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November 24, 2014

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RESS & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: Application by Suncor Energy Products Inc. ("Suncor")

We are counsel to Suncor. Enclosed please find Suncor's application and pre-filed evidence under Section 41(9) of the *Electricity Act* to determine the location of Suncor's distribution facilities within certain streets and highways owned by the Corporation of the County of Lambton.

Yours truly,

FOGLER, RUBINOFF LLP

Albert M. Engel

cc: C. Scott, Suncor
J. Hood, Suncor
C. Brett, Suncor

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B);

AND IN THE MATTER OF an application by Suncor Energy Products Inc. for an Order or Orders pursuant to Section 41(9) of the *Electricity Act, 1998* (as amended) establishing the location of the applicant's distribution facilities within certain streets and highways owned by the Corporation of the County of Lambton, all as set out in this application.

APPLICATION

SUNCOR ENERGY PRODUCTS INC.

November 24, 2014

EXHIBIT LIST

<u>Exh.</u>	<u>Tab</u>	<u>Sch.</u>	<u>Title</u>
A - INDEX			
A	1	1	Exhibit List
	2	1	Application
	3	1	Summary of Pre-filed Evidence
B – PRE-FILED EVIDENCE			
B	1	1	The Applicant
	2	1	Project Description
			<i>Appendix A – Location Map dated July 2014, of Proposed Generation and Distribution Facilities Associated With the Project subsequently approved by Renewable Energy Approval Number 6914-9L5JBB issued August 22, 2014</i>
	3	1	Statutory Rights of Distributors
			<i>Appendix A – OEB Decision and Order in EB-2010-0253</i>
			<i>Appendix B – OEB Decision and Order in EB-2013-0031</i>
			<i>Appendix C – OEB Decision and Order in EB-2013-0233</i>
			<i>Appendix D – OEB Decision and Order in EB-2014-0139</i>
	4	1	Chronology of Events
			<i>Appendix A – October 3, 2012 Lambton County Council Meeting Minutes</i>
			<i>Appendix B – May 1, 2013 Lambton County Council Meeting Minutes</i>
			<i>Appendix C – November 27, 2013 Lambton County Council Meeting Minutes</i>
			<i>Appendix D – February 12, 2014 Lambton County Council Meeting Minutes</i>
			<i>Appendix E – July 2, 2014 Lambton County Council Meeting Minutes</i>

			<i>Appendix F – Renewable Energy Approval Number 6914-9L5JBB issued August 22, 2014</i>
			<i>Appendix G – September 4, 2014 Lambton County Notice of Appeal of REA</i>
			<i>Appendix H – October 1, 2014 Lambton County Council Meeting Minutes</i>
			<i>Appendix I – Consultation Report Excerpt</i>
			<i>Appendix J – October 3, 2012 Email</i>
			<i>Appendix K – Email chain from July 23, 2013 to July 31, 2013</i>
			<i>Appendix L – Email chain from October 3, 2013 to March 24, 2014</i>
			<i>Appendix M – Email chain from April 22, 2014 to April 23, 2014</i>
			<i>Appendix N – May 1, 2014 Email</i>
			<i>Appendix O - Email chain from June 17, 2014 to June 18, 2014</i>
			<i>Appendix P - Email chain from June 17, 2014 to September 15, 2014</i>
			<i>Appendix Q - October 6, 2014 Email with attachment</i>
			<i>Appendix R - October 7, 2014 Email</i>
			<i>Appendix S - Email chain from October 6, 2014 to October 9, 2014</i>
			<i>Appendix T - October 14, 2014 Email</i>
			<i>Appendix U - November 20, 2014 Email with Drawings Attached</i>
	5	1	Order Sought
			<i>Appendix A – List of Lambton County Streets and Highways for Cedar Point II Wind Energy Project Distribution System Location</i>

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B);

AND IN THE MATTER OF an application by Suncor Energy Products Inc. for an Order or Orders pursuant to Section 41(9) of the *Electricity Act, 1998* (as amended) establishing the location of the applicant's distribution facilities within certain streets and highways owned by the Corporation of the County of Lambton, all as set out in this application.

APPLICATION

1 The Applicant, Suncor Energy Products Inc., ("**Suncor**" or the "**Applicant**") is an Ontario
2 corporation, with a registered office in Mississauga. Suncor is developing and will own and
3 operate the generation and distribution assets associated with the Suncor Cedar Point II Wind
4 Energy Project (the "**Project**" or "**Cedar Point**") in the Municipality of Lambton Shores, the
5 Township of Warwick, and the Town of Plympton-Wyoming, all within the Corporation of the
6 County of Lambton ("**Lambton County**"), Ontario.

7 Suncor hereby applies to the Ontario Energy Board (the "**Board**") pursuant to Section 41(9) of
8 the *Electricity Act, 1998*, as amended (the "**Electricity Act**") for an order or orders establishing
9 the location of Suncor's distribution facilities within the streets and highways owned by Lambton
10 County, listed in Exhibit B, Tab 5, Schedule 1, Appendix A (collectively, the "**Streets and**
11 **Highways**"), all as set out in Exhibit B, Tab 5, Schedule 1 (Order Sought).

12 Suncor was issued Renewable Energy Approval Number 6914-9L5JBB ("**REA**") for the Project
13 on August 22, 2014. As a result of the REA being issued, the Project is approved for 55 wind
14 turbine locations in Lambton County, 46 of which will be built (collectively, the "**Generation**
15 **Facilities**"). The Generation Facilities will have a total nameplate capacity of up to 100 MW. To
16 convey the electricity generated by the Generation Facilities to a transmission system, which is
17 in turn connected to the IESO- controlled grid, Suncor plans to construct certain distribution
18 facilities (the "**Distribution System**"). The Distribution System will include approximately 124
19 km of 34.5 kV distribution lines located on private property and municipal and county owned
20 streets and highways, which will convey electricity from each of the wind turbines to a

1 transformer substation, from which a transmission system will convey the electricity to the
2 IESO-controlled grid.

3 As the owner and operator of the Distribution System, Suncor is a "distributor" within the
4 meaning of the *Electricity Act* and the Board's decisions in EB-2010-0253, EB-2013- 0031, EB-
5 2013-0233 and EB-2014-0139. As a distributor, Suncor has chosen to locate a portion of its
6 Distribution System within approximately 4.293 km of Streets and Highways pursuant to the
7 statutory right of distributors under subsections 41(1) and 41(5) of the *Electricity Act*. These
8 subsections, among other things, give distributors the right to construct and install structures,
9 equipment and other distribution facilities over, under or on any public street or highway without
10 the consent of the owner of, or any other person having an interest in, such public street or
11 highway.

12 In accordance with Section 41(9) of the *Electricity Act*, Suncor, as the distributor, and Lambton
13 County, as the owner of the streets and highways, are required to agree on the location of the
14 Distribution System within the Streets and Highways, which location shall be determined by the
15 Board in the event of a disagreement.

16 Notwithstanding its statutory rights, as more particularly described in Exhibit B, Tab 3, Schedule
17 1, Suncor has sought, as is commonplace in Ontario, to negotiate a road use agreement ("**RUA**")
18 with Lambton County that would, among other things include agreement with respect to the
19 location, construction, operation and maintenance of the Distribution System within the Streets
20 and Highways.

21 To date, Suncor and Lambton County have not be able to enter into an RUA or otherwise reach
22 agreement as to the location of the Distribution System within the Streets and Highways.

23 Because Suncor and Lambton County have not been able to reach an agreement with respect to
24 the location of the Distribution System within the Streets and Highways, Suncor requests that the
25 Board issue an order or orders, pursuant to Section 41(9) of the *Electricity Act*, establishing the
26 location of the Distribution System within the Streets and Highways, all as set out in Exhibit B,
27 Tab 5, Schedule 1.

Suncor requests that the Board expedite its hearing of this application in accordance with Sections 2.01 and 7.01 of the Board's *Rules of Practice and Procedure* because (i) the only person directly affected by this application is Lambton County as the sole owner of the Streets and Highways, and (ii) Suncor received its REA on August 22, 2014 and its project schedule requires construction to commence in February of 2015.

Suncor also requests that the Board, in hearing this application, be guided by its mandate, under Section 1(1)(5) of the *Ontario Energy Board Act, 1998*, to "promote the use and generation of electricity from renewable energy sources in a manner consistent with the policies of the Government of Ontario, including the timely expansion or reinforcement of transmission systems and distribution systems to accommodate the connection of renewable energy generation facilities".

Suncor requests that copies of all documents filed with or issued by the Board in connection with this Application be served on the Applicant and the Applicant's counsel as follows:

(a) The Applicant:

Suncor Energy Products Inc.

c/o Suncor Energy Inc.
P.O. Box 2844
150 – 6th Avenue S.W.
Calgary, AB T2P 3E3

Attention: Mr. Chris Brett
Tel: 403-296-7125
Fax: 403-724-3626
Email: chbrett@suncor.com

(b) The Applicant's Counsel:

Fogler, Rubinoff LLP
P.O. Box 95
3000-77 King Street West
Toronto, ON M5K 1G8

Attention: Mr. Albert Engel
Tel: 416-864-7602

Fax: 416-941-8852
Email: aengel@foglers.com

- 1 Additional written evidence, as required, may be filed in support of this Application and
2 may be amended from time to time prior to the Board's final decision.
- 3 The Applicant requests that the Board proceed by way of written hearing, pursuant to
4 Section 34.01 of the Board's *Rules of Practice and Procedure*.

Dated at Toronto, Ontario, this 24th day of November, 2014.

Suncor Energy Products Inc.

By its counsel
Fogler, Rubinoff LLP

Per: _____
Albert Engel

SUMMARY OF THE PRE-FILED EVIDENCE

THE APPLICATION AND THE PROJECT

This is an application by Suncor for an order or orders pursuant to Section 41(9) of the *Electricity Act* establishing the location of the Applicant's Distribution System within Streets and Highways (all as set out in Exhibit B, Tab 5, Schedule 1) within Lambton County.

Suncor is an Ontario corporation, with a registered office in Mississauga. Suncor is developing and will own and operate the generation and distribution assets associated with Cedar Point in the Municipality of Lambton Shores, the Township of Warwick, and the Town of Plympton-Wyoming, all within Lambton County.

Suncor was issued its REA for Cedar Point on August 22, 2014. As a result of the REA being issued, the Project is approved for 55 wind turbine locations, 46 of which will be built. The Generation Facilities will have a total nameplate capacity of up to 100 MW. To convey the electricity generated by the Generation Facilities to a transmission system, which is in turn connected to the IESO-controlled grid, Suncor plans to construct certain distribution facilities. The Distribution System will include approximately 124 km of 34.5 kV distribution lines located on private property and municipal and county owned streets and highways, which will convey electricity from each of the wind turbines to a transformer substation, from which a transmission system will convey the electricity to the IESO-controlled grid. The Distribution System is proposed to be installed below grade within trenches or within conduit installed via directional drill. Suncor has chosen to locate a portion of the Distribution System within approximately 4.293 km of Lambton County Streets and Highways that are listed in Exhibit B, Tab 5, Schedule 1, Appendix A. As set out in Exhibit B, Tab 2, Schedule 1, a balance of environmental, social, technical and economic considerations has resulted in Suncor's decision to locate the Distribution System within these Streets and Highways.

STATUTORY RIGHTS OF DISTRIBUTORS

Pursuant to sections 41(1) and 41(5) of the *Electricity Act* and the Board's decisions in EB- 2010-0253, EB-2013-0031, EB 2013-0233 and EB-2014-0139, distributors may construct or install distribution facilities over, under or on any public streets or highways without the consent of the owner of or any other person having an interest in such streets or highways. Pursuant to section 41(9) of the *Electricity Act*, distributors are required to obtain the agreement, of the owner of the street or highway, to the location of the distribution facilities over, under or on the street or highway. If agreement cannot be reached, then, pursuant to section 41(9) of the *Electricity Act*, the Board shall determine the location.

CHRONOLOGY OF EVENTS

Although it is not under any statutory obligation to do so, starting on July 23, 2013, Suncor did attempt to negotiate an RUA with Lambton County that would have included provisions for the location of its Distribution System within the Streets and Highways. To date, the road use agreement has not be executed. Suncor also formally requested Lambton County's agreement to the Distribution System locations on October 6, 2014. To date, Lambton County has not agreed to the Distribution System locations proposed by Suncor, partly as a result of not having an executed RUA with Suncor.

ORDER SOUGHT

Suncor therefore applies to the Board pursuant to Section 41(9) of the *Electricity Act* for an order or orders establishing the location of the Distribution System within the Streets and Highways, all substantially in accordance with Suncor's plans as set out in Exhibit B, Tab 5, Schedule 1 and as detailed in the drawings provided in Exhibit B, Tab 4, Schedule 1, Appendix U.

THE APPLICANT

1 Suncor is an Ontario corporation, with a registered office in Mississauga. Suncor is developing
2 and will own and operate the generation and distribution assets associated with Cedar Point in
3 the Municipality of Lambton Shores, the Township of Warwick, and the Town of Plympton-
4 Wyoming, all within Lambton County, Ontario. Suncor constructs, manages and operates wind
5 generation facilities with over 255 MW of installed wind energy generation capacity in Canada.

PROJECT DESCRIPTION

Cedar Point will be located within the Municipality of Lambton Shores, the Township of Warwick, and the Town of Plympton-Wyoming, all within Lambton County, Ontario. Lambton County is situated in south-western Ontario. A map of the generation and distribution facilities that make up the entire project as approved by its REA on August 22, 2014, is provided at Exhibit B, Tab 2, Schedule 1 Appendix A.

1. FIT Contract

The Project is being developed pursuant to a Feed-in Tariff ("**FIT**") contract awarded to Suncor by the Ontario Power Authority ("**OPA**") under the Ontario FIT Program on July 6, 2011. The Project will therefore further the Government of Ontario's policy objectives of increasing the amount of renewable energy generation that forms part of Ontario's energy supply mix, while promoting a green economy. To help facilitate these objectives, the distribution facilities that are associated with the Project will deliver electricity from the Project turbines to a transmission system that will in turn deliver the electricity to the IESO-controlled grid.

2. The Generation Facilities and Distribution System

As shown in Appendix A of this Exhibit B, Tab 2, Schedule 1, the site of the Project's Generation Facilities is situated in the Municipality of Lambton Shores, the Township of Warwick and the Town of Plympton-Wyoming, all within Lambton County. The Generation Facilities will include 46 wind turbine generators, selected from 55 approved locations and will have a total nameplate capacity of up to 100 MW. Each turbine will consist of a supporting tower, concrete tower foundation, rotor blades and an electrical generator housing.

The Distribution System associated with the Project will convey electricity from the Generation Facilities to a transformer substation through a total of 124 km of Distribution System lines (also referred to as collector and collection lines in various reports prepared for the REA application). In particular, a generator step-up ("**GSU**") transformer, located immediately adjacent to each wind turbine, will transform the electricity generated in the nacelle of each wind turbine to a

Distribution System line voltage (i.e. 690 v to 34.5 kV). From each GSU, the Distribution System will convey the electricity at 34.5 kV to a transformer substation. Subject to technical considerations, the Distribution System line will primarily be buried to a minimum depth of 1 meter by means of trenching or, where being installed underneath watercourses, woodlots or roads, by means of directional drilling. There may be occasional locations where the collection lines are placed above ground on wood, concrete or steel poles in the event that a physical obstruction is discovered during construction. The transformer substation to which the Distribution System connects will step-up the electricity to 115 kV for transmission ultimately to the IESO-controlled grid.

The Applicant has secured rights in certain privately owned lots on which certain segments of the Distribution System will be situated. The Distribution System will also occupy approximately 4.293 km of Streets and Highways owned by Lambton County, as more particularly described in Exhibit B, Tab 5, Schedule 1. A drawing illustrating the proposed location of the entire Distribution System is provided in Appendix A of this Exhibit B, Tab 2, Schedule 1.

3. Renewable Energy Approval

The REA for the Project was issued to Suncor by the Ministry of the Environment on August 22, 2014. A copy of the REA is provided in Exhibit B, Tab 2, Schedule 1, Appendix F, and a map of the approved project is provided at Appendix A of this Exhibit B, Tab 2, Schedule 1. Suncor filed its REA application for the Project in accordance with Ontario Regulation 359/09 made under the *Environmental Protection Act*, R.S.O. 1990, c.E.19. The REA application included a number of reports which considered the potential impacts of, and constraints applicable to, the Distribution System within the Streets and Highways and the Project area, including the following:

- the Natural Heritage Assessment Reports (which assessed potential natural heritage features in the Project area and developed mitigation measures for any potential impacts on any such features identified as significant);

- 1 • the Consultation Report (which included consultation on environmental, social,
2 technical and economic aspects of the Project with regulatory agencies, the local
3 community and the Municipality);
- 4 • the Water Assessment and Water Body Report (which assessed water bodies in
5 the Project area and developed mitigation measures for any potential impacts on
6 any such features identified as significant);
- 7 • the Archeological Assessment Reports, specifically the Heritage Assessment,
8 Stage 1 and 2 Archeological Assessment Reports (which surveyed for
9 archaeological sites in the Project area and developed mitigation measures for any
10 potential impacts on any such sites); and
- 11 • the Modification Report (which assessed effects of a minor project design change
12 consisting of a change/addition to collector line, access road and transmission line
13 routes to avoid a newly evaluated Provincially Significant Wetland complex).¹

14 The REA reports listed above, among others, identified significant environmental, social and
15 other features in the Project area in the vicinity of the Distribution System, determined
16 appropriate setbacks from those features, and proposed additional mitigation measures where
17 appropriate. The proposed location of the Distribution System was determined through an
18 iterative approach and based on an extensive environmental assessment and community
19 consultation process conducted in accordance with Ontario Regulation 359/09. As a result, the
20 proposed locations of the Distribution System within the Streets and Highways that is set out in
21 Exhibit B, Tab 5, Schedule 1, Appendix A and on the drawings set out in Exhibit B, Tab 4,
22 Schedule 1, Appendix U reflect the best balance of environmental, social, technical and
23 economic considerations.

¹ The above-mentioned reports, and additional reports submitted as part of the Project's REA application, are publicly available at <http://www.suncor.com/en/about/4797.aspx>

Exhibit B
Tab 2
Schedule 1
Appendix A

Location Map dated July 2014, of Proposed Generation and Distribution Facilities Associated With the Project subsequently approved by Renewable Energy Approval Number 6914-9L5JBB issued August 22, 2014

STATUTORY RIGHTS OF DISTRIBUTORS

1 **1. Suncor is a "Distributor"**

2 Under the *Electricity Act*, a "distribution system" means a system for conveying electricity at
3 voltages of 50 kV or less, and includes any structures, equipment or other things used for that
4 purpose. The same definition is used under the *Ontario Energy Board Act, 1998* (the "***OEB***
5 ***Act***"). As described in Exhibit B, Tab 2, Schedule 1, the Applicant's Distribution System will
6 consist of underground 34.5 kV feeder circuits that connect and convey electricity from each of
7 the turbines to a transformer substation (constructed and owned by the Applicant) which in turn
8 will connect to a transmission system that will connect to the IESO- controlled grid. As such, the
9 Distribution System is a "distribution system" for purposes of the *Electricity Act* and the *OEB*
10 *Act*, including the regulations thereunder.

11 Under this same legislation, a "distributor" is defined simply as a person who owns or operates a
12 "distribution system". Accordingly, in respect of the Distribution System, the Applicant is a
13 "distributor". Pursuant to Section 4.0.1(1)(d) of O. Reg. 161/99 under the *OEB Act*, a distributor
14 will not be required to obtain or hold a distribution license under Section 57(a) of the *OEB Act*
15 where, as will be the case with Suncor, the distributor distributes electricity for a price no greater
16 than that required to recover all reasonable costs with respect to a distribution system that they
17 own or operate, if the distributor is a generator and distributes electricity solely for the purpose
18 of conveying it into the IESO-controlled grid. While the Applicant will not require a license
19 from the Board in respect of the Distribution System, this will not affect the Applicant's status as
20 a "distributor" for purposes of the *Electricity Act* or *OEB Act* or the regulations thereunder.

21 The above analysis is consistent with the Board's findings in EB-2010-0253, EB-2013-0031 and
22 EB-2013-0233 and EB-2014-0139 in which the Board considered applications under section 41
23 of the *Electricity Act* by Plateau Wind Inc., Wainfleet Wind Energy Inc., East Durham Wind,
24 Inc. and Jericho Wind Inc., respectively, in circumstances similar to the present application.
25 Copies of the Board's decisions in EB-2010-0253, EB-2013-0031, EB-2013-0233 and EB-2014-

0139 are provided in Appendices A, B, C and D, respectively, of this Exhibit B, Tab 3, Schedule 1.

2. Rights of Distributors Under Section 41

Pursuant to subsections 41(1) and 41(5) of the *Electricity Act*, a distributor may construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its distribution system, including poles and lines, within any public street or highway without the consent of the owner of or any other person having an interest in such street or highway — in this case, the streets and highways owned by the Corporation of the County of Lambton ("Lambton County").¹ In the event that a distributor and the owner of the chosen public streets or highways cannot agree to the location of the distribution facilities within such public streets or highways, section 41(9) of the *Electricity Act* provides that the Board shall determine such location.² Under section 41 of the *Electricity Act*, the Applicant therefore has the right to locate the Distribution System within the streets and highways and the right to bring this application. These rights arise because the Applicant, as the owner and operator of the Distribution System, is a "distributor" within the meaning given to such term in the *Electricity Act*.

Also notable is that subsections 41(2) and (3) of the *Electricity Act* grant related rights to the distributor to inspect, maintain, repair, alter, remove or replace any structure, equipment or facilities constructed or installed under subsection 41(1), as well as to enter the street or highway at any reasonable time to exercise the powers referred to in subsections 41(1) and (2).³ In this regard, Suncor has the right, pursuant to section 41(3) of the *Electricity Act*, to enter into, and

¹ Section 41(1) states, "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." Section 41(5) states, "The exercise of powers under subsections [41] (1), (2) and (3) does not require the consent of the owner of or any other person having an interest in the street or highway."

² Section 41(9) states, "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."

³ Section 41(2) states, "The transmitter or distributor may inspect, maintain, repair, alter, remove or replace any structure, equipment or facilities constructed or installed under subsection (1) or a predecessor of subsection (1)." Section 41(3) states, "The transmitter or distributor may enter the street or highway at any reasonable time to exercise the powers referred to in subsections (1) and (2)."

1 travel and carry equipment along the public streets and highways of Lambton County as Suncor
2 deems necessary to construct, install, operate, maintain and decommission the Distribution
3 System within the streets and highways.

4 Because of the limited scope of section 41(9), and because the Applicant and Lambton County
5 have been unable to agree on the location of the Distribution System within the Streets and
6 Highways the only issue before the Board is determining that location. The Board has
7 acknowledged the limited scope of, and its limited jurisdiction in, proceedings under section
8 41(9) of the *Electricity Act* for facilities that are similar in nature to the Distribution System.
9 Specifically, in its Decision and Order in the section 41 application by Plateau Wind Inc. (EB-
10 2010-0253), the Board stated as follows:

11 [Section 41 of the *Electricity Act*] limits the Board's role in this proceeding to a
12 determination of the location of Plateau's proposed Distribution Facilities within
13 the Road Allowances. Given the legislative restriction on the Board's jurisdiction,
14 it is not the Board's role in this proceeding to approve or deny the Project or the
15 Distribution Facilities, to consider the merits, prudence or any environmental,
16 health or economic impacts associated with it or to consider alternatives to the
17 project such as routes for the Distribution Facilities that are outside of the
18 prescribed Road Allowances. Also, it is not within the Board's jurisdiction in this
19 proceeding to consider any aspect of Plateau's proposed wind generation
20 facilities.⁴

21 Similarly, in its Decision and Order in the Section 41 application by East Durham Wind, Inc.
22 (EB-2013-0233), the Board stated:

23 Given the scope of subsection 41(9), it is not the Board's role in this proceeding to
24 decide whether the Project should be approved, consider issues relating to wind
25 turbines or renewable energy generally, or consider alternatives to the Project
26 such as routes for the Distribution System that are outside of the Road
27 Allowances. According, the concerns in the letter 1 of comments [relating to the
28 location of wind turbines and their impact on property values, health, and
29 aesthetics, broad environmental issues, and the provincial government's
30 renewable energy policy] are not within the scope of this proceeding.⁵

⁴ Ontario Energy Board, Decision and Order, Section 41 Application by Plateau Wind Inc. (EB-2010-0253), para. 9.

⁵ Ontario Energy Board, Decision and Order, Section 41 Application by East Durham Wind, Inc. (EB-2013-0233), p. 5.

- 1 Accordingly, the present application only concerns the question of where Suncor's Distribution
- 2 System will be located within the Streets and Highways owned by Lambton County.

Exhibit B
Tab 3
Schedule 1
Appendix A

OEB Decision and Order in EB-2010-0253

Case Name:

Plateau Wind Inc. (Re)

**IN THE MATTER OF the Electricity Act, 1998 as amended
(the "Electricity Act");
AND IN THE MATTER OF an application by
Plateau Wind Inc. for an order or
orders pursuant to section 41(9) of the
Electricity Act establishing the
location of Plateau Wind Inc.'s distribution
facilities within certain road
allowances owned by the Municipality of Grey Highlands.**

2011 LNONOEB 11

No. EB-2010-0253

Ontario Energy Board

Panel: Paul Sommerville, Presiding Member; Paula Conboy, Member

Decision: January 12, 2011.

