filings to the Board must quote the file number, **EB-2014-0295**, be made in searchable / unrestricted PDF format electronically through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>,. Two paper copies must also be filed at the Board's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Leïla Azaïez at [leila.azaiez@ontarioenergyboard.ca](mailto:leila.azaiez@ontarioenergyboard.ca).

### **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](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free) Fax: 416-440-7656

**DATED** at Toronto, November 19, 2014

**ONTARIO ENERGY BOARD**

**By delegation, before: Kristi Sebalj**

*Original Signed By*

Kristi Sebalj  
Registrar

**Appendix “A”**

**Applicant and List of Intervenors**

**Suncor Energy Products Inc.**

**Board File No: EB-2014-0295**

**November 19, 2014**

**Suncor Energy Products Inc.  
EB-2014-0295**

**APPLICANT & LIST OF INTERVENORS**

November 19, 2014

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**APPLICANT**

**Rep. and Address for Service**

**Suncor Energy Products Inc.**

**Chris Brett**

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**APPLICANT COUNSEL**

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**INTERVENORS**

**Rep. and Address for Service**

**Town of Plympton-Wyoming**

**Graham Andrews**

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