(50 paras.)

Tribunal Summary:

Plateau Wind filed an application with the Board dated July 30, 2010, under subsection 41(9) of the *Electricity Act, 1998*, for an order of the Board establishing the location of Plateau's proposed distribution facilities within road allowances owned by Grey Highlands. Plateau is in the business of developing wind energy generation projects and the associated distribution facilities in Ontario. As part of the Project, which will involve eighteen GE 1.5 Megawatt wind turbine generators, Plateau plans to construct 44 KV overhead and underground electrical distribution facilities to transport the electricity generated from the Turbines to the existing local distribution system of Hydro One.

The Board considered its legislative authority as set out in section 41 of the *Electricity Act*. The Board noted that the legislation limits the Board's role in this proceeding to a determination of the location of Plateau's proposed Distribution Facilities within the Road Allowances. Given the legislative restriction on the Board's jurisdiction, the Board noted it is not its role to approve or deny

the Project or the Distributions facilities, to consider the merits, prudence or any environmental, health or economic impacts associated with it or to consider alternatives to the project.

The Board agreed with Plateau's and Board staffs' submission that the Distribution Facilities which transport the electricity generated from the Turbines to the existing local distribution system of HONI, and ultimately to the IESO controlled grid, are a "distribution system, as defined in the *Electricity Act*. The Board also determined that Plateau is a distributor as defined in the *Electricity Act*. Accordingly, the Board granted the application.

DECISION AND ORDER

INTRODUCTION

1 Plateau Wind Inc. ("Plateau" or the "Applicant") filed an application dated July 30, 2010 (the "Application") with the Ontario Energy Board (the "Board") 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 Plateau's proposed distribution facilities within road allowances owned by the Municipality of Grey Highlands ("Grey Highlands"). The Board assigned File No. EB-2010-0253 to the application.

2 Plateau is in the business of developing wind energy generation projects and the associated distribution facilities in Ontario. Plateau is the corporate entity created to hold and operate the generation and distribution assets of the Plateau Wind Energy Project in Grey County and Dufferin County, Ontario.

3 Plateau plans to develop the Plateau Wind Energy Project (the "Project") which will involve eighteen GE 1.5 megawatt ("MW") wind turbine generators, together having a nominal nameplate capacity of 27 MW. Twelve of the wind turbine generators are relevant to this Application, eleven of which will be located in Grey Highlands and one of which will be located in Melancthon Township (collectively referred to as the "Turbines"). In total, the Turbines will have a nominal nameplate capacity of 18 MW. Plateau has entered into a feed-in tariff contract with the Ontario Power Authority for the Project.

4 As part of the Project, Plateau plans to construct 44 kilovolt ("kV") overhead and underground electrical distribution facilities to transport the electricity generated from the Turbines to the existing local distribution system of Hydro One Networks Inc. ("HONI") and ultimately to the IESO-controlled grid. Plateau would like to locate certain portions of the electrical distribution facilities (the "Distribution Facilities") within road allowances owned by Grey Highlands (the

"Road Allowances").

5 Because Plateau and Grey Highlands have not been able to reach an agreement with respect to the location of the Distribution Facilities, Plateau requested that the Board issue an order or orders, pursuant to section 41(9) of the *Electricity Act*, determining the location of Plateau's Distribution Facilities within the Road Allowances.

6 In support of the Application, Plateau filed a brief of documents which included descriptions of Plateau's proposed Distribution Facilities, list of municipal road allowances proposed for location of the Distribution Facilities, maps showing the road allowances, a copy of the proposed road use agreement and other relevant project documents (collectively the "pre-filed evidence").

THE PROCEEDING

7 The Board has proceeded with this application by way of a written hearing. The procedural steps followed are outlined below:

- | | |
|--|-------------------|
| - Application filed | July 30, 2010 |
| - Notice of Application Issued | August 19, 2010 |
| - The Board issued its Procedural Order No. 1 | October 29, 2010 |
| - Plateau filed its submission | November 8, 2010 |
| - Grey Highlands and Board staff filed their submissions | November 29, 2010 |
| - Plateau filed its reply submission | December 6, 2010 |

Grey Highlands was granted intervenor status and ten parties were granted observer status in this proceeding.

THE LEGISLATION

8 The Board's authority in this proceeding is derived from section 41 of the *Electricity Act* which states as follows:

Subsection 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. 1998, c. 15, Sched. A, s. 41 (1).

Subsection 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. 1998, c. 15, Sched. A, s. 41 (9).

SCOPE OF PROCEEDING

9 The above-noted legislation limits the Board's role in this proceeding to a determination of the location of Plateau's proposed Distribution Facilities within the Road Allowances. Given the legislative restriction on the Board's jurisdiction, it is not the Board's role in this proceeding to approve or deny the Project or the Distribution Facilities, to consider the merits, prudence or any environmental, health or economic impacts associated with it or to consider alternatives to the project such as routes for the Distribution Facilities that are outside of the prescribed Road Allowances. Also, it is not within the Board's jurisdiction in this proceeding to consider any aspect of Plateau's proposed wind generation facilities.

EVIDENCE AND SUBMISSIONS**Plateau's Evidence and Submissions**

Some key elements of Plateau's evidence and submissions are outlined below:

10 During 2008-2009, Plateau carried out an Environmental Assessment for the Project. The final Environmental Assessment report and a Notice of Completion were made publicly available for review and comment from June 12, 2009 to July 11, 2009. On April 14, 2010, Plateau publicly filed its Statement of Completion of the Environmental Assessment after the Ministry of the Environment rejected all requests to elevate the Project to an environmental review/individual environmental assessment.

11 Plateau submitted that a balance of environmental, social, technical and economic considerations impacted Plateau's decision on the location of the Turbines and therefore on the location of the Distribution Facilities. An excerpt from the Pre-Filed Evidence which lists the Road Allowances is attached to this Decision and Order as Appendix "A".

12 Plateau submitted that the only outstanding issue with respect to Plateau's use of the Road Allowances is the location of the Distribution Facilities within the Road Allowances. In this regard, Plateau undertook to negotiate a standard road use agreement with Grey Highlands.

13 According to Plateau's evidence, as a result of the above-noted negotiations, Plateau, the Municipal Staff of Grey Highlands (the "Municipal Staff") and Grey Highlands' legal counsel reached a mutually acceptable agreement with respect to the location, construction, operation and

maintenance of the Distribution Facilities within the Road Allowances (the "Proposed Road Use Agreement").

14 In negotiating the Proposed Road Use Agreement, Plateau asserted that it addressed the concerns of the Municipal Staff regarding the routing of the Distribution Facilities. In addition, under the Proposed Road Use Agreement, Plateau indicated that it planned to confer certain monetary and non-monetary benefits on and provide numerous protections to Grey Highlands.

15 The evidence indicates that on May 17, 2010, the Municipal Staff issued Report PL.10.34 recommending a form of the Proposed Road Use Agreement to the Grey Highlands Committee of the Whole.

16 The evidence further indicates that in a letter dated June 24, 2010 to the Grey Highlands Mayor and Members of Council, the Grey Highlands Chief Administrative Officer recommended that the Proposed Road Use Agreement be approved by Grey Highlands Council (the "CAO Recommendation").

17 On June 28, 2010, the Grey Highlands Council rejected the CAO Recommendation. As a result, because Plateau and Grey Highlands could not reach an agreement with respect to the location of the distribution facilities, Plateau filed the Application with the Board for an order or orders, pursuant to section 41(9) of the *Electricity Act*, establishing the location of Plateau's Distribution Facilities within the Road Allowances.

18 Plateau stated that it has chosen to route certain power lines, poles and other facilities associated with the Distribution System within the Road Allowances pursuant to the statutory right of distributors under section 41(1) of the *Electricity Act*.

19 Plateau submitted that the Distribution Facilities as well as other 44 kV electrical facilities which transport the electricity generated from the Turbines to the existing 44 kV local distribution system of HONI, and ultimately to the IESO-controlled grid, is a "distribution system" and that Plateau is a "distributor" as defined in the *Electricity Act*¹. As such, Plateau submitted that it is a distributor and is entitled to the rights of distributors under section 41 of the *Electricity Act*, including the right, under the circumstances, to bring this Application pursuant to Section 41(9) of the *Electricity Act*.

20 Plateau submitted that section 4.0.1(1) (d) of O. Reg. 161/99 under the *Ontario Energy Board Act* exempts from the licensing requirements those distributors that distribute electricity for a price no greater than that required to recover all reasonable costs with respect to a distribution system owned or operated by a distributor that is also a generator and that distributes electricity solely for conveying it to the IESO-controlled grid.

21 Plateau also submitted that because of the limited scope of section 41(9) and because the two parties have been unable to reach an agreement on the location of the Distribution Facilities within

the Road allowances, the only issue before the Board is determining that location.

22 An excerpt from Plateau's submissions which describes the proposed location of the Distribution Facilities within the Road Allowances is attached as Appendix "B" to this Decision and Order.

Grey Highlands' Submissions

Some key elements of Grey Highlands' submissions are outlined below:

23 Grey Highlands stated that the Project is a "renewable energy generation facility" as that term is defined under the *Electricity Act* and Ontario Regulation 160/99 and, as such, it is afforded no rights under section 41 of the *Electricity Act*. Accordingly, Grey Highlands submits that the Board has no authority or jurisdiction to make a determination under subsection 41(9) of the *Electricity Act* as the Applicant is neither a transmitter nor distributor of electricity.

24 Grey Highlands submitted that the rights bestowed under section 41 of the *Electricity Act* represent a special privilege granted to transmitters and distributors and "Where special privileges are granted under statutory authority, the legislation granting such special privilege must be strictly construed."²

25 Grey Highlands submitted that, based on section 2 (1) of the *Electricity Act* and sections 1(4) and 1(5) of Ontario Regulation 160/99, any distribution line or lines under 50 kilometres in length that convey electricity from a renewable energy generation facility to a distribution system are not components of a distribution system, but rather are components of the "renewable energy generation facility". Grey Highlands further submitted that :

- a number or combination of distribution lines are not a "distribution system" as defined in the *Electricity Act* if they are components of a "renewable energy generation facility";
- the defined terms "distribution system", "generation facility", "renewable energy generation facility" and "transmission system" are all mutually exclusive.

26 Furthermore, Grey Highlands stated that Section 57 of the *Ontario Energy Board Act* requires all transmitters, distributors and generators to hold a licence issued under authority of that Act.

27 Grey Highlands asserted that, if the distribution lines associated with a "renewable energy generation facility" constituted a "distribution system" as defined in the *Electricity Act*, Plateau would be required to be licensed as a distributor under section 57 of the *Ontario Energy Board Act*.

28 Grey Highlands further asserted that the Applicant's submission concerning the applicability

of subsection 4.0.1(1) (d) of Ontario Regulation 161/99 is erroneous because the Applicant is not in the business of generating electricity and supplying it to the ISEO-controlled grid on a "non-profit basis".

29 In its submission Grey Highlands also stated that:

- based on Section 26 of the *Electricity Act*, if the Applicant is a distributor then the Applicant is required to provide access to the distribution lines to "consumers" and the Applicant's evidence does not indicate or identify that consumers will have access to the distribution lines;
- the Applicant's own description of its proposal indicates that it will deliver electricity to the HONI distribution system and not consumers; and
- the Applicant does not have a Conditions of Service³ document because it has no intentions of distributing electricity to consumers and because it is not a "distributor".

Board Staff Submissions

Some key elements of Board staff's submissions are outlined below:

30 Board staff submitted that, in its view, based on the *Electricity Act* definitions of "distribute", "distribution system" and "distributor", the distribution component of the Applicant's proposed facilities does qualify as a distribution system and that the Applicant is a distributor and therefore has standing to bring an application under section 41 of the *Electricity Act*.

31 Board staff further submitted that Plateau's Distribution System would be exempt, under Section 4.0.1 (d) of Ontario Regulation 161/99, from the licence requirement of section 57(a) of the *OEB Act* because the Distribution System would transport electricity from its generation facilities to the Hydro One distribution system and ultimately to the IESO-controlled grid, and no other use of the Distribution System has been identified by Plateau.

Plateau's Reply Submissions

Some key elements of Plateau's reply submission are outlined below:

32 Plateau disagrees with Grey Highlands submission that no aspect of the Project meets the definition of "distributor" under the *Electricity Act* and that Plateau therefore cannot take advantage of the rights afforded to distributors under the section 41 of the *Electricity Act*. Plateau repeated that it clearly was a distributor, as that term is defined in the *Electricity Act* and that; consequently, as a distributor, it is entitled to the rights afforded to distributors under section 41 of the *Electricity Act*.

33 Plateau reiterated its submissions in chief that, under section 4.0.1(1) (d) of Ontario Regulation 161/99, it is exempt from the distribution licensing requirement in section 57(a) of the *OEB Act*. It added that it is irrelevant that it will profit from the sale of generated electricity since section 4.0.1(1)(d) only requires that the generated electricity be **distributed** at a price no greater than that required to recover all reasonable costs in order for the licensing exemption to apply.

34 Plateau stated that it disagrees with Grey Highlands' assertion that being a "distribution system", "generation facility", "renewable energy generation facility" and "transmission system" are all mutually exclusive terms. Plateau further stated that there is nothing in Section 57 of the *OEB Act* that suggests that there is such mutual exclusivity.

35 Plateau further states that the wording of section 4.01(1) (d) of Ontario Regulation 161/99 clearly demonstrates that a person can be both a distributor and a generator and that the exemption applies to a "distributor" that is also a "generator" and distributes electricity solely for the purpose of conveying it to the IESO controlled grid.

36 Plateau submitted that the enactment of the *Green Energy and Green Economy Act, 2009* (the "*Green Energy Act*") amended section 1(1) of the *OEB Act* to require the Board, in carrying out its responsibilities under the *OEB Act* or any other legislation in relation to electricity, to be guided by the objective of promoting "the use and generation of electricity from renewable energy sources in a manner consistent with the policies of the Government of Ontario, including the timely expansion or reinforcement of transmission systems and distribution systems to accommodate the connection of renewable energy generation facilities." Plateau further stated that the Board must therefore be guided by this objective, among others, in deciding the Application.

37 Plateau submitted that the sections in the *Power Corporation Act* and the *Public Utilities Act* that Grey Highlands referenced have been repealed and pertain to a former regulatory regime that is no longer in place.

BOARD FINDINGS

38 Given the Board's limited jurisdiction in this proceeding, there are two decisions that need to be made. The first is a determination of whether Plateau is a "distributor" for the purposes of Section 41 of the *Electricity Act*. If so, the second determination is where should the location of Plateau's distribution facilities within Grey Highlands' road allowances be, given that the parties are not able to reach an agreement.

39 The Board agrees with Plateau's and Board staff's submissions to the effect that the Distribution Facilities, as well as other 44 kV electrical facilities which transport the electricity generated from the Turbines to the existing 44 kV local distribution system of HONI and ultimately to the IESO-controlled grid, are a "distribution system" as defined in the *Electricity Act*.

40 The Board disagrees with Grey Highlands' submission that the defined terms "distribution

system", "generation facility", "renewable energy generation facility" and "transmission system" are all mutually exclusive since there is nothing in the applicable legislation that would support such an interpretation. Indeed, when the words of the Statute and the Regulation are given their plain meaning, it is evident to the Board that the Legislature intended them to operate precisely as Plateau suggests they should. As the owner of the distribution system that is intended to transport the generated electricity to the IESO, Plateau is a distributor, but one which has the benefit of the licensing exemption contained in Ontario Regulation 161/99.

41 The Board accepts Plateau's and Board staff's submissions that, as the owner or operator of the distribution system, Plateau is a distributor as defined in the *Electricity Act*.

42 Accordingly, the Board finds that, as a distributor, Plateau is entitled to bring an application under section 41 of the *Electricity Act* and is entitled to the relief the Board may grant on such an application.

43 Since the evidence indicates that Plateau and Grey Highlands could not agree on the location of Plateau's distribution facilities within Grey Highlands' road allowances, it is the Board's role to determine the location of the Distribution Facilities in accordance with section 41 (9) of the *Electricity Act*.

44 The Board notes Plateau's evidence that, during the course of negotiations between Plateau and the Municipal Staff regarding a road use agreement, the two parties had reached a mutually acceptable agreement with respect to the location, construction, operation and maintenance of the Distribution Facilities within the Road Allowances (the "Proposed Road Use Agreement") and that the Proposed Road Use Agreement was subsequently rejected by the Grey Highlands Council without apparent explanation.

45 The Board also notes that Grey Highlands' submissions focused on Plateau's status as a distributor, its rights under section 41 of the *Electricity Act* and the Board's authority or jurisdiction to make a determination under subsection 41(9) of the *Electricity Act*, but made no submissions regarding any alternative or preferred location for the Distribution Facilities within the Road Allowances.

46 In terms of determining the location of the Distribution Facilities, the Board has therefore considered the only evidence provided in this proceeding with respect to proposed location for the Distribution Facilities and that evidence has been provided by Plateau.

47 In the absence of any competing proposal, the Board accepts Plateau's proposed location of the Distribution Facilities within the Road allowances in Grey Highlands.

48 Furthermore, the Board agrees with Plateau's and Board staff's submissions that Plateau is exempt from the requirement for a distributor licence under Section 4.0.1 (d) of Ontario Regulation 161/99. Contrary to the assertion of Grey Highlands, the fact that Plateau does not require a licence

does not imply that they are not a distributor. In the Board's view the Regulation giving rise to the exemption could not be clearer. It specifically contemplates that the "distributor" can be a generator, and that the exemption applies to such a distributor when it distributes electricity "solely for the purpose of conveying it into the IESO-controlled grid." This language really renders the Municipality's argument on this point untenable.

49 The Board notes that there were a number of interested parties that were granted observer status and took an active role in terms of providing comments regarding various aspects of the Project. Some of the observer comments regarding Plateau's status as a distributor are addressed in the above findings. Other observer concerns were related to health effects, aesthetic impact of the Project and the Turbines as well as the impact on property values. These concerns are not within the scope of this proceeding (see paragraph [9] above) and were not considered by the Board in arriving at this decision.

50 THE BOARD ORDERS THAT:

- * The location of Plateau's Distribution Facilities within the Road Allowances shall be as described in Appendix "A" and Appendix "B" to this Decision and Order except for any changes that are mutually agreed to between Plateau Wind Inc. and the Municipality of Grey Highlands.

DATED at Toronto, January 12, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

* * * * *

APPENDIX "A"

EXCERPT FROM PRE-FILED EVIDENCE

(Exhibit B, Tab 3, Schedule 1, Page 6)

EB-2010-0253
Exhibit B
Tab 3
Schedule 1
Page 6 of 8

**LIST OF MUNICIPAL ROAD ALLOWANCES WITHIN WHICH THE
DISTRIBUTION SYSTEM WILL BE LOCATED**

1. 210 Sideroad Road (also known as Melancthon-Artemesia Townline), between Provincial Highway No. 10 and East Back Line.
PIN: 37265-0133(LT)
2. East Back Line from 210 Sideroad Road to Melancthon Artemesia Townline.
PIN: 37265-0136(LT) and 37265-0134(LT)
3. Melancthon Artemesia Townline from East Back Line to Road 41A.
PIN: 34151-0029(LT)
4. Melancthon Osprey Townline from Road 41A to the access road to Turbine #3.
PIN: 37260-0052(LT)
5. Road 41A, from the Melancthon Artemesia Townline to South Line B Road.
PIN: 37260-0199(LT)
6. South Line 'B' Road from Road 41 A to Grey County Road 2.
PIN: 37260-0198(LT)
7. Centre Line A Road from County Road 2 westerly to Turbine #6 entrance.
PIN: 37260-0125(LT)
8. Centre Line A Road from County Road 2 easterly to Turbines #10 and #12 road entrance.
PIN: 37260-0125(LT)

* * * * *

APPENDIX "B"

EXCERPT FROM PLATEAU'S WRITTEN

SUBMISSIONS DATED NOVEMBER 8, 2010

(Tab 2, Pages 7-9)

EB-2010-0253

Tab 2

Page 7 of 63

1 located over, on or near traveled or untraveled sections of the Road Allowances. The
 2 hearing does not concern which Road Allowances that Plateau has chosen to use.

3 3.0 PROPOSED LOCATION OF THE DISTRIBUTION SYSTEM WITHIN 4 THE ROAD ALLOWANCES

5 Plateau proposes that the location of the Distribution System within the Road Allowances
 6 should be as follows:

- 7 • The Distribution System facilities shall generally be located 1.0-1.5 metres from
 8 the abutting property line, provided this location is reasonable and meets all
 9 applicable safety standards.⁹ A cross-sectional drawing included at Appendix C
 10 shows the approximate location of where Plateau proposes to position the poles
 11 and other Distribution System facilities within the Road Allowances. As
 12 discussed below, this proposal accords with the terms of the proposed road use
 13 agreement between Plateau and Grey Highlands.¹⁰
- 14 • Where practicable and with certain exceptions, the Distribution System facilities
 15 that Plateau will construct, maintain or install shall not be located under the
 16 existing or contemplated traveled portion of any of the Road Allowances.¹¹
 17 Rather, Plateau will locate these facilities adjacent to such existing or
 18 contemplated traveled portion of such Road Allowances. As discussed below, this
 19 proposal accords with the terms of the proposed road use agreement between
 20 Plateau and Grey Highlands.¹²

21 In addition to proposing this location for the Distribution System within the Road
 22 Allowances, Plateau requests that the Board, pursuant to its authority under section 23(1)
 23 of the OEB Act, include the following conditions in its Order:

⁹ For example, once the detailed engineering process is completed, Plateau may be required to slightly deviate from the 1.0-1.5 metre setback to minimize the need for tree cutting, road crossings and guy anchors on private properties, as well as to accommodate the flow of the ditch drainage.

¹⁰ See Exhibit B, Tab 4, Schedule 1, Page 3 of the Application.

¹¹ Exemptions include certain underground road crossings that allow the Distribution System to follow the existing HONI poles in order to minimize the need to place poles on both sides of the Road Allowances.

¹² See Exhibit B, Tab 4, Schedule 1, Page 3 of the Application.

EB-2010-0253

Tab 2

Page 8 of 63

- 1 • Plateau shall acknowledge that the rights to use the Road Allowances are not
2 exclusive rights. In addition, Grey Highland is not precluded from entering into
3 the Road Allowances for its own municipal purposes, and Grey Highlands has no
4 obligation to notify Plateau of such entry provided it does not adversely affect the
5 Distribution System.
- 6 • In constructing or decommissioning the Distribution System within the Road
7 Allowances (the "Work"), Plateau shall use all due care and diligence to prevent,
8 among other things, any unnecessary or unavoidable interference with the
9 travelled portion of any Road Allowance or with any traffic thereon.
- 10 • Prior to the commencement of any Work, Plateau shall file plans with Grey
11 Highlands and/or the Saugeen Valley Conservation Authority detailing the Work.
12 Plateau will undertake the Work in accordance with those plans.¹³
- 13 • Within 30 days of the completion of any construction Work, Plateau shall deposit
14 with Grey Highlands as-constructed plans detailing the location and specifications
15 of any installed infrastructure, including any distribution lines and poles.
- 16 • Plateau shall undertake and complete any Work requiring a permit from Grey
17 Highlands within the time specified in such permit, provided such time is
18 reasonable. Plateau shall also complete such Work so as not to cause unnecessary
19 nuisance or damage to Grey Highlands or any other user of the Road Allowance
20 where the Work is conducted.
- 21 • Prior to the commencement of any Work, Plateau shall obtain any necessary
22 approval of any federal, provincial, county or municipal government or agency.
23 Plateau shall also notify any other person or body operating any equipment,
24 installations, utilities or other facilities within the Road Allowances about the
25 details of the Work, including where it is to be conducted.
- 26 • In the event that it becomes necessary to break, remove, or otherwise pierce the
27 existing surface of any of the Road Allowances to undertake the Work, Plateau
28 shall, in so far as is practical, at its own expense, repair, reinstate, restore, or
29 remediate such surface to the same or better condition than existed prior to the
30 commencement of such Work.¹⁴
- 31 • Subject to section 41 of the OEB Act, if Plateau wishes to relocate any of the
32 Distribution System facilities previously installed, placed or constructed in the

¹³ This condition is in accordance with Section 41 (7) of the Electricity Act, which states: "If a transmitter or distributor exercises a power or entry under this section, it shall, (a) provide reasonable notice of the entry to the owner or other person having authority over the street or highway"

¹⁴ This condition is in accordance with Section 41 (7) of the Electricity Act, which states: "If a transmitter or distributor exercises a power or entry under this section, it shall, ... (b) in so far as is practicable, restore the street or highway to its original condition; and (c) provide compensation for any damages caused by the entry."

EB-2010-0253

Tab 2

Page 9 of 63

1 Road Allowances, it shall notify Grey Highlands in writing of its intent to do so,
2 and Grey Highlands shall not unreasonably withhold its consent to such
3 relocation.

4 Notably, none of these requested terms or conditions vary from those already enshrined
5 in the standard road use agreement (the "Proposed Road Use Agreement") that Plateau
6 negotiated with the Municipal Staff of Grey Highlands (the "Municipal Staff") and Grey
7 Highlands' legal counsel.¹⁵ In the negotiations, the parties reached a mutually acceptable
8 agreement with respect to the location, construction, operation and maintenance of the
9 Distribution System within the Road Allowances.¹⁶ In particular, under the Proposed
10 Road Use Agreement, Grey Highlands would have affirmed Plateau's statutory right to
11 use the Road Allowances for the Distribution System and agreed to the location of the
12 Distribution System. In exchange, Plateau would have conferred certain benefits on and
13 provided numerous protections to Grey Highlands. A copy of the Proposed Road Use
14 Agreement is attached at Appendix D.

15 In addition, none of the requested terms and conditions vary substantially from the terms
16 and conditions contained in the agreement between Plateau and Melancthon, which
17 Melancthon Council has already approved, regarding the location of seven turbines and
18 the associated distribution facilities in its jurisdiction.¹⁷ One of these turbines is the
19 Turbine in Melancthon that is part of the Plateau I and II siting area, and some of the
20 distribution facilities will be located on the Melancthon side of some of the Road
21 Allowances that are jointly owned by Melancthon and Grey Highlands.

¹⁵ For a summary of those terms and conditions, see Exhibit B, Tab 4, Schedule 1, Pages 4-7 of the Application.

¹⁶ See Exhibit B, Tab 4, Schedule 1, Pages 1-2 of the Application.

¹⁷ See Exhibit B, Tab 4, Schedule 1, Pages 2-3 of the Application.

qp/e/qlspi

1 The *Electricity Act* definitions are as follows:

"distribute", with respect to electricity, means to convey electricity at voltages of 50 kilovolts or less;

"distribution system" means a system for distributing electricity, and includes any structures, equipment or other things used for that purpose;

"distributor" means a person who owns or operates a distribution system.

2 Paragraph 7 of Grey Highlands' submission dated November 25, 2010.

3 A document required under Section 2.4.1 of the Distribution System Code.

---- End of Request ----

Download Request: Current Document: 1

Time Of Request: Wednesday, April 23, 2014 09:50:47

Exhibit B
Tab 3
Schedule 1
Appendix B

OEB Decision and Order in EB-2013-0031



EB-2013-0031

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Wainfleet Wind Energy Inc. for an Order or Orders pursuant to subsection 41(9) of the *Electricity Act 1998*, S.O. 1998, c. 15, Schedule A, as amended, establishing the location of Wainfleet Wind Energy Inc.'s distribution facilities within certain public right-of-way and street owned by the Township of Wainfleet, Regional Municipality of Niagara.

BEFORE: Paula Conboy
Presiding Member

Peter Noonan
Member

DECISION AND ORDER

June 27, 2013

BACKGROUND

Wainfleet Wind Energy Inc. (“Wainfleet Wind” or the “Applicant”) filed an application dated February 4, 2013, with the Ontario Energy Board (the “Board”) 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 Wainfleet Wind’s proposed distribution facilities within certain road allowances owned by the Township of Wainfleet (the “Township”).

The Board issued a Notice of Application (“Notice”) on March 13, 2013.¹

Following the publication of Notice, Ms. Katherine Pilon applied for intervenor status and requested an oral hearing. The Applicant objected to her intervention request on the basis that her proposed intervention was directed at issues outside the scope of subsection 41(9) of the *Electricity Act*. The Board deliberated, and subsequently denied Ms. Pilon’s request to intervene upon the grounds that her proposed intervention dealt with matters that are outside the Board’s jurisdiction under subsection 41(9) of the *Electricity Act*. However, the Board allowed Ms. Pilon to file materials in this proceeding as letters of comment. No other person applied to the Board for intervenor status.

The Board decided to proceed by way of a written hearing process in this matter. Procedural Order No. 1 was issued on April 26, 2013 to set out the process for the conduct of the written hearing.

SCOPE OF PROCEEDING

As stated in the Board’s Notice, the scope of this proceeding is limited to determining the location of the Applicant’s Distribution System within the road allowances owned by the Township.

THE APPLICATION

Wainfleet Wind is an Ontario corporation which carries on the business of developing renewable wind energy generation projects. It has partnered with Rankin Construction Inc., a local contractor which carries on the business of building renewable

¹ The original Notice was issued on March 6, 2013 and a revised Notice was issued on March 13, 2013.

infrastructure. Wainfleet is a distributor of electricity within the meaning of the *Electricity Act*.

The Applicant has entered into a contract with the Ontario Power Authority (“OPA”) and is in the process of developing a 9 MW wind power generating facility with five wind turbines, located in the Township and the Niagara Region.

As part of the project, the Applicant is proposing to construct a 27.6kV underground system (“Distribution System”) that will collect power from the turbines and deliver it to a switching station, proposed to be located on private lands along the unopened road allowance of Sideroad 22 (also known as “Brawn Road”) in the Township. The Applicant proposes to install the Distribution System underground under private and public lands in the Township and elsewhere in the Niagara Region. This Application is made only in reference to the public lands within the authority of the Township. Wainfleet Wind states that its proposed Distribution System is necessary to transmit electricity from the wind turbines to the distribution system, in order to comply with its contractual commitments to the OPA.

The Applicant asserts that it has been unsuccessful in negotiations with the Township to obtain an agreement for the location of the underground Distribution System, including high voltage cables, associated ducts, and a communications cable along and across Concession 1 Road and across the unopened Sideroad 22 road allowance at the location of a municipal drain within the Township. Pursuant to subsection 41(9) of the *Electricity Act*, the Applicant requests that this Board determine the location of structures, equipment and other facilities to be installed under or on Concession 1 Road and unopened Sideroad 22.

In particular, the Applicant requests that the Board determine the location of an underground diagonal crossing of unopened Sideroad 22. The Applicant also intends to carry the Distribution System underground across private lands until the Distribution System intersects Concession 1 Road. The Applicant therefore requests that the Board determine the location of a concrete encased duct bank or directional bore crossing for a perpendicular crossing of Concession 1 Road. Finally, the Applicant requests that the Board determine the location of the Distribution System to be constructed underground within the road allowance of Concession 1 Road to its point of intersection with Station Road, a municipal road under the jurisdiction of the Regional Municipality of Niagara. The project for which the Applicant seeks the approval of this Board is described at

Exhibit B/Tab 2/Schedule 1 and shown on applicable engineering drawings² at Exhibit B/Tab 3/Schedule 1/Appendix A, of the application.

Wainfleet Wind states that the proposed cable installations of the Distribution System are designed to meet or exceed the requirements of the Ontario Electrical Safety Code Standard C22.3-#7, Underground Systems and permanent buried cable markers will be installed at either end of the road crossings as recommended by the Canadian Standards Association. Additional details are provided in the construction notes contained in applicable drawings.

THE RECORD

The record consists of the application, letters of comment submitted by members of the public, interrogatories of Board staff, the Applicant's response to Board staff interrogatories, and the submissions of Board staff and the Applicant.

Although the Township did not apply for intervenor status the Board granted leave to the Township to intervene in this proceeding. However, the Township did not take the opportunity to participate or make any submissions on the issues before the Board. Accordingly, the Applicant is the only formal party in this case.

The Board received a number of letters of comment from Ms. Katherine Pilon. The letters of comment filed by Ms. Pilon relate to her opposition to the wind generation project rather than to the issues pertinent to the decision that the Board must make under subsection 41(9) of the *Electricity Act*. Accordingly, the Board has not relied on any of the letters of comment except for a portion of Ms. Pilon's submissions of April 27 and April 30, 2013 in which she, like the Applicant, provided some additional information on the public utility of Station Road as background information about the project.

Pursuant to Procedural Order No. 1, Board staff submitted interrogatories to Wainfleet Wind. The Applicant provided satisfactory responses to all of the Board staff interrogatories.

On May 27, 2013, Board staff filed a written submission. Board staff observed that the Township staff were consulted about the proposed location of Distribution System and

² For the purpose of this application, the applicable drawings are: Drawing #'s: 123901C1.0, 123901C1.1 to 123901C1.4, 123901C1.14 and 123901C1.15

that the Township has not provided the Applicant with any concerns about the proposed location. The Board staff submission noted that: "In the absence of information to the contrary, the route selected appears to staff to be the most efficient and least invasive."

On June 3, 2013, Wainfleet Wind filed its reply submissions. Wainfleet Wind submitted that its application establishing the location of the Distribution System on road allowances owned by the Township should be approved.

Additionally, Wainfleet Wind also requested that the Board consider an award of costs against the Township. Wainfleet Wind noted that it was forced to bring this application because it was unable to reach an agreement with the Township and that the Township's conduct has inflicted unnecessary costs and inconvenience on Wainfleet Wind. The Applicant submitted that the Board should exercise its discretion to award costs against the Township in favour of Wainfleet Wind in the amount of \$3,500.00 plus the Board's cost of the Application. Wainfleet Wind stated that its request for costs only covers the publishing costs that it incurred as a necessary part of this application.

BOARD FINDINGS

The Applicant is the only formal party in this case. The Township received notice of this application but chose not to seek intervenor status or participate in the proceeding even after the Board, of its own motion, granted leave to the Township to intervene. Ms. Katherine Pilon filed several letters of comment but her concerns were directed at the wind generation facility project which is outside of the scope of this application. None of her comments were specific to the Applicant's request to locate the Distribution System within the Township's road allowances. The application by Wainfleet Wind pursuant to subsection 41(9) of the *Electricity Act* is essentially unopposed.

The Applicant has established that it is a distributor of electricity and that it has a statutory right to place its Distribution System within a municipal road allowance pursuant to subsection 41(1) of the *Electricity Act*. The Board finds that the Applicant and the Township have been unable to agree upon the location of the Distribution System within the road allowances that are the subject of this application. The Board notes that satisfactory responses have been made by the Applicant to the interrogatories posed by Board staff. The engineering drawings for the location of the distribution line and related structures have been considered and the Board finds that they are satisfactory. Therefore, the Board finds that the Applicant has satisfied the

burden of proof under the *Electricity Act* to demonstrate that the proposed location of its Distribution System in the municipal road allowances is appropriate and the application is approved.

In order to ensure that adequate regulatory oversight is provided for this project the Board has decided that the following conditions to its approval will be imposed on the Applicant:

- 1) The Applicant shall advise the Board's designated representative of any proposed material change in the location of the facilities as described in the Plans and Profiles as set out at ExB/T2/S1 and Ex B/T3/S1/Appendix A of the application and shall not make a material change in the Plans and Profiles without prior approval of the Board or its designated representative.
- 2) The Applicant shall designate a person as Project Manager and shall provide the name of the individual to the Board's designated representative. The Project Manager will be responsible for the fulfillment of the Conditions of Approval on the construction site.
- 3) The Board's designated representative for the purpose of this Condition of Approval shall be the Manager, Electricity Facilities and Infrastructure Applications.

As to the question of costs, the Board has decided that this is not an appropriate case in which to award costs. The Township chose not to become a formal party to the Board's proceeding, as it was entitled to, and therefore did not add any delay or cost for the Applicant in this proceeding. Clearly, the Applicant is frustrated by its dealings with the Township and the Board is aware that other legal proceedings have taken place between the Applicant and the Township. However, the Board cannot take cognizance of those matters for the purposes of determining costs in this proceeding. We note that the Applicant requested in its Reply that the question of costs not delay the Board's decision, which would clearly be the result if the Board established a process to determine whether a non-party in the context of this case could, and should, be subjected to an award of costs. All things considered, the Board declines to make a cost order in this case.

THE BOARD ORDERS THAT:

1. The location of Wainfleet Wind's Distribution System on road allowances owned by the Township, as described in the application at Exhibit B/Tab 2/Schedule 1 and in the applicable drawings at Exhibit B/Tab 3/Schedule 1/Appendix A and subject to the Conditions of Approval set out in this Decision and Order is approved.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Wainfleet Wind shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

ISSUED AT Toronto on June 27, 2013

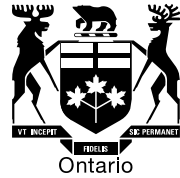
ONTARIO ENERGY BOARD

Original Signed by

Kirsten Walli
Board Secretary

Exhibit B
Tab 3
Schedule 1
Appendix C

OEB Decision and Order in EB-2013-0233



EB-2013-0233

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by East Durham
Wind, Inc. for an Order or Orders pursuant to subsection
41(9) of the *Electricity Act 1998*, S.O. 1998, c. 15, Schedule
A, as amended, establishing the location of East Durham
Wind Inc.'s distribution facilities within certain road
allowances owned by the Municipality of West Grey.

BEFORE: Emad Elsayed
Presiding Member

Ellen Fry
Member

DECISION AND ORDER

November 7, 2013

DECISION

The location of East Durham's distribution system on road allowances owned by the Municipality of West Grey ("the Municipality") is approved as described in this Decision and Order.

BACKGROUND

East Durham Wind, Inc., ("East Durham") filed an application dated June 14, 2013 with the Ontario Energy Board (the "Board"), under subsection 41(9) of the *Electricity Act, 1998, S.O. 1998, c. 15, Schedule A*, (the "Act") for an order or orders of the Board establishing the location of approximately 9.1 kilometers of East Durham's proposed distribution system within certain public streets, highways and right-of-ways owned by the Municipality in Grey County, Ontario.

The Board issued a Notice of Application and Written Hearing on July 9, 2013. The Municipality and Karen and Syd Parkin (the "Parkins") requested and were granted intervenor status. The Board also received letters of comment from a number of local residents.

The Parkins submitted evidence. The Parkins and Board staff submitted interrogatories on East Durham's evidence. No party filed interrogatories on the evidence submitted by the Parkins. East Durham provided responses to all interrogatories.

East Durham filed its argument-in-chief on September 4, 2013. The Board received submissions from the Municipality and the Parkins. East Durham filed its reply submission on September 19, 2013.

On October 2, 2013, the Board issued a letter requiring East Durham to provide a more complete response to Board staff interrogatory no. 2(ii) by providing the analysis and supporting documentation that underpins its determination that it is appropriate to locate its facilities 1-4 meters from abutting property lines. The letter also asked East Durham to confirm the accuracy of a map provided as part of East Durham's argument-in-chief.

East Durham submitted its response on both matters on October 4, 2013. The Parkins submitted their comments on Oct 7, 2013.

THE APPLICATION

East Durham has entered into a Feed-in-Tariff contract with the Ontario Power Authority and is in the process of developing a wind generation facility, called the East Durham Wind Energy Centre (the “Project”) in the Municipality. The Project will have a total generation capacity of up to 23 MW and includes generation and distribution assets.

As part of the Project, East Durham is proposing to construct an underground distribution system to transmit power generated by the wind turbines to the distribution system of Hydro One Networks Inc. (“Hydro One”) for delivery ultimately to the IESO-controlled grid. Specifically, East Durham is proposing to construct 28.3 kilometers of underground 34.5 kV distribution lines on private and public lands, which will convey power from each of the turbines to a transformer substation. From that point, an overhead 44 kV line will convey the electricity to Hydro One’s distribution system. The components of East Durham’s proposed distribution system are collectively referred to in this Decision and Order as the “Distribution System”.

East Durham proposes to locate approximately 9.1 kilometers of the underground portion of the Distribution System on road allowances that are owned by the Municipality. The road allowances at issue are referred to in this Decision and Order as the “Road Allowances”.

Subsections 41(1) and 41(9) of the Act provide as follows:

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.

East Durham submits that it is a “distributor” within the meaning of subsection 2(1) of the Act. Accordingly, East Durham submits that it has the right to install facilities for the purpose of the Distribution System under “any public street or highway” pursuant to subsection 41(1) of the Act.

East Durham submits that it has been unsuccessful in its attempts to agree with the Municipality on the location of the portion of the Distribution System that would be on the Road Allowances. The Municipality does not dispute this. East Durham also submits that neither the Municipality nor any other party in this proceeding has proposed an alternate location. This is not disputed. Accordingly, East Durham is applying to the Board under subsection 41(9) for a determination of the location of the portion of the Distribution System that would be installed under the Road Allowances as described below.

- The Distribution System shall generally be located in the Road Allowances listed on Exhibit B, Tab 6, Schedule 1, Appendix A, as shown in the drawings included in Exhibit B, Tab 6, Schedule 1, Appendix B (and updated in section 2.0 of East Durham's argument-in-chief and in response to the Board's letter dated October 2, 2013).
- Where practicable, and where it meets all applicable engineering, environmental and health and safety standards, the Distribution System lines shall be located 1-4 meters from the abutting property line.
- Where practicable, and where they meet all applicable engineering, environmental and health and safety standards, the diagrams shown at Exhibit B, Tab 6, Schedule 1, Appendices C and D shall be followed in constructing the Distribution System within the Road Allowances.¹

The submissions of the Municipality and the Parkins regarding the various issues are described under Board Findings. Board staff declined to file a submission.

SCOPE OF THE BOARD'S JURISDICTION

As indicated above, the Board's authority in this proceeding is derived from section 41 of the Act.

Subsection 41(9) limits the scope of this proceeding to a determination of the location of the applicable portion of the Distribution System within the Road Allowances.

As indicated above, the Board received a number of letters of comment from local residents. These letters dealt with the location of the Project's wind turbines and their

¹ Pre-filed evidence of East Durham, Ex B/Tab 6/Schedule 1

impact on property values, health, and aesthetics. They also dealt with the Ontario Government's renewable energy policy in general and broad environmental issues.

Given the scope of subsection 41(9), it is not the Board's role in this proceeding to decide whether the Project should be approved, consider issues relating to wind turbines or renewable energy policy generally, or consider alternatives to the Project such as routes for the Distribution System that are outside of the Road Allowances. Accordingly, the concerns in the letters of comment described above are not within the scope of this proceeding.

BOARD FINDINGS

Is The Applicant a Distributor?

The Municipality submitted that the application should be denied because East Durham is not a "distributor" within the meaning of section 41. It submitted that this is the case because East Durham does not own or operate a distribution system and that, until it receives its Renewable Energy Approval ("REA") from the Ministry of the Environment ("MOE"), it will not have the authority to do so. Distinguishing this case from the Board's Decision in the Plateau case², the Municipality submitted that Plateau, at the time of its application, had received MOE approval to construct and operate its "renewable energy generation facilities" which also authorized Plateau to construct, own and operate a distribution system.

In response, East Durham submitted that the Act does not require all necessary approvals to be in place prior to being able to access the rights afforded to a distributor under section 41.

Concerning the Plateau case, East Durham submitted that whether or not Plateau had certain approvals in place at the time of its section 41 application was not cited as a basis for the Decision. East Durham also referred to the Board's more recent Wainfleet Decision³. In that case, according to East Durham, the Board granted the section 41 application prior to Wainfleet having received the REA for its project. East Durham further submitted that the Board's Decision and Order in that case was not made conditional on receipt of the REA.

² EB-2010-0253

³ EB-2013-0031

The Board agrees with East Durham that the Act does not require that all necessary approvals, such as the REA, be obtained prior to granting an application under subsection 41(9). Accordingly, the Board does not consider that there is any relevant basis to distinguish this application from the applications in the Plateau and Wainfleet cases, in which the applicants were considered to be “distributors”. The Board notes, however, that in order to proceed with construction of the Distribution System, East Durham will need to obtain all legally required permits and other approvals.

Proposed Location of the Distribution System

East Durham has provided maps that identify the starting and ending points of the various segments of the Distribution System within Road Allowances. Further, the table at section 2.0 of East Durham's argument-in-chief provides the length and location (i.e. western side of the Road Allowance) of each segment. Concerning the proposed setback of the Distribution System as indicated above, East Durham has proposed that, where practicable, and where it meets all applicable engineering, environmental and health and safety standards, the Distribution System lines shall be located 1-4metres from the abutting property line.

The Municipality submitted that East Durham's application should be denied because East Durham had not provided the “location” of the proposed lines within the Road Allowances. The Municipality submitted that what East Durham provided was not actual locations but merely “guidelines” for determining locations. Although the Municipality acknowledged that East Durham had refined its general description of the proposed locations in its argument-in-chief, it maintained that these locations were not sufficiently precise. The Municipality submitted that it is not its duty to propose locations, and that it should be East Durham who must propose locations.

East Durham submitted that it has proposed a “narrow corridor” which provides the best balance of environmental, social, technical and economic considerations. East Durham also submitted that, given that the Board will be determining the location of the Distribution System in this proceeding prior to the start of construction, the approved location must allow for some reasonable flexibility to ensure that East Durham can address any engineering, environmental, health and safety or other practical challenges that may arise during construction.

East Durham also submitted that in its view section 41 does not require the identification of a “precise” or “exact” location. Section 41, according to East Durham, only states that the “location” shall be agreed upon by the transmitter or distributor and the owner. East Durham argued that this wording makes it a mutual obligation on the distributor and the owner of the Road Allowance. East Durham also submitted that the Municipality, by its own admission, had refused to provide feedback to help refine the proposed locations. East Durham submitted that if the Municipality had provided comments regarding the location and any existing infrastructure in the area, it would have enabled East Durham to further refine the proposed locations.

The Board issued a letter to East Durham, dated October 2, 2013, requesting additional information to support East Durham’s proposed 1-4 meter location parameter. East Durham responded, by letter dated October 4, 2013. East Durham provided examples of municipalities and counties in the vicinity of the Municipality that have adopted policies regarding the location of underground infrastructure that are consistent with the considerations described by East Durham. This included a policy issued by the County of Grey, in which the Municipality is located, titled, Policy for Utility Place on Grey County Rights of Ways.

East Durham also submitted that, as part of its REA application, it undertook various studies in the project area, such as the Natural Heritage Assessment, the Water Assessment, and Archeological Assessment and consulted all stakeholders in keeping with the requirements in Ontario Regulation 359/09. Following these studies and others, East Durham states that its initial proposal was refined and revisions were incorporated where appropriate, to ensure that the proposed location represents the best balance of environmental, social, technical and economic considerations.

The Parkins submitted that the additional information filed by East Durham did not support the request for a 1-4 meter corridor. The Parkins submitted that the requirement for a 1.5 meter setback in the Municipality of Lambton Shores was for overhead utility lines and not underground lines. The Parkins, submitted that although in their view the Municipality would likely not agree, a 1 meter setback from street line would be acceptable to them. The Parkins recommendation was based on the Municipality of Lambton Shores’ Infrastructure Design Guidelines and Construction Standards, dated January 2002.

While section 41 requires that the Board determine a “location” under the road allowance, the Board agrees with East Durham that this wording does not require a precise location. The Board considers that the mapping and location information provided by East Durham is sufficient to determine the location for the purpose of this application.

The Board accepts the evidence of East Durham that it is appropriate to locate the Distribution System lines 1-4 meters from the abutting property line. The Board considers, however, that this location could probably have been refined further if there had been more communication between East Durham and the Municipality. The Board encourages East Durham and the Municipality to consult during construction to address any issues or concerns about the precise location that may arise. As indicated below, the Board has made provision in its decision for any agreement reached as a result of such consultation.

Stray Voltage

The Municipality and the Parkins have raised concerns about the possibility that the Distribution System will cause stray voltage problems. The Parkins filed a copy of a Private Member’s Bill concerning stray voltage and the Ontario *Green Energy Act*. East Durham argued that wind turbines do not cause stray voltage. East Durham further argued that Hydro One oversees stray voltage issues and has developed a protocol to proactively test for stray voltage and mitigate any concerns at no cost to the landowner. East Durham stated that it will assist any concerned landowner in the Project area in this process with Hydro One.

East Durham also argued there is no nexus between the evidence filed by the Parkins concerning stray voltage generally and the issue before the Board in this proceeding (i.e. where portions of the Distribution System should be located within the Road Allowances). East Durham submitted that the Parkins have not filed any evidence suggesting that East Durham’s Distribution System in particular will cause stray voltage or that, if so, the proposed location of a portion of the Distribution System in the Road Allowances is such that stray voltage would cause an adverse impact.

The Board agrees with East Durham that the evidence does not indicate that the portion of the Distribution System proposed to be located in the Road Allowances would necessarily cause stray voltage, or if so, that the proposed location in the Road Allowances would cause an adverse impact due to stray voltage. The Board also notes

that section 4.7 and Appendix H of the Board's *Distribution System Code* sets out the investigation procedures related to stray voltage.

THE BOARD ORDERS THAT:

1. The location of East Durham's Distribution System on Road Allowances owned by the Municipality is approved as follows:
 - a. The Distribution System shall be located in the Road Allowances listed on Exhibit B, Tab 6, Schedule 1, Appendix A, as shown in the drawings included in Exhibit B, Tab 6, Schedule 1, Appendix B (and updated in section 2.0 of East Durham's argument-in-chief and in response to the Board's letter dated October 2, 2013).
 - b. The Distribution System lines shall be located 1-4 meters from the abutting property line unless otherwise agreed between East Durham and the Municipality.
 - c. The diagrams shown at Exhibit B, Tab 6, Schedule 1, Appendices C and D shall be followed in constructing the Distribution System within the Road Allowances.

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, November 7, 2013

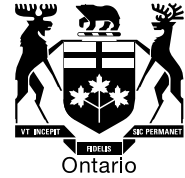
ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Exhibit B
Tab 3
Schedule 1
Appendix D

OEB Decision and Order in EB-2014-0139



EB-2014-0139

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Jericho Wind,
Inc. for an Order or Orders pursuant to section 41(9) of the
Electricity Act 1998, S.O. 1998, c. 15, Schedule A, as
amended, establishing the location of Jericho Wind, Inc.'s
distribution facilities within certain road allowances owned
by Lambton County.

BEFORE: Emad Elsayed
Presiding Member

Ken Quesnelle
Vice Chair and Member

DECISION AND ORDER

July 17, 2014

Decision

The proposed location of Jericho Wind, Inc.'s ("Jericho") distribution system and associated facilities ("Distribution System") within road allowances owned by Lambton County (the "County"), is approved as detailed later in this Decision and Order. This approval includes any subsequent refinements that are mutually agreed to by Jericho and the County.

The Application

Jericho filed an application dated March 18, 2014 with the Ontario Energy Board (the “Board”), under subsection 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended for an order or orders of the Board establishing the location of approximately 26 kilometers of Jericho’s proposed Distribution System within certain public streets, highways and right-of-ways owned by the Corporation of the County. The Board assigned File No. EB-2014-0139 to this application.

Jericho is in the process of developing a 150 megawatt wind farm called Jericho Wind Energy Centre (the “Project”), in the Municipality of Lambton Shores and the Township of Warwick in Lambton County, and in the Municipality of North Middlesex in Middlesex County, Ontario. Jericho’s application for Renewable Energy Approval (“REA”) from the Ontario Ministry of the Environment was received on April 14, 2014. The Project is being developed pursuant to a contract with the Ontario Power Authority under the Feed-in-Tariff program.

Procedural Steps

The Board issued a Notice of Application and Written Hearing (the “Notice”) on March 31, 2014.

The Board issued Procedural Order No.1 on May 8, 2014, granting intervenor status to the County, and setting a schedule for a round of interrogatories for the participants.

On June 8, 2014, the Board issued Procedural Order No.2 deciding to proceed by way of a written hearing and setting a schedule for submissions by the parties.

On June 16, 2014, Jericho filed its Argument in Chief, followed by the County’s Submission on June 23 and Board staff’s Submission on June 24, all in accordance with the Board order. On June 25, Jericho filed its Reply Submission.

Board Findings

The primary issues raised in in this proceeding can be grouped into the following three areas:

1. Utilization of Road Allowances vs. Private Lands.
2. Sufficiency of Information.
3. Lack of Alternatives.

Each of these issues is addressed below.

Utilization of Road Allowances vs. Private Lands

The County takes the position that it would be safer for the public if the Distribution System (note that the County uses the term “transmission infrastructure” in its submission)¹ were to be located on private lands instead of the County-owned road allowances. The County refers in its submission to an opinion by Mr. Jason Cole, Manager of the County’s Public Works Department to that effect². The County also makes reference to potential health and safety issues associated with the construction of the “electrical transmission infrastructure” such as having large construction equipment and workers installing electrical transmission infrastructure in close proximity to the travelled portion of the road allowances³.

Board Staff submits that the legislation limits the Board’s role in a Section 41 proceeding to a determination of the location of the proposed distribution facilities within the road allowances. Board staff submits that the Board stated in previous Section 41 proceedings⁴ that its role is not to approve or deny the proposed distribution facilities, to consider the merits, prudence or any environmental, health, or economic impacts associated with these facilities, or to examine alternatives to the project. Board staff does not oppose Jericho’s application.

Jericho submits that Section 41 gives distributors like Jericho the right to locate their distribution systems within the road allowances, and that the scope of this proceeding is limited to determining the location of Jericho’s Distribution System within road allowances

¹ Lambton County’s Submission, June 23, 2014, page 1, section 3

² Ibid, section 4

³ Ibid, page 2, section 5

⁴ Board staff Submission, June 24, 2014, page 2

owned by the County⁵. Jericho also clarifies the fact that aspects related to Jericho's transmission infrastructure have already been addressed⁶ in the Board's leave to construct decision in EB-2013-0361. Furthermore, Jericho indicates that there is no affidavit evidence in this case to support the County's assertion regarding the safety of the Distribution System⁷. Jericho also confirms that no above ground distribution infrastructure will be located in the road allowances.

The Board agrees with Board Staff and Jericho that the Board's jurisdiction in this proceeding is to determine the location of the proposed Distribution System within the County's road allowances. The Board also agrees that any issues related to the construction of the transmission infrastructure are beyond the scope of this proceeding. Further, the Board notes that the County has not provided any evidence as part of this proceeding to support the assertion that there are safety issues associated with the location of the Distribution System within the road allowances.

Sufficiency of Information

The County submits that the drawings submitted by Jericho in the application were not sufficiently detailed, particularly in relation to the exact horizontal and vertical alignment with respect to existing property lines and roadway features⁸.

Jericho, in its Reply Submission, stated that the mapping and location information filed with the application was sufficiently detailed, and at least as detailed as other similar cases approved by the Board (e.g. EB-2013-0233)⁹. More specifically, Jericho referred to two maps from its application¹⁰ which were provided to County staff as part of finalizing the Road Use Agreement ("RUA") to support its argument that it provided sufficient information to the County. The first map filed as Schedule B11 in the proposed RUA¹¹ which was also included at Exhibit B, Tab 6, Schedule 1, Appendix B of the application. The second map filed as Schedule B10 in the proposed RUA¹² which was also included at Exhibit B, Tab 6, Schedule 1, Appendix C of the application. These two maps show a

⁵ Jericho's Argument in Chief, June 16, 2014, Part 1.0, page 2, lines 10 -16

⁶ Jericho's Reply Submission, June 25, page 3, lines 13 - 15

⁷ Ibid, page 3, lines 16 - 20

⁸ Lambton County's Submission, June 23, 2014, page 2, section 11

⁹ Jericho's Reply Submission, June 25, pages 5 – 6

¹⁰ Ibid, pages 6 - 7

¹¹ Exhibit B/Tab 4/Schedule 1/Schedule B11 "Jericho Distribution (Collection) Location Map"

¹² Ibid/Schedule B10 "Jericho Distribution (Collection) Perpendicular Cross-Sections"

plan view of the Distribution System and detailed drawings of all road crossings, including minimum depths for Jericho's Distribution System underneath the travelled portion of the road. Jericho submits that the County had the opportunity during the interrogatory process to seek additional details, but did not do so. Jericho also states that, had the County staff required more detailed drawings prior to their recommendation of the RUA, they would have provided that information.

The Board finds that Jericho did provide sufficiently detailed information in support of its application. The Board also agrees that if the County required further specific details about these drawings, it would be the Board's expectation that these details would have been requested during the interrogatory process. The Board's expectation is that Jericho will continue to work cooperatively with the County to address any issues regarding the location details which may emerge going forward.

Lack of Alternatives

The Board notes that the parties reiterated some of the same arguments noted above in support of their respective positions concerning the alleged "lack of alternatives." While acknowledging¹³ that the proposed general location of the Distribution System does reflect the work of both the County and Jericho staff, the County reiterated its position that potential hazards could be avoided if the Distribution System were to be located on private lands¹⁴. The County acknowledged the existence of multiple County staff reports which endorsed the signing of the RUA, but referred to them as "nothing more than the opinion of certain unelected individuals"¹⁵.

Jericho submitted that, while the proposed RUA was going through a 60-day public comment period, the County Council repeatedly declined to engage Jericho in any relevant technical discussions concerning the Distribution System or the RUA¹⁶.

The Board reiterates its earlier finding that its jurisdiction in this case is limited to determining the location of the proposed Distribution System within the County's road allowances. During the prolonged discussion period among the parties, the County had

¹³ Lambton County's Submission, June 23, 2014, page 3, section 14

¹⁴ Ibid, page 3, section 15

¹⁵ Ibid page 3, section 18

¹⁶ Jericho's Reply Submission, June 25, pages 8 – 9

the opportunity to suggest other alternatives within the road allowances, but it did not do so. The Board supports the location of the Distribution System as applied for by Jericho.

THE BOARD ORDERS THAT:

1. The location of Jericho's Distribution System in the road allowances owned by the County, as described below, is approved.
 - a. The Distribution System shall generally be located in the Road Allowances and the locations listed on Exhibit B, Tab 6, Schedule 1, Appendix A of the application.
 - b. The Distribution System lines shall be more particularly located as shown in the drawings included in Exhibit B, Tab 6, Schedule 1, Appendix B of the application.
 - c. The location aspects of the diagrams shown at Exhibit B, Tab 6, Schedule 1, Appendix C of the application shall be followed in constructing the Distribution System within the Road Allowances.

This order also includes any subsequent refinements to the Distribution System location that are mutually agreed to by Jericho Wind, Inc. and Lambton County.

2. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Jericho Wind, Inc. shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

ISSUED AT Toronto on July 17, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

CHRONOLOGY OF EVENTS

Further to section 41(9) of the *Electricity Act*, on October 6, 2014, Suncor requested that a committee of the Council of Lambton County ("**Lambton County Council**") approve the location of Suncor's proposed electrical infrastructure (consisting of buried underground 34.5 kV cables, also referred to as "Collection System" and "Underground Collector Line") for the purpose of its Distribution System in Lambton County Streets and Highways, by providing Lambton County staff with detailed drawings of the proposed locations. Prior to October 6, 2014, Suncor sought to enter into an RUA with Lambton County since July 23, 2013 and provided Lambton County staff with preliminary drawings of its proposed Distribution System within the Streets and Highways on May 1, 2014 and plan and profile drawings on June 17, 2014. Since October 6, 2014, Lambton County staff has advised Suncor that Lambton County will not agree to the location of Suncor's Distribution System within the Streets and Highways until an RUA is entered into by Suncor and Lambton County. Lambton County staff has however, provided Suncor with comments on its Distribution System drawings. On November 20, 2014, Suncor provided Lambton County staff with updated drawings of the locations of the Distribution System with Lambton County Streets and Highways. As of November 24, 2014, Suncor and Lambton County have not been able to execute an RUA or otherwise agree on the location of Suncor's Distribution System within Lambton County Streets and Highways.

This chronology is set out in two parts. The first demonstrates the Town's publicly stated position on wind energy development. The second outlines the key events in the parties' inability to reach an agreement on the location of the Distribution System within the Streets and Highways in a timely manner that will enable Suncor to meet its contractual commitments under its FIT contract.

Part I – Lambton County Council Position on Wind Energy Development

- On October 3, 2012, Lambton County Council passed a resolution requesting that the Province of Ontario declare a moratorium on all current and future industrial wind turbine projects until independent, science based and peer reviewed regulations that

1 ensure public health and wellbeing have been implemented (see Exhibit B, Tab 4,
2 Schedule 1, Appendix A).

- 3 • On May 1, 2013, Lambton County Council passed a motion supporting the resolution of
4 the Township of Wainfleet regarding non-support of industrial wind turbine development
5 (see Exhibit B, Tab 4, Schedule 1, Appendix B).

- 6 • On November 27, 2013, Lambton County Council passed a motion supporting the
7 expenditure of up to \$20,000 for Presenter Status in the anti-wind litigation action
8 *Drennan v. K2 Wind Ontario Inc.*, 2013 ONSC 2831 or in the event the County was
9 unable to participate, a grant of \$20,000 to be made by Lambton County to We're All
10 Against Industrial Wind Turbines and Safe Wind Energy for All Residents (see Exhibit
11 B, Tab 4, Schedule 1, Appendix C).

- 12 • On February 12, 2014, Lambton County Council passed a motion declaring them to be an
13 unwilling host to wind turbines (Exhibit B, Tab 4, Schedule 1, Appendix D, p. 7).

- 14 • On July 2, 2014, Lambton County Council passed a motion to apply for Party Status at
15 the Environmental Review Tribunal involving Cedar Point (Exhibit B, Tab 4, Appendix
16 E, p. 3).

- 17 • On August 22, 2014, Suncor received its REA for Cedar Point (Exhibit B, Tab 4,
18 Schedule 1, Appendix F).

- 19 • On September 4, 2014, Lambton County appealed the REA for Cedar Point (Exhibit B,
20 Tab 4, Schedule 1, Appendix G).

- 21 • On October 1, 2014, Lambton County passed a motion to intervene in an application to
22 be heard in Divisional Court and show support for the Charter challenge at a total cost of
23 \$60,000 including the \$20,000 provided earlier by the County to WAIT-PW and further
24 that the citizens of Huron County be made honourary citizens of Lambton County for the
25 purpose of the court proceedings (Exhibit B, Tab 4, Schedule 1, Appendix H).

Part II – Key Events Resulting in the Parties’ Inability to Agree to the Location of the Distribution System Within the Streets and Highways

- In 2006, Suncor began to engage Lambton County Planners. In September of 2011, after being awarded a FIT Contract for Cedar Point, Suncor and Lambton County staff began discussions about Cedar Point (Exhibit B, Tab 4, Schedule 1, Appendix I).
- On September 6, 2012, Suncor met with the Lambton County Planner to discuss road access, rights-of-way and permit requirements (Exhibit B, Tab 4, Schedule 1, Appendix J).
- On July 23, 2013, Suncor followed up with Lambton County staff regarding Suncor's planned electrical infrastructure and ultimately arranged for a meeting to take place with Lambton County staff on August 21, 2013 (Exhibit B, Tab 4, Schedule 1, Appendix K).
- Between October 3, 2013 and March 24, 2014, Suncor and Lambton County staff exchanged emails about negotiating an RUA. Lambton County staff indicated that Lambton County was in the process of discussing an RUA with another proponent and suggested that the outcome will likely form the basis of future agreements. On March 24, 2014, Lambton County staff provided Suncor with a draft of this RUA (Exhibit B, Tab 4, Schedule 1, Appendix L).
- Suncor staff continued to work on the RUA with Lambton County staff in April of 2014 (Exhibit B, Tab 4, Schedule 1, Appendix M).
- On May 1, 2014, Suncor provided Lambton County staff with preliminary Distribution System location drawings for the Streets and Highways (Exhibit B, Tab 4, Schedule 1, Appendix N).
- On June 17, 2014, Suncor provided Lambton County staff with plan and profile drawings for the Distribution System location in the Streets and Highways (Exhibit B, Tab 4, Schedule 1, Appendix O).

- 1 • On September 15, 2014, Suncor met with Lambton County staff and received comments
2 on the drawings that it submitted on June 17, 2014 (Exhibit B, Tab 4, Schedule 1,
3 Appendix P).
- 4 • On October 6, 2014, Suncor requested that a committee of Lambton County Council
5 approve of Suncor's proposed locations of its Distribution System within Streets and
6 Highways (Exhibit B, Tab 4, Schedule 1, Appendix Q).
- 7 • On October 7, 2014, Suncor provided Lambton County staff with updated plan and
8 profile drawings based on comments received at the September 5, 2014 meeting (Exhibit
9 B, Tab 4, Schedule 1, Appendix R).
- 10 • On October 9, 2014, Lambton County staff denied Suncor's request to have its proposed
11 locations of its Distribution System within Streets and Highways approved by a
12 committee of Lambton County Council (Exhibit B, Tab 4, Schedule 1, Appendix S).
- 13 • On November 14, 2014, Lambton County staff provided Suncor with comments on the
14 draft RUA (Exhibit B, Tab 4, Schedule 1, Appendix T).
- 15 • On November 20, 2014, Suncor provided updated drawings of its proposed Distribution
16 System location within Streets and Highways to Lambton County staff (Exhibit B, Tab 4,
17 Schedule 1, Appendix U).

Exhibit B
Tab 4
Schedule 1
Appendix A

October 3, 2012 Lambton County Council Meeting Minutes

MINUTES
LAMBTON COUNTY COUNCIL

October 3, 2012

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present except K. Marriott.

Disclosures of Pecuniary Interest

Councillor Bilton declared a pecuniary interest with respect to Agenda Item #7 – Delegations, regarding the further development of wind turbines as the lands that he owns are targeted for potential wind turbines.

Councillor Davis-Dagg also declared a pecuniary interest with respect to Agenda Item #7 – Delegations, regarding the further development of wind turbines as the lands that she owns are targeted for potential wind turbines.

In-Camera Committee Room #3

#1: Foubister/Veen: That the Warden declare that County Council go in-camera to discuss the following:

a) a matter to be considered for the purpose of instructions and directions to officers and employees and the County Solicitor pertaining to information relating to the employment of an identifiable individual including receipt of advice pertaining to compensation including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act*, 2001.

b) a matter to be considered for the purpose of instructions and direction to officers and employees and the County Solicitor pertaining to the proposed acquisition of land in the geographic area of the City of Sarnia including any communications necessary for this purpose, pursuant to section 239(2)(c) of the *Municipal Act*, 2001.

c) a matter to be considered for the purpose of instructions or directions to officers and employees of the County pertaining to labour relations, more specifically an arbitration hearing with SEIU, Local 1 Canada including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act*, 2001.

d) a confidential update from the General Manager of Corporate Services regarding labour relations and employee negotiations, including receipt of advice regarding labour relations and employee negotiations with respect to bargaining with ONA (19) CHSD, including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act*, 2001.

Carried.

Open Session

The Warden declared that County Council go back into Open Session. Council then reconvened at 1:05 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated October 3, 2012

#2: Gilliland/Weber: That Council rise and report.

Carried.

The County Clerk, Mr. David Cribbs, noted that there was one (1) resolution to report from the Closed Session meeting as follows:

(A) From the In-Camera Committee P.M. Minutes dated September 19, 2012:

"CORPORATE SERVICES DIVISION

In-Camera Report dated September 19, 2012 Regarding (ONA) (19) CHSD Proposed Terms of Settlement

#13: Foubister/Gillis: That Council ratify the proposed Agreement for a term commencing on April 01, 2012 and terminating on March 31, 2016.

Carried."

#3: Gilliland/Weber: That Council adopt the report of the Closed Session meeting.

Carried.

Delegations

#4: MacDougall/Foubister: That we invite the delegations within the Bar to speak to County Council.

Carried.

Councillor Bilton declared a pecuniary interest with respect to Agenda Item #7 – Delegations, regarding the further development of wind turbines as the lands that he owns are targeted for potential wind turbines.

Councillor Davis-Dagg also declared a pecuniary interest with respect to Agenda Item #7 – Delegations, regarding the further development of wind turbines as the lands that she owns are targeted for potential wind turbines.

Ms. Marcella Brooks, resident of Lambton County and a member of Middlesex-Lambton Wind Action Group, spoke before Council for its consideration of an immediate moratorium on the further development of industrial wind turbines in Lambton County and their impact on local communities.

#5: Napper/McCharles:

WHEREAS there is a need to lessen our use and dependency on fossil fuels and increase our sustainability through responsible development of renewable energy resources and conversation;

AND WHEREAS the ruling by Ontario's Environmental Review Tribunal (July 18, 2011) regarding the Chatham-Kent Breeze industrial wind development owned by Suncor Energy stated that evidence showed with respect to human health, there are some risks and uncertainties associated with wind turbines that merit further research;

AND WHEREAS the Federal Government announced on July 10, 2012: "We heard from Canadians their questions and concerns about wind power. Right now, we don't have the scientific evidence to make an informed decision on whether there is a health impact or not."

AND WHEREAS the Federal Government announced on July 10, 2012 that Health Canada, in collaboration with Statistics Canada, will conduct a research study that will explore the relationship between wind turbine noise and health effects reported by, and objectively measured in, people living near wind power developments. The study results are expected to be published in 2014.

AND WHEREAS the *precautionary principle* (which the 2008 Ontario Ministry of the Environment Statement of Environmental Values requires to be part in its decision making to protect human health and the environment) states if an action or policy has suspected risk of causing harm, then in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action;

AND WHEREAS Ontario's regulations do not cite any scientific proof that 40 db(A) hourly-average value used as a basis for setbacks in rural areas is sufficient to guarantee the health and well-being of the people in the proximity to these facilities and give no consideration to the Low Frequency component of the noise emissions;

AND WHEREAS more than 88 municipalities throughout Ontario have passed resolutions, motions and bylaws expressing concerns with the Green Energy Act (2009);

AND WHEREAS The Green Energy Act (2009) has excluded municipalities from acting in any direct way to address concerns relating to public interests in comprehensive municipal planning, public health, infrastructure expansion and environmental assessment and thereby limits the ability to manage the impacts of industrial wind power projects within the community;

AND WHEREAS Lambton County residents have voiced concerns about the density of the IWT's proposed in Lambton County;

AND WHEREAS Lambton County residents have told their respective councils they do not believe Ontario's regulations are sufficient to protect their health and well-being or to prevent the devaluation of their properties;

AND WHEREAS any property devaluation will have an undesirable effect on the tax base and hence on Lambton County's sustainability;

AND WHEREAS there is now supportable evidence that Ontario does not have the most stringent IWT standards in North America as proclaimed by the Ontario Ministry of Environment;

NOW THEREFORE IT BE RESOLVED that the County of Lambton requests that the Province of Ontario declare a moratorium on all current and future projects for on-shore and off-shore development of wind-energy facilities until it has commissioned properly-designed independent third party scientific research into the long-term effects, released the findings for public comment, has incorporated those comments to enact science-based maximums for wind-facility emissions, and for electrical emission from all related electrical facilities, and can therefore guarantee to Council's satisfaction that the health and well-being of the County's human and animal populations are protected from the direct and indirect negative effects of being in proximity to those IWT facilities.

AND FURTHER BE IT RESOLVED that the County of Lambton requests local authority to be restored to pre GEA levels to allow the local government to mitigate impacts of renewable energy projects within the community.

AND FURTHER BE IT RESOLVED that this resolution be forwarded to –

Premier of Ontario
Ontario Minister of Health
Ontario Minister of Environment

Ontario Minister of Energy
Ontario Minister of Natural Resources
The Association of Municipalities of Ontario
MPP Monte McNaughton
MP Bev Shipley
Lambton County Federation of Agriculture
And the local media

Councillors Bilton and Davis-Dagg absented themselves for the vote, pursuant to their previous declaration of a pecuniary interest in this matter.

A recorded vote starting with Councillor Veen, was requested by Councillor Napper on motion #5 of this day's minutes.

I. Veen.....	Yes	(1)
B. Weber.....	Yes	(3)
S. Arnold	Yes	(3)
**W. Bilton.....	Yes	(1)
D. Boushy	Yes	(3)
M. Bradley	Yes	(3)
T. Case	Yes	(2)
E. Davis-Dagg	P.I.	
J. Foubister	Yes	(3)
P. Gilliland.....	Yes	(2)
A. Gillis.....	Yes	(3)
D. Kirkland	Yes	(1)
B. MacDougall	Yes	(3)
K. Marriott	Absent	
J. McCharles	Yes	(2)
**D. McGugan	P.I.	
L. Napper.....	Yes	(3)

Yeas - 33; Nays - 0.

Motion Carried.

Dr. Sudit Ranade, the new Medical Officer of Health, was introduced by staff and briefly addressed Council.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated September 5, 2012 were presented.

****B. Bilton** declared a pecuniary interest and did not vote. **D. McGugan** did not declare a pecuniary interest and did vote.

#6: Davis-Dagg/Foubister: That the Lambton County Council (Open Session) and (Closed Session) minutes dated September 5, 2012 be accepted as presented.

Carried.

Correspondence to Receive and File

CC 10-9-12 A letter to Warden Arnold dated September 4, 2012 from Charles Sousa, Minister of Citizenship and Immigration confirming the award of a grant in the amount of \$92,070 to the County of Lambton under the Municipal Immigration Information Online program. The program allows the County the opportunity to promote the County of Lambton to newcomers and help immigrants integrate into our growing economy and contribute to the future prosperity.

CC 10-10-12 A letter from The Honourable Steven Fletcher, Minister of State Transport dated August 30, 2012 responding to a letter sent July 24, 2012 by Councillor Bradley, City of Sarnia, advising that the Government of Canada provides VIA Rail with an annual base operating subsidy as well as \$273 million to operate its network of services. The Government has also announced nearly \$1 billion in capital funding over the past six years, including \$60 million as part of Budget 2012, to improve VIA's services and its financial results. This capital funding will allow for improved accessibility through upgrades to aging equipment and the refurbishment of a number of stations on the network. It will also be used to remove infrastructure bottlenecks, support critical information technology projects and provide other improvements to the safety, reliability and efficiency of VIA's services. VIA strives to deliver the best possible service possible to all passengers, including those with reduced mobility or requiring additional assistance and training has been provided to its employees and contractors

CC 10-11-12 A letter to Warden Arnold dated September 7, 2012 from John Scime Federal Negotiator Aboriginal Affairs and Northern Development Canada advising that the Chippewas of the Thames First Nation and the Government of Canada have been working to resolve a longstanding land claim known as the Big Bear Creek specific claim. The claim related to the unlawful sale without a surrender of the Big Bear Creek Reserve. The Chippewas of the Thames First Nation is located 35 kilometers south-west of London, Ontario. The letter states that Canada has made an offer to settle the above-noted specific claim and the First Nation has agreed to take this offer to their members for a vote. Under the proposed settlement, the COTTFN will have the opportunity, if they so choose, to add up to 5,120 acres of land to their Reserve. Lands would be acquired on a willing seller, willing buyer basis and would be added to the reserve pursuant to Canada's Additions to Reserves (ATR) Policy. Any questions or

concerns regarding the issue, would be received prior to October 5, 2012 at (819) 994-0515 or by email at John.Scime@aadnc-aandc.gc.ca.

CC 10-12-12 A letter from Deb Matthews, Minister of Health and Long-Term Care to Warden Steve Arnold, dated September 19, 2012 approving the appointment of Dr. Sudit Ranade to the position of Medical Officer of Health for the Lambton Health Unit.

#7: Bradley/Case: That correspondence CC 10-9-12 to CC 10-12-12 be received and filed.

Carried.

CC 10-13-12 An email from Brenda Lorenz dated August 29, 2012 regarding an initiative from Freshwater Future who has teamed up with the Great Lakes and St. Lawrence Cities to develop a resolution that communities can pass in support of permanently stopping Asian carp. Their goal is to have 100 communities in the Great Lakes Region pass this resolution.

#8: Bradley/Case: That County Council support correspondence CC 10-13-12 regarding the email from Brenda Lorenz and Freshwater Future who has teamed up with the Great Lakes and St. Lawrence Cities to develop a resolution that communities can support of permanently stopping Asian Carp.

Carried.

Committee Minutes

Councillor Bilton presented the Committee A.M. minutes dated September 19, 2012.

#9: Weber/Kirkland: That the Committee A.M. minutes dated September 19, 2012 be accepted as presented.

Carried.

Councillor Gillis presented the Committee P.M. minutes dated September 19, 2012.

#10: McCharles/Foubister: That the Committee P.M. minutes dated September 19, 2012 be accepted as presented.

Carried.

By-Laws

#11: Napper/Bilton: That By-Law #24 of 2012, as circulated, be taken as read a first and second time.

Carried.

#12: Veen/Bradley: That By-Law #24 of 2012, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#13: MacDougall/Foubister: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday November 7, 2012 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 1:35 p.m.

Steve Arnold
Warden

David Cribbs
County Clerk

Exhibit B
Tab 4
Schedule 1
Appendix B

May 1, 2013 Lambton County Council Meeting Minutes

MINUTES
LAMBTON COUNTY COUNCIL

May 1, 2013

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present.

Disclosures of Pecuniary Interest: Councillor Davis-Dagg and Councillor Bilton declared a pecuniary interest with respect to Correspondence CC 05-12-13 being a letter from Scott Luey, CAO/Deputy Clerk of the Township of Wainfleet to The Honourable Kathleen Wynne regarding wind turbine development as both Councillors own lands on which windmills are or may be located.

In-Camera Committee Room #3

#1: Veen/Foubister: That the Warden declare that County Council go in-camera to discuss the following:

- a) a matter regarding the status of the development of the proposed Withdrawal Management Center, pursuant to section 239(2)(c) of the *Municipal Act, 2001*.
- b) a matter of an update regarding the proposed acquisition/disposition of property rights (leasehold rights) pursuant to section 239(2)(c) and 239(2)(g) of the *Municipal Act, 2001*.
- c) a matter regarding instructions and directions to officers and employees of the County pertaining to labour relations, employee negotiations and the employment of identifiable individual, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.
- d) a matter pertaining to the potential acquisition or disposition or the establishment of other economic relationship pertaining to real property, pursuant to section 239(2)(c) of the *Municipal Act, 2001*.

Carried.

Open Session

The Warden declared that County Council go back into Open Session. Council then reconvened at 1:45 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated May 1, 2013

#2: Kirkland/Napper : That Council rise and report.

Carried.

The County Clerk noted that there were no resolutions to report from the Closed Session meeting.

#3: Veen/Napper: That Council adopt the report of the Closed Session meeting.

Carried.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated March 6, 2013 and (Open Session) Minutes dated March 20, 2013 - Budget were presented.

#4: Arnold/Bilton: That the Lambton County Council (Open Session) and (Closed Session) minutes dated March 6, 2013 and (Open Session) minutes dated March 20, 2013 - Budget be accepted as presented.

Carried.

Correspondence to Receive and File

Declaration of Pecuniary Interest

Councillor Davis-Dagg and Councillor Bilton declared a pecuniary interest with respect to Correspondence CC 05-12-13 being a letter from Scott Luey, CAO/Deputy Clerk of the Township of Wainfleet to The Honourable Kathleen Wynne regarding wind turbine development as both Councillors own lands on which windmills are or may be located.

CC 05-06-13 A letter from Bob Bailey, MPP, Sarnia-Lambton to Premier Kathleen Wynne dated February 25, 2013 regarding the closure of the Sarnia Jail. On March 30, 2011 the Ministry of Community Safety and Correctional Services (MCSCS) informed Mr. Bailey's office that the Sarnia Jail would be closed and its operations shifted to a jail being built in the former Liberal Finance Minister's riding of Windsor-Tecumseh. The MCSCS has repeatedly claimed that the prison is "underutilized" and out-dated when in actuality, the Sarnia Jail is one of the most advanced, secure, and cost effective correctional facilities in the province. Moreover, the proposed closure of the jail will cost 76 employees their job in Sarnia and result in a loss of over \$6 million to the local Sarnia-Lambton community, while at the same time downloading more than \$3 million in court security and transportation costs to the Municipality. Mr. Bailey would like to host a meeting to discuss the short sighted and unilateral decision to close the Sarnia Jail.

#5: McGugan/Arnold: That Lambton County Council support Correspondence CC 05-06-13 from Bob Bailey, MPP, Sarnia-Lambton to Premier Kathleen Wynne dated February 25, 2013 regarding the closure of the Sarnia Jail.

Carried.

CC 05-12-13 A letter from Scott Luey, CAO/Deputy Clerk of the Township of Wainfleet to The Honourable Kathleen Wynne dated April 11, 2013 regarding wind turbine development. The Council for the Township of Wainfleet at its meeting held on April 9th, 2013 passed the following motion:

WHEREAS the Premier of Ontario has recently conveyed the Government's desire to limit Industrial Wind Turbine (IWT) Projects to communities that are willing hosts;

AND WHEREAS Council for the Township of Wainfleet has received a clear message from its residents that they are not willing to host to IWTs in Wainfleet;

AND WHEREAS Council for the Township of Wainfleet has taken a consistent position on the issue of IWT's;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Township of Wainfleet applauds the position taken by the Premier and the Government;

AND THAT based on the consistent position of Council for the Township of Wainfleet and the input received from the community regarding IWTs, the Province of Ontario and specifically the Ministry of Environment be now advised that the Township of Wainfleet is not a willing host for IWT's;

AND THAT this resolution be circulated to Premier Kathleen Wynne, as well as to the Minister of Environment, Minister of Energy, Minister of Rural Affairs and to all Ontario municipalities for their support and endorsement.

#6: MacDougall/Gillis: That Lambton County Council support Correspondence CC 05-12-13 from Scott Luey, CAO/Deputy Clerk of the Township of Wainfleet to The Honourable Kathleen Wynne dated April 11, 2013 regarding wind turbine development.

Carried.

CC 05-04-13 An invitation from Communities in Bloom received March 11, 2013 to participate in a program that will showcase, involve and benefit your community. Since 1995, communities have recognized numerous benefits from participating in the Communities in Bloom such as economic, social, environmental stewardship through the enhancement of green spaces. You are invited to participate in the Population category where the community is evaluated or the Friends category where there is no evaluation but become part of the Communities in Bloom network. Registration deadline is April 30th. Also attached is an invite to the 5th Annual Charity Golf Classic hosted by the City of Stratford on June 26, 2013 at the Stratford Golf and Country Club.

CC 05-07-13 A letter from Mario Sergio, Minister Responsible for Seniors received March 20, 2013 regarding the Senior Achievement Award. Mr. Sergio is encouraging participation in the 2013 Senior Achievement Award Program by nominating a deserving senior. Online nomination forms and information outlining details of the program, the selection criteria and the procedures followed are available at: www.ontario.ca/honoursandawards. The deadline for nomination is June 15, 2013.

CC 05-10-13 A letter from Michael Coteau, Minister of Citizenship and Immigration dated March 18, 2013 regarding the Municipal Immigration Information Online Program - Marketing Initiative 2012-13. The County of Lambton has been awarded a grant in the amount of \$10,000 for its commitment to attracting and welcoming newcomers to the community, providing good information to prospective immigrants and helping them succeed in their new home. Through this initiative and local immigration portal, it allows the County the opportunity to promote itself to newcomers and help immigrants integrate into the growing economy and contribute to future prosperity. The funding does not constitute a commitment to future funding.

#7: MacDougall/Gillis: That Correspondence CC 05-04-13, CC 05-07-13 and CC 05-10-13 be received and filed.

Carried.

Committee Minutes

Councillor Bilton presented the Committee A.M. minutes dated April 17, 2013.

#8: Bilton/Davis-Dagg: That the Committee A.M. minutes dated April 17, 2013 be accepted as presented.

Carried.

Councillor Gillis presented the Committee P.M. minutes dated April 17, 2013.

#9: Gillis/Gilliland: That the Committee P.M. minutes dated April 17, 2013 be accepted as presented.

Carried.

Notices of Motions

Councillor Bradley provided a Notice of Motion at the March 6, 2013 Lambton County Council meeting for discussion which was referred to today's meeting. The Notice of Motion stated:

"Any Notice of Motion which, if adopted, would require the expenditure of public resources, shall first require a staff report before Council considers the same, subject to the provision that this policy can be overridden should Council deem the situation to be one of an emergency."

#10: Bradley/Gillis: That any Notice of Motion which, if adopted, would require the expenditure of public resources, shall first require a staff report before Council considers the same, subject to the provision that this policy can be overridden should Council deem the situation to be one of an emergency.

Carried.

A) Councillor Arnold provided a Notice of Motion at the March 6, 2013 Council meeting for Council consideration on May 1, 2013. The Notice of Motion stated:

"All meeting minutes and confidential reports from Sarnia-Lambton Economic Partnership (SLEP) be shared with all County Councillors immediately after they are shared with the SLEP Board."

#11: Arnold/Gilliland: That all meeting minutes and confidential reports from Sarnia-Lambton Economic Partnership (SLEP) be shared with all County Councillors immediately after they are shared with the SLEP Board.

Amended.

#12: Gillis/Boushy: That motion #11 of this day's minutes be amended to delete the phrase "and confidential reports" so the motion now reads as follows:

"That all open meeting minutes from Sarnia-Lambton Economic Partnership (SLEP) be shared with all County Councillors immediately after they are shared with the SLEP Board."

A recorded vote, starting with Deputy Warden MacDougall, was requested by Councillor McGugan on motion #12 of this day's minutes.

S. Arnold	Yes (3)
W. Bilton.....	Yes (1)
D. Boushy.....	Yes (3)
M. Bradley	Yes (3)
T. Case.....	Yes (2)
E. Davis-Dagg	Yes (2)
J. Foubister	No (3)
P. Gilliland	Yes (2)
A.M. Gillis	Yes (3)
D. Kirkland.....	Yes (1)
B. MacDougall.....	Yes (3)
K. Marriott.....	No (1)
J. McCharles	No (2)
D. McGugan	No (1)
L. Napper	Yes (3)
I. Veen.....	Yes (1)
B. Weber	Yes (3)

Yeas - 30; Nays - 7.

Motion Carried.

#13: Boushy/Gillis: That motion #12 of this day's minutes be accepted as amended.
Carried.

B) Councillor Arnold provided a Notice of Motion at the March 6, 2013 Council meeting for Council's consideration on May 1, 2013. The Notice of Motion stated:

"All reports (including financials) and minutes both public and confidential of the Research Park be presented to County Council as information after they have been received by the Board of the Research Park."

#14: Arnold/Gilliland: That all reports (including financials) and minutes both public and confidential of the Research Park be presented to County Council as information after they have been received by the Board of the Research Park.

Amended.

#15: Gillis/Napper: That motion #14 of this day's minutes be amended to delete the words "both" and "confidential" so the motion now reads:

"That all public reports (including financials) and minutes of the Research Park be presented to County Council as information after they have been received by the Board of the Research Park."

A recorded vote, starting with Councillor Gillis, was requested by Councillor Davis-Dagg on motion #14 this day's minutes.

S. Arnold	Yes (3)
W. Bilton.....	Yes (1)
D. Boushy.....	Yes (3)
M. Bradley	Yes (3)
T. Case.....	Yes (2)
E. Davis-Dagg	No (2)
J. Foubister	No (3)
P. Gilliland	Yes (2)
A.M. Gillis	Yes (3)
D. Kirkland.....	Yes (1)
B. MacDougall.....	Yes (3)
K. Marriott.....	No (1)
J. McCharles	No (2)
D. McGugan	No (1)
L. Napper	Yes (3)
I. Veen.....	Yes (1)
B. Weber	Yes (3)

Yeas - 28; Nays - 9.

Motion Carried.

#16: Gillis/Napper: That motion #15 of this day's minutes be accepted as amended.

A recorded vote, starting with Councillor Kirkland, was requested by Councillor Davis-Dagg on motion #15 of this day's minutes.

S. Arnold	Yes (3)
W. Bilton.....	Yes (1)
D. Boushy.....	Yes (3)
M. Bradley	Yes (3)
T. Case.....	Yes (2)
E. Davis-Dagg	Yes (2)
J. Foubister	No (3)
P. Gilliland	Yes (2)
A.M. Gillis	Yes (3)
D. Kirkland.....	Yes (1)
B. MacDougall.....	Yes (3)
K. Marriott.....	Yes (1)

J. McCharlesNo (2)
D. McGuganNo (1)
L. NapperYes (3)
I. Veen.....Yes (1)
B. WeberYes (3)

Yeas - 31; Nays - 6.

Motion Carried.

Other Business

Councillor McGugan advised that an Alvinston Community Group was nominated and awarded the June Callwood Volunteer Award. They were 1 of 7 winners.

Councillor Bilton thanked Council for their generous support regarding sponsorship for the Multiple Sclerosis (MS) Walk that took place May 5, 2013.

By-Laws

#17: Foubister/Davis-Dagg: That By-Laws #17 to #22 of 2013, as circulated, be taken as read a first and second time.

Carried.

#18: Boushy/Bradley: That By-Laws #17 to #22 of 2013, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#19: Foubister/Bilton: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday June 5, 2013 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 2:30 p.m.

Todd Case
Warden

David Cribbs
County Clerk
General Manager, Corporate Services

Exhibit B
Tab 4
Schedule 1
Appendix C

November 27, 2013 Lambton County Council Meeting Minutes

MINUTES
LAMBTON COUNTY COUNCIL

November 27, 2013

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present except D. Kirkland.

Disclosures of Pecuniary Interest: Councillor Davis-Dagg and Councillor Bilton declared a pecuniary interest with respect to Items Tabled from Previous Meetings - the request for expenditure of \$20,000 to seek Intervenor Status in the Drennan v. K2 Wind et al action as both Councillors own lands on which windmills are or may be located.

In-Camera Committee Room #3

#1: Foubister/Weber: That the Warden declare that County Council go in-camera to discuss:

- a) a confidential update regarding labour relations and the employment of identifiable individual(s), as they pertain to labour relations within the Public Health Services Division, including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.
- b) a matter to be considered involving identifiable individual(s), including matters before the Human Rights Tribunal of Ontario, affecting the municipality, including any communications necessary for this purpose, pursuant to section 239(2)(e) of the *Municipal Act, 2001*.
- c) a matter to be considered for the purpose of instructions and directions to the County Solicitor, pertaining to employee negotiations, including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.
- d) a matter to be considered for the purpose of instructions and directions to officers and employees of the County pertaining to a proposed land acquisition or alternatively the establishment or variation of potential leasehold rights in real property in the geographic area of the City of Sarnia, including any communications necessary for this purpose, pursuant to section 239(2)(c) of the *Municipal Act, 2001*.

Carried.

Open Session

The Warden declared that County Council go back into Open Session. Council then reconvened at 1:20 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated November 27, 2013

#2: Gilliland/Marriott : That Council rise and report.

Carried.

The County Clerk noted that there were no resolutions to report from the Closed Session meeting.

#3: Bilton/Weber: That Council adopt the report of the Closed Session meeting.

Carried.

Delegations

#4: Foubister/McGugan: That we invite the delegation within the Bar to speak to County Council.

Carried.

Mr. George Mallay, General Manager, Sarnia-Lambton Economic Partnership (SLEP), provided an update to County Council regarding SLEP's activities and plans.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated November 6, 2013 were presented.

#5: MacDougall/McCharles: That the Lambton County Council (Open Session) and (Closed Session) minutes dated November 6, 2013 be accepted as presented.

Carried.

Correspondence to Receive and File

CC 11-07-13 A letter received by the Clerk dated November, 2013 from Mr. Michael Coteau, Minister of Citizenship and Immigration inviting the County of Lambton to participate in the 2014 Volunteer Service Awards (VSA) program. The VSA program recognizes volunteers from all sectors for their continuous years of service in a community organization.

The deadline date for submissions is January 25 of each year.

#6: Arnold/Napper: That correspondence CC 11-07-13 be received and filed.

Carried.

Information Report

CAO

Information Report dated November 7, 2013 Regarding the Going Green Committee Activity Report

#7: Weber/McGugan: That the Information Report dated November 27, 2013 regarding the Going Green Committee Activity Report be received and filed.

Carried.

Items Not Requiring a Motion

The Lambton Community Health Study Minutes dated June 6 and September 5, 2013 were presented to County Council for its information.

Committee Minutes

Mr. B. Bilton presented the Committee A.M. Minutes dated November 20, 2013.

#8: Davis-Dagg/Arnold: That motion #5 of the Committee A.M. Minutes dated November 20, 2013 regarding Infrastructure & Development Services - Woodlots be amended to include "criteria for assessing future woodlot applications" so the motion now reads:

That staff reports contain information regarding the future valuation of woodlots and also include criteria regarding harvesting records which can be used for comparison purposes as well as the criteria for assessing future woodlot applications.

Carried.

#9: Bilton/Marriott: That the Committee A.M. Minutes dated November 20, 2013 be accepted as amended.

Carried.

Mrs. A.M. Gillis presented the Committee P.M. Minutes dated November 20, 2013.

Re: Correspondence SP&CS 11-06-13

It was requested that the Warden send a letter of thanks to Reverend Belnap, Deacon, All Saints' Anglican Parish for having taken interest in the Dental/Medical Program which is provided by the Social Assistance Restructuring Savings (SARS) Reinvestment Plan approved by the County of Lambton.

#10: Gillis/MacDougall: That the Committee P.M. Minutes of November 20, 2013 be accepted as presented.

Carried.

Items Tabled from Previous Meetings

Potential Intervenor Status in Windmill Litigation

#11: Bradley/Gillis: That motion #7 of the Lambton County Council (Open Session) Minutes dated September 4, 2013 regarding the request for expenditure of \$20,000 to seek Intervenor Status in the Drennan v. K2 Wind et al action and motion #9 of the Committee A.M. Minutes dated September 18, 2013 regarding Intervenor Status in the litigation action known as Drennan v. K2 Wind et al, be lifted from the table.

Carried.

Mover and Seconder agreed to withdraw their original motion. (Motion #7 of the Lambton County Council Minutes dated September 4, 2013.)

#12: MacDougall/Napper: That County Council support the expenditure of up to \$20,000 for Presenter Status in the Environmental Review Tribunal hearing of Drennan v. K2 Wind et al action.

A recorded vote starting with Councillor Boushy was requested by Councillor Marriott on motion #11 of this day's minutes.

S. Arnold	Yes (3)
W. Bilton.....	Pecuniary Interest
D. Boushy.....	No (3)
M. Bradley	No (3)
T. Case.....	No (2)
E. Davis-Dagg	Pecuniary Interest
J. Foubister	No (3)
P. Gilliland	Yes (2)
A.M. Gillis	No (3)
D. Kirkland.....	Absent

B. MacDougall.....Yes (3)
K. Marriott.....Yes (1)
J. McCharlesYes (2)
D. McGuganNo (1)
L. NapperYes (3)
I. Veen.....No (1)
B. WeberYes (3)

Yeas - 17; Nays - 16.

Motion carried.

#13: Arnold/Weber: That a report be prepared and circulated back to County Council for input prior to submission to the Environmental Review Tribunal and that if necessary, a special Council meeting be called to consider the same.

Carried.

#14: Bradley/Gillis: That in the event the County is unable to participate at the Environmental Review Tribunal level, a grant of \$20,000 be made by the County to Safe Wind Energy for All Residents (SWEAR) and We're All Against Industrial Turbines (WAIT) to be spent as they see fit to defray the costs of the litigation.

Carried.

Re: Tabled Motion #2 of the Committee A.M. Minutes dated October 16, 2013 - Paved Shoulders on County Road 35 (LaSalle Line)

#15: Arnold/Gillis: That Motion #2 of Committee A.M. Minutes dated October 16, 2013 regarding the report dated October 16, 2013 concerning Paved Shoulders on County Road 35 (LaSalle Line) be lifted from the table.

Carried.

#16: Arnold/Gillis: That tabled Motion #2 of Committee A.M. Minutes dated October 16, 2013 regarding the report dated October 16, 2013 concerning Paved Shoulders on County Road 35 (LaSalle Line) be tabled until 2014.

Carried.

Notice of Motion

Councillor Napper gave Notice of Motion that the County of Lambton is an unwilling host for wind turbines, to be discussed at the next County Council meeting of February 5, 2014.

OTHER BUSINESS

Councillor McGugan thanked Councillor Bradley for resolving the issues regarding the Lambton Elderly Outreach transportation issue in rural Lambton County.

Deputy Warden MacDougall congratulated the Town of Plympton-Wyoming on its completion of the walking trail to Reeces Corners.

Councillor Gillis informed those present that \$8,200 was raised at the Lambton Meadowview Villa Treasured Memories Gala held on November 16, 2013.

Councillor Bradley, on behalf of Council thanked Councillor Kirkland, Mayor of Point Edward who has resigned, for his many years of service.

By-Laws

#17: McCharles/Veen: That By-Law #32 of 2013, as circulated, be taken as read a first and second time.

Carried.

#18: MacDougall/Weber: That By-Law #32 of 2013, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#19: Foubister/Bilton: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday, February 5, 2014 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 3:00 p.m.

Todd Case
Warden

David Cribbs
County Clerk
General Manager, Corporate Services

Exhibit B
Tab 4
Schedule 1
Appendix D

February 12, 2014 Lambton County Council Meeting Minutes

MINUTES
LAMBTON COUNTY COUNCIL

February 12, 2014

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 8:00 a.m. on the above date. Warden in the Chair; Roll called; All members present except J. Foubister, J. McCharles and B. Weber.

Disclosures of Pecuniary Interest: Councillor Davis-Dagg and Councillor Bilton declared a pecuniary interest with respect to Correspondence CC 02-01-14 being a letter from Susan Sheridan, CMO, Deputy CAO Clerk-Treasurer of the Corporation of the Township of Killaloe-Hagarty-Richards to The Honourable Kathleen Wynne regarding wind turbine development and the Notice of Motion presented by Councillor Napper as both Councillors own lands on which windmills are or may be located.

Delegations

#1: Boushy/Gillis: That we invite the delegations within the Bar to speak to County Council.

Carried.

The residents of North Lambton Lodge with Jane Joris, Administrator and Jay van Klinken, Communications and Marketing Co-ordinator created a music video for the Auxiliary OANHSS Region 1 Conference held in May of 2014. They wanted Council to see it prior to other members of the community but due to technical difficulties, they will present at the May 7, 2014 County Council meeting.

Dan Davidson, President, Ontario Beekeepers Association was seeking support from Lambton County Council to request a meeting with Premier Wynne to discuss the economic viability of the beekeeping industry in Ontario. Mr. Davidson asked for the County's support so this meeting will take place and the viability of beekeeping in Ontario can be preserved.

#2: McGugan/Marriott: That Lambton County Council support the Ontario Beekeepers Association and request that Premier Wynne meet with the organization to listen to their concern.

Carried.

Judith Morris, President and CEO of Lambton College and Spencer Dickson, Executive Dean of Academic Affairs addressed Council regarding a contribution to the proposed construction of a new Centre for Health Education and Sustainable Care (CHESC).

#3: Arnold/Gillis: That the grant of \$10 million in 10 equal annual payments for the building and equipping of Lambton College's new "Centre for Health Education and Sustainable Care Building Fund" commencing after the County's obligation for hospital funding commitment is completed and the College receives funding commitments for the balance of the CHESC build costs be referred to budget.

Defeated.

#4: Bradley/Boushy: That the request of a \$5 million contribution to the proposed construction of a new \$30 million Centre for Health Education and Sustainable Care (CHESC) be referred to budget.

Carried.

Robert Wilks, Corporate Manager, Information Technology presented a brief update on the ultra-broadband project. The Western Ontario Wardens Caucus (WOWC) has recognized that broadly available and affordable robust ultra-broadband (synchronous speeds of 100Mb/s or more) connectivity is fundamental to the continued relevance and future prosperity of communities in Southwestern Ontario. To prosper, communities must compete in the globalized economy. The first step in creating a plan for the region was to completely understand the current environment. The WOWC hired the firm of Campbell Paterson Communications to complete the feasibility study on the subject which was completed in 2013 and have been adopted by the Caucus.

Ms. Marlene Wood, General Manager, Tourism Sarnia-Lambton (TSL) provided an update to County Council regarding TSL's activities and plans.

Mr. George Mallay, General Manager, Sarnia-Lambton Economic Partnership (SLEP) provided an update to County Council regarding SLEP's activities and plans.

Minutes

The Lambton County Council (Open Session) minutes dated November 27, 2013 and the Special Joint Meeting of Lambton County Council and City of Sarnia Council (Open Session) minutes dated January 27, 2014 were presented.

#5: Bradley/MacKenzie: That the Lambton County Council (Open Session) minutes dated November 27, 2013 and the Special Joint Meeting of Lambton County Council and City of Sarnia Council (Open Session) minutes dated January 27, 2014 be accepted as presented.

Carried.

Correspondence to Receive and File

CC 02-01-14 A letter addressed to Premier Kathleen Wynne from Susan Sheridan, CMO, Deputy CAO Clerk-Treasurer of the Corporation of the Township of Killaloe-Hagarty-Richards dated December 6, 2013 regarding a resolution passed at its regular meeting held on December 3, 2013 to support the Government's desire to limit Industrial Wind Turbine (IWT) Projects.

CC 02-20-14 A letter to Warden Todd Case from Deb Matthews, Minister of Health and Long-Term Care dated December 24, 2013 stating that the Ministry of Health and Long-Term Care will provide the Lambton Board of Health up to \$20,922 in additional one-time funding for the 2013-14 funding year to support projects related to the delivery of mandatory and related public health programs and services in the community.

CC 02-21-14 A letter to Warden Todd Case from Mr. Michael Coteau, Minister of Citizenship and Immigration dated December 2, 2013 advising of a grant in the total amount of \$23,925 for the Municipal Immigrant Information Online program. The grant is to recognize the County of Lambton's commitment to attract and welcome newcomers to the community through the program.

CC 02-22-14 Correspondence from various municipalities and organizations advising that their Council has passed a resolution supporting the position of the County of Lambton concerning the requalification of Municipal Building Officials. Those include:

Township of Tudor and Cashel, Gilmour, ON
Town of Lakeshore, Belle River, ON
The City of Barrie, Barrie, ON
Municipality of Huron East, Seaforth, ON
City of Thorold, Thorold, ON
The Corporation of the City of Oshawa, Oshawa, ON
Township of Georgian Bluffs, Owen Sound, ON
The Corporation of the Township of Otonabee-South Monaghan, Keene, ON
The Township of Malahide, Aylmer, ON
North Algona Wilberforce Township, Eganville, ON
Township of North Glengarry
Joint Building Committee, Sundridge, ON
Corporation of the Municipality of Mattawan, Mattawan, ON
Municipality of South Bruce, Teeswater, ON
Township of Elizabethtown - Kitley, Addison, ON
Municipality of Highlands East, Wilberforce, ON
Corporation of the Township of Central Frontenac, Sharbot Lake, ON
Township of Mapleton, Drayton, ON

Township of O'Connor, Kakabeka Falls, ON
Corporation of the Town of Cavelton Place, Cavelton Place, ON
Township of Selwin, Bridgenorth, ON
Township of Adelaide Metcalfe, Strathroy, ON
Township of Nipigon, Nipigon, ON
Town of East Gwillimbury, Sharon, ON

CC 02-23-14 A letter to all Municipalities from Mayor Bill Vrebosch, Municipality of East Ferris dated October 16, 2013 addressed to Kathleen Wynne, Premier of Ontario regarding the Small, Rural, and Northern Municipal Infrastructure Fund. Mayor Vrebosch feels that the qualification for the funding and its distribution is not fair and equitable. Mayor Vrebosch respectfully requests that the announcement be rescinded and that either the method advanced by AMO to distribute funds through the program or something comparable to it be implemented instead.

CC 02-24-14 A letter to all municipalities and MPAC dated December 13, 2013 from Terry Horner, CAO/Clerk of the Township of Mulmur advising of the passing of a motion outlining their concerns regarding the timing and loss of assessment/tax monies for the Township, Upper Tier and School Boards. Mr. Horner is asking for serious consideration and a response to this motion.

CC 02-25-14 A letter to the Honorable David Oraziotti, Minister of Natural Resources from Rene P. Berthiaume, Warden, United Counties of Prescott and Russell dated December 10, 2013 regarding an amendment to the Aggregate Resources Act for peat moss extraction. Council adopted a resolution requesting the Ministry of Natural Resources to amend the Aggregate Resources Act to ensure that peat-moss extractors are subject to the same criteria as other aggregate extractors and is asking for Lambton County Council to consider the same.

CC 02-26-14 An email from Kathryn Lawson, Deputy Clerk, Town of Fort Frances dated January 9, 2014 regarding a resolution passed recently at Council and is seeking consideration from all other municipalities. The resolution is asking that Premier Wynne support the proposed billing model change or a model for policing that ensures an equitable distribution of cost sharing for all municipalities and unorganized territories in Ontario.

CC 02-26-14(a) A letter to The Honourable Kathleen Wynne and all Municipalities from Bill Vrebosch, Mayor, East Ferris Municipality dated January 6, 2014 regarding the proposed billing formula suggested for increased OPP billing costs. Mayor Vrebosch feels this method is unacceptable and needs to be reconsidered. He is requesting a meeting to discuss further options and strategies.

CC 02-26-14(b) An email from Donna Wilson, Clerk, Town of Tillsonburg to the Honourable Kathleen Wynne, Premier of Ontario regarding a resolution recently passed by their Council regarding the proposed OPP billing model asking that the principles outlined at the Community engagement sessions be strongly adhered to and implemented in January of 2015.

CC 02-30-14 A letter to The Honourable Kathleen Wynne, Premier of Ontario and all Municipalities from Mayor Bill Vrebosch dated January 6, 2014 regarding the suggestion by the Finance Minister to implement a 10 cent per litre tax increase on gasoline to provide funding for transit in the Greater Toronto Area. Mayor Vrebosch believes that the increase should be regionalized and implemented on municipalities in the GTA area, not rural Ontario municipalities.

#6: McGugan/Marriot: That County Council support correspondence CC 02-26-14 and CC 02-26-14(b).

Tabled.

Councillor Arnold requested a recorded vote on Motion #7 of this day's minutes.

* #7: Bradley/Gillis: That correspondence CC 02-26-14 and CC 02-26-14(b) be tabled until the next meeting of County Council to allow for further consideration.

Carried.

#8: Veen/Napper: That correspondence CC 02-01-14, CC 02-20-14, CC 02-21-14, CC 02-22-14, CC 02-23-14, CC 02-24-14, CC 02-25-14, CC 02-26-14(a) and CC 02-30-14 be received and filed.

Carried.

Correspondence from Member Municipalities

CC 02-29-14 A letter to Warden Todd Case from Duncan McTavish, Clerk, Township of Enniskillen dated January 8, 2014 advising that Enniskillen Township Council has passed a resolution supporting the position of the County of Lambton concerning the requalification of Municipal Building Officials.

#9: Gillis/Bilton: That correspondence CC 02-29-14 be received and filed.

Carried.

Information Report

CAO

Motion #8 was lifted from the table and correspondence was received and filed. See LCC (OS) Minutes of March 5, 2014

Information Report dated February 5, 2014 Regarding the Bayside Centre

#10: Arnold/Veen: That the Information Report dated February 5, 2014 regarding the Bayside Centre be received and filed.

Carried.

Items Not Requiring a Motion

The following items were presented to County Council for its information:

- a) Minutes of the County of Lambton Community Development Committee dated September 20, 2013.
- b) Minutes of the Tourism Samia-Lambton Board of Directors meeting dated June 18 and August 29, 2013.

Committee Minutes

Mr. K. Marriott presented the Committee A.M. Minutes dated January 15, 2014.

#11: Marriott/Davis-Dagg: That the Committee A.M. Minutes dated January 15, 2014 be accepted as presented.

Carried.

Mr. I. Veen presented the Committee P.M. Minutes dated January 15, 2014.

#12: Bradley/Davis-Dagg: That Council move in the direction recommended by Motion #12 of the Committee P.M. Minutes of January 15, 2014 regarding the report dated January 15, 2014 concerning the Ombudsman's Report and In-Camera Records, to record the in-camera debate and that all in-camera meetings be held in the main Council Chambers.

Tabled.

#13: Arnold/Gilliland: That the report dated January 15, 2014 regarding the Ombudsman's Report and In-Camera Records be tabled for a further report from staff regarding the implementation of recording in-camera debates and that all in-camera meetings be held in the main Council Chambers.

Carried.

#14: Veen/Gilliland: That the Committee P.M. Minutes dated January 15, 2014 be accepted as amended.

Carried.

Notice of Motion

Councillor Napper gave Notice of Motion at the LCC (OS) meeting dated November 27, 2013 regarding a proposed declaration to be an unwilling host for wind turbines.

#15: Napper/Marriott: That Lambton County be an unwilling host for wind turbines.

Carried.

Councillor Bradley gave Notice of Motion at the LCC (OS) meeting dated November 27, 2013 regarding advocacy for permanent funding for Community Homelessness Prevention Program Transitional Funding.

#16: Bradley/MacDougall: That Lambton County Council advocate for permanent funding for Community Homelessness Prevention Program Transitional Funding.

Carried.

OTHER BUSINESS

Retirement Celebration

A retirement party for Councillor Kirkland will be held on April 24, 2014. An invitation with more details will be issued to all present.

By-Laws

#17: Veen/Marriott: That By-Laws #1 to #7 of 2014, as circulated, be taken as read a first and second time.

Carried.

#18: MacKenzie/Gilliland: That By-Laws #1 to #7 of 2014, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#19: Veen/MacKenzie: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday, March 5, 2014 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 10:55 a.m.

Todd Case
Warden

David Cribbs
County Clerk

Exhibit B
Tab 4
Schedule 1
Appendix E

July 2, 2014 Lambton County Council Meeting Minutes

MINUTES
LAMBTON COUNTY COUNCIL

July 2, 2014

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present except M. Bradley and I. Veen.

Disclosures of Pecuniary Interest: Councillors Bilton and Davis-Dagg declared a pecuniary interest with respect to correspondence CC 07-04-14, CC 07-06-14 and CC 07-08-14 as the Councillors own lands on which industrial wind turbines are or may be located.

In-Camera Committee Room #3

#1: Foubister/Weber: That the Warden declare that County Council go in-camera to discuss the following:

- a) matters to be considered for the purpose of instructions and directions to officers and employees of the County pertaining to a human resources issue involving an identifiable individual, pursuant to section 239(2)(b) of the *Municipal Act, 2001*.
- b) a matter to be considered for the purpose of receiving a report pertaining to labour relations involving CUPE 2557, which will include potential receipt of legal advice from the County Solicitor with respect to same, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.
- c) matters to be considered for the purpose of instructions and directions to officers and employees of the County pertaining to a proposed land acquisition or alternately the establishment or variation of potential leasehold rights in real property in the geographic boundaries of the City of Sarnia, including any communications necessary for this purpose, pursuant to section 239(2)(c) of the *Municipal Act, 2001*.

Carried.

Open Session

The Warden declared that County Council go back into Open Session. Council then reconvened at 1:30 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated July 2, 2014

#2: Napper/McCharles: That Council rise and report.

Carried.

The County Clerk noted that there were no resolutions to report from the Closed Session meeting.

#3: Arnold/Bilton: That Council adopt the report of the Closed Session meeting.

Carried.

Delegations

#4: Foubister/Arnold: That we invite the delegations within the Bar to speak to County Council.

Carried.

Mr. Wayne Edwards, resident of Warwick Township spoke before County Council regarding the Woodlands Conservation By-Law. He was concerned with the lack of enforcement of the By-Law and loss of tree cover in Lambton County.

Mr. Ron MacDougall, on behalf of the Lambton Federation of Agriculture spoke to County Council regarding the proposed draft Woodlands Conservation By-Law.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated June 4, 2014 were presented.

#5: Gillis/Foubister: That the Lambton County Council (Open Session) and (Closed Session) minutes dated June 4, 2014 be accepted as presented.

Carried.

Correspondence to Receive and File

CC 07-04-14 A letter from Ms. Audrey Broer, WAIT-PW, Audit Committee Member dated June 2, 2014 requesting Council to revisit the mandate of November 28, 2012 regarding negotiations with various wind farm proponents regarding installation of utilities placed within or adjacent to the County road allowance, as she feels times have changed.

CC 07-05-14 A letter from Ms. Judith Morris, President and CEO of Lambton College, dated June 24, 2014 regarding the College's construction of a Centre for Health Education and Sustainable Care. The College had the opportunity to meet with officials from both the County and the City as well as tour the Bayside Centre, to fully appreciate a potential partnership opportunity.

Ms. Morris feels that locating the proposed Centre for Health Education and Sustainable Care at the Bayside Centre is not a viable option either functionally or financially and asks that County Council defer consideration of the funding request until February 2015.

CC 07-06-14 A letter from Mr. Derek Dudek, Community Relations Consultant, NextEra Energy Canada dated June 24, 2014 requesting that consideration be given by Lambton County Council for the following:

- a) That the Warden and Clerk be authorized to execute the draft Road Use Agreement with Jericho Wind for the Jericho Wind Energy Centre project; and/or,
- b) At a minimum, that the Council grants staff the authority to approve the locations of the buried electrical collector lines within the County's rights-of-way.

#6: MacKenzie/Arnold: That correspondence CC 07-04-14, CC 07-05-14 and CC 07-06-14 be received and filed.

Carried.

CC 07-08-14 A letter from Mr. Keith Watson, President WAIT-PW dated June 24, 2014 regarding the Suncor Cedar Point Project that was recently modified and may be approved by the Ministry of the Environment in the near future. Mr. Watson is requesting that County Council consider becoming a Party at the Environmental Review Tribunal (ERT) involving Suncor Cedar Point Wind Project.

#7: Napper/MacDougall: That Lambton County Council support correspondence CC 07-08-14 and apply for Party Status at the Environmental Review Tribunal involving Suncor Cedar Point Wind Project.

Carried.

Information Reports

FINANCE, FACILITIES AND COURT SERVICES DIVISION

Information Report dated July 2, 2014 Regarding a REVIEW: Proposed 2014 - 2015 Provincial Update

#8: Davis-Dagg/Gillis: That the Information Report dated July 2, 2014 regarding a REVIEW: Proposed 2014 - 2015 Provincial Update be received and filed.

Carried.

CAO

Information Report dated July 2, 2014 Regarding Revenue Development Update

#9: McGugan/Weber: That the Information Report dated July 2, 2014 regarding Revenue Development Update be received and filed.

Carried.

Items Not Requiring a Motion

The following items were presented to County Council for its information:

- a) Lambton Community Health Study Board meeting minutes dated March 6 and April 3, 2014.

Committee Minutes

Mr. J. Foubister presented the Committee A.M. minutes dated June 17, 2014.

#10: Arnold/Gillis: That motion #1 of the Committee A.M. minutes dated June 17, 2014 regarding Woodlot Application W-001/14 (Tony VanKessel Farms Ltd.) be tabled and a report from staff be brought back to County Council September 3, 2014 based on Mr. Edward's presentation regarding the lack of enforcement, earlier in the meeting.

Carried.

#11: McGugan/Marriott: That a sub-committee consisting of up to 2 staff members, 2 representatives from the Lambton Federation of Agriculture, 3 Councillors and the Warden be established to meet in the month of August to review By-Law No. 4 of 2012 being "A By-Law to Amend and Consolidate By-Law No. 45 of 2003, By-Law No. 1 of 2008 and By-Law No. 28 of 2001 Together Forming the County of Lambton Woodlands Conservation By-Law".

A recorded vote starting with Councillor Weber was requested by Councillor McGugan, on motion #11 of this day's minutes.

S. Arnold	No (3)
W. Bilton.....	Yes (1)
D. Boushy.....	No (3)
M. Bradley	Absent
T. Case.....	Yes (2)
E. Davis-Dagg	No (2)
J. Foubister	No (3)
P. Gilliland	No (2)

A.M. Gillis No (3)
B. MacDougall..... Yes (3)
L. MacKenzie Yes (1)
K. Marriott..... Yes (1)
J. McCharles Yes (2)
D. McGugan Yes (1)
L. Napper No (3)
I. Veen..... Absent
B. Weber No (3)

Yeas - 11; Nays - 22.

Motion defeated.

#12: Foubister/Marriott: That the Committee A.M. minutes dated June 17, 2014 be accepted as amended.

Carried.

Mr. B. Weber presented the Committee P.M. minutes dated June 17, 2014.

#13: Weber/Napper: That the Committee P.M. minutes dated June 17, 2014 be accepted as presented.

Carried.

Ms. E. Davis-Dagg presented the Audit Committee minutes dated July 2, 2014.

#14: Davis-Dagg/Foubister: That the Audit Committee minutes dated July 2, 2014 be accepted as presented.

Carried.

Items Tabled from Previous Meetings

Councillor Arnold's Notice of Motion presented at the June 4, 2014 meeting regarding a further report from staff on his proposed amendments to the draft Woodlands Conservation By-Law was addressed as part of the discussion in motion #11 of this day's minutes.

Notice of Motion

Councillor Bradley's Notice of Motion presented for discussion at the meeting of County Council on Wednesday, July 2, 2014 regarding the examination of Council's Rules of Procedure was deferred until the September 3, 2014 meeting of County Council.

OTHER BUSINESS

NextEra Road Use Agreement

#15: Weber/McGugan: That Lambton County Council reconsider motion #6 of the Committee A.M. meeting dated May 21, 2014 being:

"That the Warden and the Clerk be authorized to execute the proposed Road Use Agreement with Jericho Wind, Inc., as modified following the 60-day Public Review Period, along with all other necessary documentation, with respect to the use, installation, construction, maintenance, operation, and decommissioning of certain infrastructure on, over, under and within County Road Allowances."

Defeated.

August 20, 2014 Committee Meetings

Due to a scheduling conflict with the Association of Municipalities of Ontario (AMO) Conference, it was agreed that the Committee A.M. and P.M. meetings proposed for Wednesday, August 20, 2014 will be moved to Thursday, August 21, 2014. The Committee A.M. meeting will take place at 9:00 a.m. at the County Buildings, Wyoming, Ontario and the Committee P.M. meeting will take place at 1:00 p.m. at the North Lambton Lodge, Forest, ON

By-Laws

#16: Bilton/Boushy: That By-Laws #22 and #23 of 2014, as circulated, be taken as read a first and second time.

Carried.

#17: Gillis/Gilliland: That By-Laws #22 and #23 of 2014, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#18: Foubister/Bilton: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday, September 3, 2014 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 2:50 p.m.

Todd Case
Warden

David Cribbs
County Clerk
General Manager, Corporate Services

Exhibit B
Tab 4
Schedule 1
Appendix F

Renewable Energy Approval Number 6914-9L5JBB issued August 22, 2014

RENEWABLE ENERGY APPROVALNUMBER 6914-9L5JBB
Issue Date: August 22, 2014

Suncor Energy Products Inc.
150 6th Ave SW
Calgary, Alberta
T2P 3E3

Project Substation located at the Southwest corner of Cedar Point
Location: Line and Fuller Road, in the Municipality of Lambton
 Shores. Other project infrastructure located at various
 locations within the Town of Plympton-Wyoming,
 Municipality of Lambton Shores, Warwick Township, and
 Lambton County.

You have applied in accordance with Section 47.4 of the Environmental Protection Act for approval to engage in a renewable energy project in respect of a Class 4 wind facility consisting of the following:

- the construction, installation, operation, use and retiring of a Class 4 wind facility with a total name plate capacity of 100 megawatts.

For the purpose of this renewable energy approval, the following definitions apply:

1. "Acoustic Assessment Report" means the report included in the Application and entitled Noise Assessment Report-Cedar Point Wind Power Project, dated May 20, 2014, prepared by HGC Engineering and signed by Ian R. Bonsma P.Eng. and Brian Howe P.Eng.;
2. "Acoustic Audit - Emission" means an investigative procedure that is compliant with the CAN/CSA-C61400-11:07 National Standard and consisting of measurements and/or acoustic modelling of noise emissions produced by wind turbine generators, assessed to determine compliance with the manufacturer's noise (acoustic) equipment specifications and emission data of the wind turbine generators, included in the Acoustic Assessment Report;

3. "Acoustic Audit - Immission" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the Equipment, assessed to determine compliance with the Noise Performance Limits set out in this Approval;
4. "Acoustic Audit Report-Emission" means a report presenting the results of the Acoustic Audit - Emission;
5. "Acoustic Audit Report-Immission" means a report presenting the results of the Acoustic Audit - Immission;
6. "Acoustic Audit - Transformer Substation" means an investigative procedure that is compliant with the IEEE Standard C57.12.90 consisting of measurements and/or acoustic modelling of all noise sources comprising the transformer substation assessed to determine compliance with the Sound Power Level specification of the transformer substation described in the Acoustic Assessment Report.
7. "Acoustic Audit Report - Transformer Substation" means a report presenting the results of the Acoustic Audit - Transformer Substation.
8. "Acoustical Consultant" means a person currently active in the field of environmental acoustics and noise/vibration control, who is knowledgeable about Ministry noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from wind facilities;
9. "Act" means the *Environmental Protection Act*, R.S.O 1990, c.E.19, as amended;
10. "Adverse Effect" has the same meaning as in the Act;
11. "Application" means the application for a Renewable Energy Approval dated April 12, 2013, and signed by Christopher Scott, Project Developer, Suncor Energy Products Inc., and all supporting documentation submitted with the application, including amended documentation submitted up to the date this Approval is issued;
12. "Approval" means this Renewable Energy Approval issued in accordance with Section 47.4 of the Act, including any schedules to it;
13. "A-weighting" means the frequency weighting characteristic as specified in the International Electrotechnical Commission (IEC) Standard 61672, and intended to approximate the relative sensitivity of the normal human ear to different frequencies (pitches) of sound. It is denoted as "A";
14. "A-weighted Sound Pressure Level" means the Sound Pressure Level modified by application of an A-weighting network. It is measured in decibels, A-weighted, and denoted "dBA";
15. "Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";

16. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas:
1. sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours);
 2. low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
 3. no clearly audible sound from stationary sources other than from those under impact assessment.
17. "Class 3 Area" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as the following:
1. a small community with less than 1000 population;
 2. agricultural area;
 3. a rural recreational area such as a cottage or a resort area; or
 4. a wilderness area.
18. "Company" means Suncor Energy Products Inc. and includes its successors and assignees;
19. "Compliance Protocol for Wind Turbine Noise" means the Ministry document entitled, Compliance Protocol for Wind Turbine Noise, Guideline for Acoustic Assessment and Measurement, PIBS# 8540e;
20. "Decibel" means a dimensionless measure of Sound Level or Sound Pressure Level, denoted as dB;
21. "Director" means a person appointed in writing by the Minister of the Environment pursuant to section 5 of the Act as a Director for the purposes of section 47.5 of the Act;
22. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Facility is geographically located;
23. "Equipment" means the maximum of forty six (46) wind turbine generators and one (1) transformer substation, identified in this Approval and as further described in the Application, to the extent approved by this Approval;
24. "Equivalent Sound Level" is the value of the constant sound level which would result in exposure to the same total A-weighted energy as would the specified time-varying sound, if the constant sound level persisted over an equal time interval. It is denoted L_{eq} and is measured in dB A-weighting (dBA);
25. "Facility" means the renewable energy generation facility, including the Equipment, as described in this Approval and as further described in the Application, to the extent approved by this Approval;

26. "IEEE Standard C57.12.90" means the IEEE Standard Test Code for Liquid-Immersed Distribution, Power, and Regulating Transformers, 2010.
27. National Standard of Canada, "CAN/CSA- C61400-11:07" means "Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques", dated October 2007;
28. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Company and was not involved in preparing the Acoustic Assessment Report. The Independent Acoustical Consultant shall not be retained by the Acoustical Consultant involved in the noise impact assessment;
29. "Ministry" means the ministry of the government of Ontario responsible for the Act and includes all officials, employees or other persons acting on its behalf;
30. "Noise Guidelines for Wind Farms" means the Ministry document entitled, "Noise Guidelines for Wind Farms - Interpretation for Applying MOE NPC Publications to Wind Power Generation Facilities", dated October 2008;
31. "Noise Receptor" has the same meaning as in O. Reg. 359/09;
32. "Publication NPC-233" means Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound", October 1995;
33. "O. Reg. 359/09" means Ontario Regulation 359/09 "Renewable Energy Approvals under Part V.0.1 of the Act" made under the Act;
34. "Point of Reception" has the same meaning as in the Noise Guidelines for Wind Farms and is subject to the same qualifications described in that document;
35. "Sound Level" means the A-weighted Sound Pressure Level;
36. "Sound Level Limit" is the limiting value described in terms of the one hour A-weighted Equivalent Sound Level L_{eq} ;
37. "Sound Power Level" means ten times the logarithm to the base of 10 of the ratio of the sound power (Watts) of a noise source to standard reference power of 10^{-12} Watts;
38. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given location. The unit of measurement is the micro pascal (μPa);
39. "Sound Pressure Level" means twenty times the logarithm to the base 10 of the ratio of the effective pressure (μPa) of a sound to the reference pressure of $20 \mu\text{Pa}$;
40. "UTM" means Universal Transverse Mercator coordinate system.

You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

A – GENERAL

- A1. The Company shall construct, install, use, operate, maintain and retire the Facility in accordance with the terms and conditions of this Approval and the Application and in accordance with the following schedules attached hereto:

Schedule A - Facility Description

Schedule B - Coordinates of the Equipment and Noise Specifications

Schedule C - Noise Control Measures

- A2. Where there is a conflict between a provision of this Approval and any document submitted by the Company, the conditions in this Approval shall take precedence. Where there is a conflict between one or more of the documents submitted by the Company, the document bearing the most recent date shall take precedence.
- A3. The Company shall ensure a copy of this Approval is:
- (1) accessible, at all times, by Company staff operating the Facility and;
 - (2) submitted to the clerk of each local municipality and upper-tier municipality in which the Facility is situated.
- A4. If the Company has a publicly accessible website, the Company shall ensure that the Approval and the Application are posted on the Company's publicly accessible website within five (5) business days of receiving this Approval.
- A5. The Company shall, at least six (6) months prior to the anticipated retirement date of the entire Facility, or part of the Facility, review its Decommissioning Plan Report to ensure that it is still accurate. If the Company determines that the Facility cannot be decommissioned in accordance with the Decommissioning Plan Report, the Company shall provide the Director and District Manager a written description of plans for the decommissioning of the Facility.
- A6. The Facility shall be retired in accordance with the Decommissioning Plan Report and any directions provided by the Director or District Manager.
- A7. The Company shall provide the Director and the District Manager at least ten (10) days written notice of the following:
- (1) the commencement of any construction or installation activities at the project location; and
 - (2) the commencement of the operation of the Facility.

- A8. As described in Schedule A to the Approval, the Company shall not construct or install more than forty-six (46) out of the fifty-five (55) potential wind turbine generators identified in Schedule B to the Approval.

B – EXPIRY OF APPROVAL

- B1. Construction and installation of the Facility must be completed within three (3) years of the later of:
- (1) the date this Approval is issued; or
 - (2) if there is a hearing or other litigation in respect of the issuance of this Approval, the date that this hearing or litigation is disposed of, including all appeals.
- B2. This Approval ceases to apply in respect of any portion of the Facility not constructed or installed before the later of the dates identified in Condition B1.

C – NOISE PERFORMANCE LIMITS

- C1. The Company shall ensure that:
- (1) the Sound Levels from the Equipment, at the Points of Reception identified in the Acoustic Assessment Report, comply with the Sound Level Limits set in the Noise Guidelines for Wind Farms, as applicable, and specifically as stated in the table below:

Wind Speed (m/s) at 10 m height	4	5	6	7	8	9	10
Sound Level Limits, dBA	40.0	40.0	40.0	43.0	45.0	49.0	51.0

- (2) the Equipment is constructed and installed at either of the following locations:
 - a) at the locations identified in Schedule B of this Approval; or
 - b) at a location that does not vary by more than 10 metres from the locations identified in Schedule B of this Approval and provided that,
 - i) the Equipment will comply with Condition C1 (1); and
 - ii) all setback prohibitions established under O. Reg. 359/09 are complied with.
 - (3) the Equipment complies with the noise specifications set out in Schedule B of this Approval.
- C2. If the Company determines that some or all of the Equipment cannot be constructed in accordance with Condition C1 (2), prior to the construction and installation of the Equipment in question, the Company shall apply to the Director for an amendment to the terms and conditions of the Approval.

- C3. Within three (3) months of the completion of the construction of the Facility, the Company shall submit to the Director a written confirmation signed by an individual who has the authority to bind the Company that the UTM coordinates of the “as constructed” Equipment comply with the requirements of Condition C1 (2).

D – CONFIRMATION OF VACANT LOT NOISE RECEPTORS

- D1. The locations identified in Table A3 of the Acoustic Assessment Report as “Point of Reception ID” numbers 1159, 1160, 1162, 1165, 1166, 1174, 1248, 1252, 1256, 1258, 1264, 1266, 1267, 1269, 1271, 1273, 1279, 1280, 1285, 1290, 1291, 1295, 1298, 1302, 1303, 1304, 1308, 1310, 1316, 1319, 1320, 1321, 1322, 1324, 1326, 1328, 1332, 1334, 1335, 1337, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1352, 1356, 1358, 1359, 1361, 1362, 1364, 1365, 1367, 1368, 1371, 1372, 1373, 1374, 1377, 1383, 1384, 1387, 1395, 1396, 1398, 1399, 1400, 1402, 1403, 1404, 1406, 1407, 1408, 1409, 1413, 1414, 1418, 1420, 1422, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1435, 1436, 1437, 1441, 1442, 1446, 1449, 1462, 1474, 1480, 1483, 1484, 1486, 1487, 1489, 1491, 1492, 1493, 1520, 1522, 1525, 1531, 1534, 1537, 1538, 1539, 1545, 1549, 1550, 1552, 1553, 1555, 1556, 1558, 1559, 1560, 1563, 1565, 1566, 1568, 1569, 1570, 1573, 1575, 1578, 1581, 1584, 1587, 1594, 1598, 1599, 1602, 1603, 1605, 1608, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1630, 1634, 1636, 1642, 1643, 1646, 1648, 1649, 1650, 1652, 1654, 1657, 1659, 1660, 1661, 1663, 1664, 1665, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1675, 1773, 1788, 1790, 1791, 1792, 1793, 1794, 1797, 2333, 2334, 2353, 2356, 2357, 2358, 2359, 2360, 2435, 2436, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2490, 2491, 2492, 2494, 2562, 2566, 2568, 2604, 2605, 2606, 2637, 2640, 2643, 2645, 2646, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2657, 2658, 2659, 2661, 2664, 2665, 2668, 2671, 2673, 2692, 2693, 2694, 2696, 2708, 2709, 2710, 2711, 2738, 2747, 2748, 2765, 2779, 2780, 2786, 2798, 2814, 2815, 2816, 2844, 2855, 2856, 2861, 2863, 2864, 2865 are specified as Noise Receptors for the purposes of subsection 54 (1.1) of O. Reg. 359/09 and subsection 35 (1.01) of O. Reg. 359/09.

E – ACOUSTIC AUDIT - IMMISSION

- E1. The Company shall carry out an Acoustic Audit - Immission of the Sound Levels produced by the operation of the Equipment in accordance with the following:
- (1) the acoustic audit measurements shall be undertaken in accordance with Part D of the Compliance Protocol for Wind Turbine Noise;
 - (2) the acoustic audit measurements shall be performed by an Independent Acoustical Consultant on two (2) separate occasions at five (5) different Points of Reception;
 - (3) the Points of Reception shall be selected using the following criteria, subject to the constraints imposed by the location of the Points of Reception with respect to the location of the Equipment:
 - a) the selected Point(s) of Reception should represent the location of the greatest predicted noise impact, i.e., the highest predicted Sound Level; and
 - b) the selected Point(s) of Reception should be located in the direction of prevailing winds from the Facility;

- E2. The Company shall submit to the Director and the District Manager an Acoustic Audit Report - Immission, prepared by an Independent Acoustical Consultant, at the following points in time:
- (1) no later than twelve (12) months after the commencement of the operation of the Facility for the first of the two (2) acoustic audit measurements at the five (5) Points of Reception; and
 - (2) no later than eighteen (18) months after the commencement of the operation of the Facility for the second of the two (2) acoustic audit measurements at the five (5) Points of Reception.
- E3. The Company shall carry out an Acoustic Audit - Transformer Substation and shall submit to the Director and the District Manager an Acoustic Audit Report – Transformer Substation prepared by an Independent Acoustical Consultant, in accordance with the IEEE Standard C57.12.90 and Ministry Publication NPC-233 and no later than six (6) months after the commencement of the operation of the Facility.
- E4. In addition to the requirements described in Condition E3, the Acoustic Audit - Transformer Substation must include a compliance summary of the measurement results and the transformer sound data contained in Attachment E of the Acoustic Assessment Report. The following items must be included in the compliance summary:
- (1) transformer sound power levels (overall level and frequency spectra in octave bands); and
 - (2) a statement that the transformer overall A-weighted sound power levels do not exceed the maximum sound power levels specified in the Schedule B of the Approval.

F – ACOUSTIC AUDIT- EMISSION

- F1. The Company shall carry out an Acoustic Audit - Emission of the acoustic emissions produced by the operation of the wind turbine generators in accordance with the following:
- (1) the acoustic emission measurements shall be undertaken in accordance with the CAN/CSA-C61400-11:07 National Standard;
 - (2) the acoustic emission measurements shall be performed by an Independent Acoustical Consultant; and
 - (3) the acoustic emission measurements shall be performed on three (3) of the wind turbine generators; one (1) turbine rated at 2.221 megawatts generating output capacity, on one (1) of the wind turbine generators rated at 2.126 megawatts generating output capacity and on one (1) of the wind turbine generators rated at 2.030 megawatts generating output capacity used in the Facility and specified in Schedules A and B of the Approval.

- F2. The Company shall submit to the Director and the District Manager an Acoustic Audit Report-Emission, prepared in accordance with Section 9 of the CAN/CSA- C61400-11:07 National Standard by an Independent Acoustical Consultant, no later than twelve (12) months after the commencement of the operation of the Facility.
- F3. In addition to the requirements described in Condition F2, the Acoustic Audit Report-Emission must include a summary of the measurement results corresponding to the specifications contained in the Acoustic Assessment Report. The following items must be included in the summary:
- (1) sound power levels (overall A-weighted levels and frequency spectra in octave bands for each wind speed) of the wind turbine generators;
 - (2) tonal audibility values (for each wind speed) of the wind turbine generators;
 - (3) a statement that the wind turbine generators overall A-weighted sound power levels do not exceed the maximum sound power level specified in Schedule B of the Approval; and,
 - (4) a statement that the wind turbine generators tonal audibility values, as per Condition F3(2), comply with the maximum tonal audibility value of 3.0 dB.

G – STORMWATER MANAGEMENT

- G1. The Company shall employ best management practices for stormwater management and sediment and erosion control during construction, installation, use, operation, maintenance and retiring of the Facility, as described in the Application.
- G2. Within six (6) months of the completion of the construction of the Facility, the Company shall provide the District Manager with a written description of post-construction stormwater management conditions.

H – WATER TAKING ACTIVITIES

- H1. The Company shall not take more than 50,000 litres of water on any day by any means during the construction, installation, use, operation, maintenance and retiring of the Facility.

I – NATURAL HERITAGE

General

- I1. The Company shall implement the Environmental Effects Monitoring Plan for the Cedar Point Wind Energy Project, titled Suncor Energy Cedar Point Wind Energy Project Environmental Effects Monitoring Plan for Wildlife, dated April 2013, and the commitments made in the following reports and included in the Application, and which the Company submitted to the Ministry of Natural Resources in order to comply with O. Reg. 359/09:

- (1) Suncor Energy Cedar Point Wind Energy Project Natural Heritage Assessment and Environmental Impact Study, prepared by Stantec Consulting Ltd, dated April 2013
 - (2) Pre-construction Evaluation of Significance Surveys for Candidate Amphibian Woodland Breeding Habitat Features – Cedar Point Wind Farm, prepared by Stantec Consulting Ltd, dated December 2, 2013
 - (3) Pre-construction Evaluation of Significance Surveys for Candidate Wood Thrush and Hooded Warbler Habitat – Cedar Point Wind Farm, prepared by Stantec Consulting Ltd, dated December 2, 2013
 - (4) Suncor Energy Cedar Point Wind Project Modifications, prepared by Stantec Consulting Ltd, dated May 1, 2014
 - (5) Suncor Energy Cedar Point Wind Project NHA Addendum – May 2014, prepared by Stantec Consulting Ltd, dated May 27, 2014
12. If the Company determines that it must deviate from the Environmental Effects Monitoring Plan or the Natural Heritage Assessment and Environmental Impact Study or Addenda thereto, described in Condition I1, the Company shall contact the Director and the Ministry of Natural Resources, prior to making any changes to the Environmental Effects Monitoring Plan or the Natural Heritage Assessment and Environmental Impact Study or Addenda, and follow any directions provided.

Post Construction Monitoring - Significant Wildlife Habitat

13. The Company shall implement the post-construction monitoring described in the Environmental Effects Monitoring Plan described in Condition I1, including the following:
- (1) Disturbance Monitoring for Amphibian Breeding Habitat Woodland (Features 6, 7, 25, 26, 29, 37, 47, 56 and 57)
 - (2) Disturbance Monitoring for Wood Thrush Habitat (Features 3, 6, 10, 18, 19, 23, 26, 30, 32, 45, 48, 52, 55, 56, 58 and 62)

Post Construction Monitoring - Birds and Bats

14. The Company shall implement the post-construction bird and bat mortality monitoring described in the Environmental Effects Monitoring Plan, described in Condition I1, at a minimum of 14 of the 46 constructed turbines, selected in consultation with the Ministry of Natural Resources.

Thresholds and Mitigation

15. The Company shall contact the Director and the Ministry of Natural Resources if any of the following bird and bat mortality thresholds, as stated in the Environmental Effects Monitoring Plan for the Cedar Point Wind Energy Project described in Condition I1, exceeds:

- (1) 10 bats per turbine per year;
- (2) 14 birds per turbine per year at individual turbines or turbine groups;
- (3) 0.2 raptors per turbine per year (all raptors) across the Facility;
- (4) 0.1 raptors per turbine per year (provincially tracked raptors) across the Facility;
- (5) 10 or more birds at any one turbine during a single monitoring survey; or
- (6) 33 or more birds (including raptors) at multiple turbines during a single monitoring survey.

I6. If the bat mortality threshold described in Condition I5(1) is exceeded, the Company shall:

- (1) implement operational mitigation measures consistent with those described in the Ministry of Natural Resources publication entitled "*Bats and Bat Habitats: Guidelines for Wind Power Projects* " dated July 2011, or in an amended version of the publication. Such measures shall include the following:
 - i. increase cut-in speed to 5.5 m/s and/or feather wind turbine blades when wind speeds are below 5.5 m/s between sunset and sunrise, from July 15 to September 30 at all turbines
- (2) implement an additional three (3) years of effectiveness monitoring.

I7. If the bat mortality threshold described in Condition I5(1) is exceeded after operational mitigation is implemented in accordance with Condition I6, the Company shall prepare and implement a contingency plan, in consultation with the Director and the Ministry of Natural Resources, to address mitigation actions which shall include additional mitigation and scoped monitoring requirements.

I8. If any of the bird mortality thresholds described in Conditions I5(2), I5(3), or I5(4) are exceeded for turbines located within 120m of bird significant wildlife habitat, or if disturbance effects are realized at bird significant wildlife habitat within 120m of turbine(s) while monitoring is being implemented in accordance with Conditions I4, the Company shall implement immediate mitigation actions as described in the Natural Heritage Assessment and Environmental Impact Study and Environmental Effects Monitoring Plan described in Condition I1, and an additional three (3) years of effectiveness monitoring.

I9. If any of the bird mortality thresholds described in Conditions I5(2), I5(3), or I5(4) are exceeded for turbines located outside 120m of bird significant wildlife habitat, the Company shall conduct two (2) years of subsequent scoped mortality monitoring and cause and effects monitoring. Following the completion of scoped monitoring, the Company shall implement operational mitigation and effectiveness monitoring at individual turbines as agreed to between the Company, the Director and the Ministry of Natural Resources, for the first three (3) years following the implementation of mitigation.

- I10. If either of the bird mortality thresholds described in Conditions I5(5) or I5(6) are exceeded, the Company shall prepare and implement a contingency plan to address immediate mitigation actions which shall include:
- (1) periodic shut-down of select turbines; or
 - (2) blade feathering at specific times of year; or
 - (3) an alternate plan agreed to between the Company, the Director and the Ministry of Natural Resources.
- I11. If any of the bird mortality thresholds described in Conditions I5(2), I5(3), or I5(4) are exceeded while monitoring is being implemented in accordance with Conditions I8 or I9, or if either of the bird mortality thresholds described in Conditions I5(5) or I5(6) are exceeded after mitigation is implemented in accordance with Condition I10, the Company shall contact the Director and the Ministry of Natural Resources and prepare and implement an appropriate response plan that shall include some or all of the following mitigation measures:
- (1) increased reporting frequency to identify potential threshold exceedance;
 - (2) additional behavioural studies to determine factors affecting mortality rates;
 - (3) periodic shut-down of select turbines;
 - (4) blade feathering at specific times of year; or
 - (5) an alternate plan agreed to between the Company the Director and the Ministry of Natural Resources.

Reporting and Review of Results

- I12. The Company shall report, in writing, the results of the post-construction disturbance monitoring described in Conditions I3, to the Director and the Ministry of Natural Resources for one (1) year, and within three (3) months of the end of the calendar year in which the monitoring took place for the following habitats:
- (1) Amphibian Breeding Habitat Woodland (Features 25, 26, 29, 37, 47, 56 and 57)
- I13. The Company shall report, in writing, the results of the post-construction disturbance monitoring described in Conditions I3, to the Director and the Ministry of Natural Resources for three (3) years, and within three (3) months of the end of the calendar year in which the monitoring took place for the following habitats:
- (1) Amphibian Breeding Habitat Woodland (Features 6 and 7)
 - (2) Wood Thrush Habitat (Features 3, 6, 10, 18, 19, 23, 26, 30, 32, 45, 48, 52, 55, 56, 58 and 62)

I14. The Company shall report, in writing, bird and bat mortality levels to the Director and the Ministry of Natural Resources for three (3) years on an annual basis and within three (3) months of the conclusion of the November mortality monitoring, with the exception of the following:

- (1) if either of the bird mortality thresholds described in Conditions I5(5) or I5(6) are exceeded, the Company shall report the mortality event to the Director and the Ministry of Natural Resources within 48 hours of observation;
- (2) for any and all mortality of species at risk (including a species listed on the Species at Risk in Ontario list as Extirpated, Endangered or Threatened under the provincial *Endangered Species Act*, 2007) that occurs, the Company shall report the mortality to the Ministry of Natural Resources within 24 hours of observation or the next business day;
- (3) if the bat mortality threshold described in Condition I5(1) is exceeded, the Company shall report mortality levels to the Director and the Ministry of Natural Resources for the additional three (3) years of monitoring described in Condition I6, on an annual basis and within three (3) months of the conclusion of the October mortality monitoring for each year;
- (4) if any of the bird mortality thresholds described in Conditions I5(2), I5(3), or I5(4) are exceeded for turbines located within 120m of bird significant wildlife habitat, the Company shall report mortality levels to the Director and the Ministry of Natural Resources for the additional three (3) years of effectiveness monitoring described in Condition I8, on an annual basis and within three (3) months of the conclusion of the November mortality monitoring for each year;
- (5) if any of the bird mortality thresholds described in Conditions I5(2), I5(3), or I5(4) are exceeded for turbines located outside 120 m of bird significant wildlife habitat, the Company shall report mortality levels to the Director and the Ministry of Natural Resources for the additional two (2) years of cause and effects monitoring described in Condition I9, on an annual basis and within three (3) months of the conclusion of the November mortality monitoring for each year; and
- (6) if the Company implements operational mitigation following cause and effects monitoring in accordance with Condition I9, the Company shall report mortality levels to the Director and the Ministry of Natural Resources for the three (3) years of subsequent effectiveness monitoring described in Condition I9, on an annual basis and within three (3) months of the conclusion of the November mortality monitoring for each year.

I15. The Company shall publish the following documents on the Company's website;

- (1) any modifications to the Environmental Effects Monitoring Plan as described in Condition I2 within ten (10) days of submitting the final plan to the Director and the Ministry of Natural Resources;

- (2) summaries of the results of the post-construction disturbance monitoring as described in Condition I12 and I13, prepared in consultation with the Director and the Ministry of Natural Resources, within ten (10) days of submitting the final report(s) to the Director and the Ministry of Natural Resources; and
- (3) summaries of the results of the annual bird and bat mortality monitoring as described in Condition I14 with the exception of subsection I14(2), prepared in consultation with the Director and the Ministry of Natural Resources, within ten (10) days of submitting the final report(s) to the Director and the Ministry of Natural Resources.

Additional Post Construction Requirements

- I16. As identified in the Natural Heritage Assessment and Environmental Impact Study, described in Condition I1, a Natural Areas Management Strategy will be developed and implemented in consultation with Ministry of Natural Resources staff and finalized within one year after construction.

J – ENDANGERED SPECIES ACT REQUIREMENTS

- J1. No construction or installation activities shall be commenced in areas at the project location that support habitat for Bobolink and Eastern Meadowlark until the Company has met all requirements under the Endangered Species Act, 2007.

K – SEWAGE WORKS OF THE TRANSFORMER SUBSTATION SPILL CONTAINMENT FACILITY

- K1. The Company shall design and construct a transformer substation oil spill containment facility which meets the following requirements:
 - (1) the spill containment facility serving the transformer substation shall have a minimum volume equal to the volume of transformer oil and lubricants plus the volume equivalent to providing a minimum 24-hour duration, 50-year return storm capacity for the stormwater drainage area around the transformer under normal operating conditions. This containment area shall have:
 - (a) an impervious floor with walls usually of reinforced concrete or impervious plastic liners, sloped toward an outlet / oil control device, allowing for a freeboard of 0.25 metres terminating approximately 0.30 metres above grade to prevent external stormwater flows from entering the facility. The facility shall have a minimum of 300mm layer of crushed stoned (19mm to 38mm in diameter) within, all as needed in accordance to site specific conditions and final design parameters; or

- (b) a permeable floor with impervious plastic walls and around the transformer pad; equipped with subsurface drainage with a minimum 50mm diameter drain installed on a sand layer sloped toward an outlet for sample collection purposes; designed with an oil absorbent material on floor and walls, and allowing for a freeboard of 0.25 metres terminating approximately 0.30 metres above grade to prevent external stormwater flows from entering the facility. The facility's berm shall be designed as needed in accordance to site specific conditions and the facility shall have a minimum 300mm layer of crushed stoned (19mm to 38mm in diameter) on top of the system, as needed in accordance to site specific conditions and final design parameters.
- (2) the spill containment facility shall be equipped with an oil detection system; it also shall have a minimum of two (2) PVC pipes (or equivalent material) 50mm diameter to allow for visual inspection of water accumulation. One pipe has to be installed half way from the transformer pad to the vehicle access route;
- (3) the spill containment facility shall have appropriate sewage appurtenances as necessary, such as but not limited to: sump, oil/grit separator, pumpout manhole, level controllers, floating oil sensors, etc., that allows for batch discharges or direct discharges and for proper implementation of the monitoring program described under Condition K4; and
- (4) the Company shall have a qualified person on-site during construction to ensure that the system is installed in accordance with the approved design and specifications.

K2. The Company shall:

- (1) within six (6) months after the completion of the construction of the transformer substation spill containment facility, provide to the District Manager an engineering report and as-built design drawings of the sewage works for the spill containment facility and any stormwater management works required for it, signed and stamped by an independent Professional Engineer licensed in Ontario and competent in electrical and environmental engineering. The engineering report shall include the following:
 - (a) as-built drawings of the sewage works for the spill containment facility and any stormwater management works required for it;
 - (b) a written report signed by a qualified person confirming the following:
 - (i) on-site supervision during construction
 - (ii) in case of a permeable floor systems: type of oil absorbent material used (for mineral-based transformer oil or vegetable-based transformer oil, make and material's specifications)
 - (ii) use of stormwater best management practices applied to prevent external surface water runoff from entering the spill containment facility, and
 - (iv) confirm adequacy of the installation in accordance with specifications.

- (c) confirmation of the adequacy of the operating procedures and the emergency procedures manuals as it pertains to the installed sewage works.
 - (d) procedures to provide emergency response to the site in the form of pumping and clean-up equipment within 24 hours after an emergency has been identified. Such response shall be provided even under adverse weather conditions to prevent further danger of material loss to the environment.
- (2) as a minimum, the Company shall check the oil detection systems on a monthly basis and create a written record of the inspections;
 - (3) ensure that the effluent is essentially free of floating and settle-able solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen or foam on the receiving waters;
 - (4) immediately identify and clean-up all losses of oil from the transformer;
 - (5) upon identification of oil in the spill containment facility, take immediate action to prevent the further occurrence of such loss;
 - (6) ensure that equipment and material for the containment, clean-up and disposal of oil and materials contaminated with oil are kept within easy access and in good repair for immediate use in the event of:
 - (a) loss of oil from the transformer,
 - (b) a spill within the meaning of Part X of the Act, or
 - (c) the identification of an abnormal amount of oil in the effluent.
 - (7) in the event of finding water accumulation in the PVC pipes at the time of inspection, as per Condition K4, the Company shall: (a) for impervious floors, inspect the sewage appurtenances that allow drainage of the concrete pit; or (b) for permeable systems, replace the oil absorbent material to ensure integrity of the system performance and design objectives.
 - (8) for permeable floor systems, the Company shall only use the type of oil specified in the design, i.e. mineral-based transformer oil or vegetable-based transformer oil. If a change is planned to modify the type of oil, the Company shall also change the type of the oil absorbent material and obtain approval from the Director to amend this Approval before any modification is implemented.

K3. The Company shall design, construct and operate the sewage works such that the concentration of the effluent parameter named in the table below does not exceed the maximum Concentration Objective shown for that parameter in the effluent, and shall comply with the following requirements:

Effluent Parameters	Maximum Concentration Objective
Oil and Grease	15mg/L

- (1) notify the District Manager as soon as reasonably possible of any exceedance of the maximum concentration objective set out in the table above;
- (2) take immediate action to identify the cause of the exceedance; and
- (3) take immediate action to prevent further exceedances.

K4. Upon commencement of the operation of the Facility, the Company shall establish and carry out the following monitoring program for the sewage works:

- (1) the Company shall collect and analyze the required set of samples at the sampling points listed in the table below in accordance with the measurement frequency and sample type specified for the effluent parameter, oil and grease, and create a written record of the monitoring:

Effluent Parameters	Measurement Frequency and Sample Points	Sample Type
Oil and Grease	Quarterly, i.e. four times over a year, relatively evenly spaced having a minimum two (2) of these samples taken within 48 hours after a 10mm rainfall event.	Grab

- (2) in the event of an exceedance of the maximum concentration objective set out in the table in Condition K3, the Company shall:
 - (a) increase the frequency of sampling to once per month, for each month that effluent discharge occurs, and
 - (b) provide the District Manager, on a monthly basis, with copies of the written record created for the monitoring until the District Manager provides written direction that monthly sampling and reporting is no longer required; and
- (3) if over a period of twenty-four (24) months of effluent monitoring under Condition K4, there are no exceedances of the maximum concentration set out in the table for Concentration Objective, the Company may reduce the measurement frequency of effluent monitoring to a frequency as the District Manager may specify in writing, provided that the new specified frequency is never less than annual.

K5. The Company shall comply with the following methods and protocols for any sampling, analysis and recording undertaken in accordance with Condition K4:

- (1) Ministry of the Environment publication "Protocol for the Sampling and Analysis of Industrial/ Municipal Wastewater", January 1999, as amended from time to time by more recently published editions, and
- (2) the publication "Standard Methods for the Examination of Water and Wastewater", 21st edition, 2005, as amended from time to time by more recently published editions.

L – TRAFFIC MANAGEMENT PLANNING

- L1. Within three (3) months of receiving this Approval, the Company shall prepare a Traffic Management Plan and provide it to the Town of Plympton-Wyoming, Municipality of Lambton Shores, Warwick Township, and Lambton County.
- L2. Within three (3) months of having provided the Traffic Management Plan to the Town of Plympton-Wyoming, Municipality of Lambton Shores, Warwick Township, and Lambton County, the Company shall make reasonable efforts to enter into a Road Users Agreement with the Town of Plympton-Wyoming, Municipality of Lambton Shores, Warwick Township, and Lambton County.
- L3. If a Road Users Agreement has not been signed with the Town of Plympton-Wyoming, Municipality of Lambton Shores, Warwick Township, and Lambton County within three (3) months of having provided the Traffic Management Plan to the Town of Plympton-Wyoming, Municipality of Lambton Shores, Warwick Township, and Lambton County, the Company shall provide a written explanation to the Director as to why this has not occurred.

M – ARCHAEOLOGICAL RESOURCES

- M1. The Company shall implement all of the recommendations, if any, for further archaeological fieldwork and for the protection of archaeological sites found in the consultant archaeologist's report included in the Application, and which the Company submitted to the Ministry of Tourism, Culture and Sport in order to comply with O. Reg. 359/09.
- M2. Should any previously undocumented archaeological resources be discovered, the Company shall:
 - (1) cease all alteration of the area in which the resources were discovered immediately;
 - (2) engage a consultant archaeologist to carry out the archaeological fieldwork necessary to further assess the area and to either protect and avoid or excavate any sites in the area in accordance with the *Ontario Heritage Act*, the regulations under that act and the Ministry of Tourism, Culture and Sport's *Standards and Guidelines for Consultant Archaeologists*; and
 - (3) notify the Director as soon as reasonably possible.

N – ABORIGINAL CONSULTATION

- N1. During the construction, installation, operation, use and retiring of the Facility, the Company shall:
 - (1) create and maintain written records of any communications with Aboriginal communities; and
 - (2) make the written records available for review by the Ministry upon request.

- N2. The Company shall provide the following to interested Aboriginal communities:
- (1) updated project information, including the results of monitoring activities undertaken and copies of additional archaeological assessment reports that may be prepared; and;
 - (2) updates on key steps in the construction, installation, operation, use and retirement phases of the Facility, including notice of the commencement of construction activities at the project location.
- N3. If an Aboriginal community requests a meeting to obtain information relating to the construction, installation, operation, use and retiring of the Facility, the Company shall make reasonable efforts to arrange and participate in such a meeting.
- N4. If any archaeological resources of Aboriginal origin are found during the construction of the Facility, the Company shall:
- (1) notify any Aboriginal community considered likely to be interested or which has expressed an interest in such finds; and,
 - (2) if a meeting is requested by an Aboriginal community to discuss the archaeological find(s), make reasonable efforts to arrange and participate in such a meeting.

O – COMMUNITY LIAISON COMMITTEE

- O1. Within three (3) months of receiving this Approval, the Company shall make reasonable efforts to establish a Community Liaison Committee. The Community Liaison Committee shall be a forum to exchange ideas and share concerns with interested residents and members of the public. The Community Liaison Committee shall be established by:
- (1) publishing a notice in a newspaper with general circulation in each local municipality in which the project location is situated; and
 - (2) posting a notice on the Company's publicly accessible website, if the Company has a website;

to notify members of the public about the proposal for a Community Liaison Committee and invite residents living within a one (1) kilometre radius of the Facility that may have an interest in the Facility to participate on the Community Liaison Committee.
- O2. The Company may invite other members of stakeholders to participate in the Community Liaison Committee, including, but not limited to, local municipalities, local conservation authorities, Aboriginal communities, federal or provincial agencies, and local community groups.
- O3. The Community Liaison Committee shall consist of at least one Company representative who shall attend all meetings.

- O4. The purpose of the Community Liaison Committee shall be to:
- (1) act as a liaison facilitating two way communications between the Company and members of the public with respect to issues relating to the construction, installation, use, operation, maintenance and retirement of the Facility;
 - (2) provide a forum for the Company to provide regular updates on, and to discuss issues or concerns relating to, the construction, installation, use, operation, maintenance and retirement of the Facility with members of the public; and
 - (3) ensure that any issues or concerns resulting from the construction, installation, use, operation, maintenance and retirement of the Facility are discussed and communicated to the Company.
- O5. The Community Liaison Committee shall be deemed to be established on the day the Director is provided with written notice from the Company that representative Community Liaison Committee members have been chosen and a date for a first Community Liaison Committee meeting has been set.
- O6. If a Community Liaison Committee has not been established within three (3) months of receiving this Approval, the Company shall provide a written explanation to the Director as to why this has not occurred.
- O7. The Company shall ensure that the Community Liaison Committee operates for a minimum period of two (2) years from the day it is established. During this two (2) year period, the Company shall ensure that the Community Liaison Committee meets a minimum of two (2) times per year. At the end of this two (2) year period, the Company shall contact the Director to discuss the continued operation of the Community Liaison Committee.
- O8. The Company shall ensure that all Community Liaison Committee meetings are open to the general public.
- O9. The Company shall provide administrative support for the Community Liaison Committee including, at a minimum:
- (1) providing a meeting space for Community Liaison Committee meetings;
 - (2) providing access to resources, such as a photocopier, stationery, and office supplies, so that the Community Liaison Committee can:
 - a) prepare and distribute meeting notices;
 - b) record and distribute minutes of each meeting; and
 - c) prepare reports about the Community Liaison Committee's activities.
- O10. The Company shall submit any reports of the Community Liaison Committee to the Director and post it on the Company's publicly accessible website, if the Company has a website.

P – OPERATION AND MAINTENANCE

- P1. Prior to the commencement of the operation of the Facility, the Company shall prepare a written manual for use by Company staff outlining the operating procedures and a maintenance program for the Equipment that includes as a minimum the following:
- (1) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the Equipment suppliers;
 - (2) emergency procedures;
 - (3) procedures for any record keeping activities relating to operation and maintenance of the Equipment; and
 - (4) all appropriate measures to minimize noise emissions from the Equipment.
- P2. The Company shall;
- (1) update, as required, the manual described in Condition P1; and
 - (2) make the manual described in Condition P1 available for review by the Ministry upon request.
- P3. The Company shall ensure that the Facility is operated and maintained in accordance with the Approval and the manual described in Condition P1.

Q – RECORD CREATION AND RETENTION

- Q1. The Company shall create written records consisting of the following:
- (1) an operations log summarizing the operation and maintenance activities of the Facility;
 - (2) within the operations log, a summary of routine and Ministry inspections of the Facility; and
 - (3) a record of any complaint alleging an Adverse Effect caused by the construction, installation, use, operation, maintenance or retirement of the Facility.
- Q2. A record described under Condition Q1 (3) shall include:
- (1) a description of the complaint that includes as a minimum the following:
 - a) the date and time the complaint was made;
 - b) the name, address and contact information of the person who submitted the complaint;
 - (2) a description of each incident to which the complaint relates that includes as a minimum the following:
 - a) the date and time of each incident;

- b) the duration of each incident;
 - c) the wind speed and wind direction at the time of each incident;
 - d) the ID of the Equipment involved in each incident and its output at the time of each incident;
 - e) the location of the person who submitted the complaint at the time of each incident; and
- (3) a description of the measures taken to address the cause of each incident to which the complaint relates and to prevent a similar occurrence in the future.

Q3. The Company shall retain, for a minimum of five (5) years from the date of their creation, all records described in Condition Q1, and make these records available for review by the Ministry upon request.

R – NOTIFICATION OF COMPLAINTS

- R1. The Company shall notify the District Manager of each complaint within two (2) business days of the receipt of the complaint.
- R2. The Company shall provide the District Manager with the written records created under Condition Q2 within eight (8) business days of the receipt of the complaint.

S – CHANGE OF OWNERSHIP

- S1. The Company shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any of the following changes:
- (1) the ownership of the Facility;
 - (2) the operator of the Facility;
 - (3) the address of the Company;
 - (4) the partners, where the Company is or at any time becomes a partnership and a copy of the most recent declaration filed under the *Business Names Act* , R.S.O. 1990, c.B.17, as amended, shall be included in the notification; and
 - (5) the name of the corporation where the Company is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act* , R.S.O. 1990, c. C.39, as amended, shall be included in the notification.

SCHEDULE A

Facility Description

The Facility shall consist of the construction, installation, operation, use and retiring of the following:

- (a) no more than forty-six (46) Siemens SWT 2.3-113 wind turbine generators, with a total maximum name plate capacity of 100 megawatts (MW), to be selected from the fifty-five (55) potential Siemens SWT 2.3-113 wind turbine generators described in Table B1 of Schedule B, and sited at the locations shown in Table B1; and
 - (b) associated ancillary equipment, systems and technologies including one (1) 110 mega-volt-ampere (MVA) transformer substation, on-site access roads, underground cabling and overhead transmission lines,
- all in accordance with the Application.

SCHEDULE B

Coordinates of the Equipment and Noise Specifications

Coordinates of the Equipment below in UTM, Z17-NAD83 projection

Table B1: Coordinates and Maximum Sound Power Levels of Wind Turbine Generators and Transformer Substation

Source ID	Maximum sound power level (dBA)	Easting (m)	Northing (m)	Source description
Suncor WTG1	103.0	423,325	4,779,947	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG2	103.0	423,377	4,779,347	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG4	103.0	422,879	4,778,982	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG5	103.0	423,245	4,778,344	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG6	103.0	422,802	4,778,019	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG7	103.0	421,230	4,778,183	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG8	103.0	422,865	4,777,231	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG9	103.0	422,893	4,775,653	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG10	102.0	419,153	4,777,370	Siemens SWT-2.3-113, 2.030 MW and 99.5 metres hub height
Suncor WTG11	103.0	422,661	4,775,135	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG13	103.0	419,265	4,776,572	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG14	103.0	419,035	4,775,996	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG15	103.0	420,667	4,774,508	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG16	103.0	421,160	4,774,047	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG17	104.0	419,179	4,775,153	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG18	104.0	420,545	4,773,644	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG19	103.0	418,499	4,774,532	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG20	103.0	420,881	4,773,009	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG21	102.0	416,732	4,776,214	Siemens SWT-2.3-113, 2.030 MW and 99.5 metres hub height
Suncor WTG22	103.0	416,903	4,775,746	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG23	104.0	416,180	4,775,949	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG24	103.0	416,619	4,775,229	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG25	103.0	417,026	4,774,693	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG26	104.0	421,545	4,770,967	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG27	104.0	416,257	4,774,033	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG29	104.0	420,519	4,770,627	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG30	104.0	414,976	4,774,473	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG31	104.0	414,508	4,773,498	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG32	104.0	413,984	4,773,786	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG34	104.0	413,419	4,773,597	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG35	104.0	413,504	4,771,876	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG36	104.0	412,817	4,771,516	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG37	104.0	412,242	4,771,844	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height

Table B1: Coordinates and Maximum Sound Power Levels of Wind Turbine Generators and Transformer Substation (Continued)

Source ID	Maximum sound power level (dBA)	Easting (m)	Northing (m)	Source description
Suncor WTG39	104.0	410,803	4,771,647	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG40	104.0	412,134	4,769,169	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG41	104.0	410,537	4,769,264	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG42	104.0	413,558	4,766,375	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG43	104.0	410,885	4,768,546	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG44	104.0	409,812	4,769,400	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG46	104.0	413,838	4,765,546	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG47	104.0	408,115	4,768,818	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG48	104.0	408,411	4,768,249	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG50	104.0	410,398	4,765,477	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG51	104.0	408,572	4,766,648	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG53	104.0	408,885	4,765,445	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG54	104.0	407,818	4,765,618	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG69	104.0	412,533	4,768,085	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG70	104.0	413,660	4,767,965	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG71	104.0	414,270	4,770,586	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG72	104.0	414,073	4,766,424	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG76	103.0	413,336	4,768,393	Siemens SWT-2.3-113, 2.126 MW and 99.5 metres hub height
Suncor WTG79	104.0	411,606	4,765,300	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG80	104.0	412,204	4,765,167	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG81	104.0	413,092	4,768,868	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
Suncor WTG82	104.0	421,271	4,777,618	Siemens SWT-2.3-113, 2.221 MW and 99.5 metres hub height
TS1	103.6	416,857	4,775,052	110 MVA Transformer Substation, see Table B2

Note: The Maximum Sound Power Level of Source ID "TS1" includes the applicable 5 dB tonal penalty described in the Noise Guidelines for Wind Farms.

Table B2: Maximum Sound Power Spectrum (dB) of 110 MVA Transformer Substation-including 5dB tonal penalty

Transformer Substation (TS1)	Octave Band Centre Frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
Sound Power Level (dB Lin)	106.2	108.2	103.2	103.2	97.2	92.2	87.2	80.2

SCHEDULE C

Noise Control Measures

Acoustic Barrier

One (1) 25 metres long, 5.5 metres high acoustic barrier, positioned as per Figure 3 of the Acoustic Assessment Report. The acoustic barrier shall be continuous without holes, gaps and other penetrations, and having a surface mass density of at least 20 kilograms per square metres.

The reasons for the imposition of these terms and conditions are as follows:

1. Conditions A1, A2 and A8 are included to ensure that the Facility is constructed, installed, used, operated, maintained and retired in the manner in which it was described for review and upon which Approval was granted. These conditions are also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Conditions A3 and A4 are included to require the Company to provide information to the public and the local municipality.
3. Conditions A5 and A6 are included to ensure that final retirement of the Facility is completed in an aesthetically pleasing manner, in accordance with Ministry standards, and to ensure long-term protection of the health and safety of the public and the environment.
4. Condition A7 is included to require the Company to inform the Ministry of the commencement of activities related to the construction, installation and operation of the Facility.
5. Condition B is intended to limit the time period of the Approval.
6. Condition C1 is included to provide the minimum performance requirement considered necessary to prevent an Adverse Effect resulting from the operation of the Equipment and to ensure that the noise emissions from the Equipment will be in compliance with applicable limits set in the Noise Guidelines for Wind Farms.
7. Conditions A8, C2, C3 and D are included to ensure that the Equipment is constructed, installed, used, operated, maintained and retired in a way that meets the regulatory setback prohibitions set out in O. Reg. 359/09.
8. Conditions E and F are included to require the Company to gather accurate information so that the environmental noise impact and subsequent compliance with the Act, O. Reg. 359/09, the Noise Guidelines for Wind Farms and this Approval can be verified.
9. Conditions G, H, I, J, K and L are included to ensure that the Facility is constructed, installed, used, operated, maintained and retired in a way that does not result in an Adverse Effect or hazard to the natural environment or any persons.
10. Condition M is included to protect archaeological resources that may be found at the project location.
11. Condition N is included to ensure continued communication between the Company and interested Aboriginal communities.
12. Condition O is included to ensure continued communication between the Company and the local residents.

13. Condition P is included to emphasize that the Equipment must be maintained and operated according to a procedure that will result in compliance with the Act, O. Reg. 359/09 and this Approval.
14. Condition Q is included to require the Company to keep records and provide information to the Ministry so that compliance with the Act, O. Reg. 359/09 and this Approval can be verified.
15. Condition R is included to ensure that any complaints regarding the construction, installation, use, operation, maintenance or retirement of the Facility are responded to in a timely and efficient manner.
16. Condition S is included to ensure that the Facility is operated under the corporate name which appears on the application form submitted for this Approval and to ensure that the Director is informed of any changes.

NOTICE REGARDING HEARINGS

In accordance with Section 139 of the Environmental Protection Act, within 15 days after the service of this notice, you may by further written notice served upon the Director, the Environmental Review Tribunal and the Environmental Commissioner, require a hearing by the Tribunal.

In accordance with Section 47 of the Environmental Bill of Rights, 1993, the Environmental Commissioner will place notice of your request for a hearing on the Environmental Registry.

Section 142 of the Environmental Protection Act provides that the notice requiring the hearing shall state:

1. The portions of the renewable energy approval or each term or condition in the renewable energy approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The signed and dated notice requiring the hearing should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The renewable energy approval number;
6. The date of the renewable energy approval;
7. The name of the Director;
8. The municipality or municipalities within which the project is to be engaged in;

This notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The Environmental Commissioner
1075 Bay Street, 6th Floor
Suite 605
Toronto, Ontario
M5S 2B1

AND

The Director
Section 47.5, *Environmental Protection Act*
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

Under Section 142.1 of the Environmental Protection Act, residents of Ontario may require a hearing by the Environmental Review Tribunal within 15 days after the day on which notice of this decision is published in the Environmental Registry. By accessing the Environmental Registry at www.ebr.gov.on.ca, you can determine when this period ends.

Approval for the above noted renewable energy project is issued to you under Section 47.5 of the Environmental Protection Act subject to the terms and conditions outlined above.

DATED AT TORONTO this 22nd day of August, 2014

A handwritten signature in black ink, appearing to read 'V. Schroter', written over a horizontal line.

Vic Schroter, P.Eng.
Director
Section 47.5, *Environmental Protection Act*

NC/

c: District Manager, MOE Sarnia
Christopher Scott, Suncor Energy Products Inc.

Exhibit B
Tab 4
Schedule 1
Appendix G

September 4, 2014 Lambton County Notice of Appeal of REA



LEGAL SERVICES/CLERK'S DEPARTMENT

789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0
Telephone: 519 845-0801
Toll-free: 1 866-324-6912
Fax: 519-845-0818
www.lambtononline.ca

September 4, 2014

BY MAIL & FAX

Environmental and Land Tribunals Ontario
Secretary
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5
Fax: 416.326.5370

Re: ERT File No.: 012-0630, REA Approval for Suncor Energy Products Inc.

Please accept this correspondence as a "Notice Requiring a Hearing" in the above mentioned matter. The Corporation of the County of Lambton (hereinafter "the County") seeks an Appeal, with full party status. The County asserts that the proposed renewable energy project will cause serious harm to human health by creating unnecessary, and completely avoidable traffic safety hazards (and thereby human injury and/or death) on multiple public highways within the vicinity of the project. The County seeks a substantial or wholesale change to the proposed layout of transmission and collection lines (conjunctively, "the Infrastructure") which constitutes a major component of the proposed wind farm. Specific relief sought includes the imposition of terms, and/or the creation of a detailed plan and route of Infrastructure that prioritizes traffic safety, and/or the requirement for all Infrastructure to be subsurface, or other similar order which would result in greater traffic safety, at the Tribunal's discretion.

A. Serious Harm to Human Health

The Director's decision would result in the construction of permanent, immovable infrastructure being placed within (and beneath) the travelled portion of the roadways. Further, according to the Province of Ontario's *Road Safety Annual Report*, in year 2010, which is the most recent data available at time of writing, 3 people were killed in Ontario from 2,623 collisions with utility poles and/or cable guiderails and steel guiderails steel beam guide rails (the technology designed to protect against crashing into utility poles). It is the County's position that both death and personal injury constitute prima facie serious harms to human health. Accordingly, the threat to human health is both real, and quantifiable.

The Director's focus with respect to traffic safety is primarily upon concerns relating to the construction phase of the project. While said issues, including the requirement for a traffic management plan are both important and appropriate to consider, the County's greater concern is with the permanent legacy of the construction - both the above ground transmission towers and the underground collection lines can pose hazards to users (both travelling public and for workers during future construction and reconstruction of municipal roads). The Director's

decision makes no meaningful reference to these long-term traffic safety concerns whatsoever. Given the Permit Holder's significant inventory of easements, land leases, land ownership and its capacity to acquire more of the foregoing, it is self-evidently beneficial to locate its Infrastructure beyond the clear zone on private property, as far from the travelled portions and clear zone of the roadways as possible.

B. Portion of Project Being Opposed

As the local road authority with respect to Oil Heritage Road, Townsend Line, Lakeshore Road, Aberarder Line and Thomson Line, the County is charged by the Province, through a combination of the *Municipal Act, 2001* and the *Highway Traffic Act*, with the responsibility of designing, constructing and maintaining safe roadways. As a basic principal of good highway design, according to the Ontario Ministry of Transportation's *Roadside Safety Manual*, the ideal course of action is to avoid constructing large, immovable objects within proximity to the travelled portion of the road allowance.

The Portion of the Project being specifically opposed is the route of the collector and transmission lines (collectively "the Infrastructure") which bring the electricity generated by the wind turbines to a collector/transformer substation, ultimately feeding into Infrastructure owned by Jericho Wind, Inc., and from there to the IESO-controlled grid (the County has also opposed the proposed Infrastructure in the Jericho Wind, Inc. project, as part of ERT Hearing #14-029, decision due October 28, 2014). It is the County's position that the proposed route does not minimize traffic hazards to users of public road allowances. While it is acknowledged that some of the proposed route is located on private property, away from municipal road allowances, the Permit Holder has placed a greater value upon commercial efficiency, by establishing routes based on convenience, rather than routes that prioritize public safety. As one of the local road authorities, the County seeks to fulfil its public safety mandate by seeking to remove all proposed Infrastructure from both the road allowances and the clear zones associated with the road allowances.

C. Relief Sought

With respect to the relief sought by the County, the ultimate goal is to achieve a circumstance in which industrial wind turbines, if approved, are constructed in such a manner that the Infrastructure which supports them does not constitute a safety hazard to users of public highways. Accordingly, there are a number of potential outcomes which would be acceptable to the County if it succeeds in this appeal. In the event that a safe route for the Infrastructure that does not jeopardize highway safety cannot be achieved, then the relief sought is the complete revocation of the REA.

Any relief sought by the County would require the Tribunal to alter or revoke at least a portion, if not the entirety, of the Director's decision which issued the REA. It could be sufficient to merely revoke those portions dealing with "impacts during construction, including impacts to roads" and substituting specific requirements that no Infrastructure be installed within road allowances, or in the alternative that Infrastructure only be installed in/under road allowances where it is demonstrated that there is no practical alternative (as opposed to being a route of convenience).

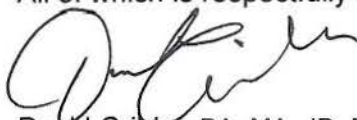
In any case, the guiding principle for relief, which clearly was not considered in any manner by either the Director, or the Permit Holder, should be construction of Infrastructure with the greatest possible setback from the travelled portion and clear zone of the road.

The easiest and likely most appropriate mechanism for relief would be for the Tribunal to substitute its own decision with respect to traffic concerns. An appropriate substituted decision would require greater disclosure prior to construction, changes to the proposed route for the Infrastructure so that public highways are avoided as much as possible, and where not possible, that construction occur on lower traffic volume roads, and that with respect to the placement of infrastructure, the highest priority be given to traffic safety, ahead and above all other considerations. For subsurface infrastructure, such as collection lines, it could be acceptable to merely require construction in road allowances that would best remove the Infrastructure from the influence of normal and ongoing municipal and third party repair and maintenance operations.

While the Permit Holder has produced a considerable volume of documentation both to the Director, in its application, and to the Ontario Energy Board in support of its application in proceedings before that body, it has yet to provide specific pole location information to the County. It is known in a general sense that Infrastructure will be constructed along, or in the vicinity of County roads including (Oil Heritage Road, Townsend Line, Lakeshore Road, Aberarder Line and Thomson Line), the exact location of transmission structures is unknown and the County has not had meaningful dialogue with the Permit Holder regarding the proposed location of the underground collector lines. Without knowing where exactly this infrastructure will be located, it is not possible for the County to make a complete assessment of the proposed route.

Paradoxically, if the County, as road authority, does not have enough information to make specific decisions or approvals regarding the safety or lack thereof associated with the proposed Infrastructure, then neither could the Director of the Ministry of the Environment, who is not qualified to act as a road authority. Accordingly, it is absolutely essential that the Permit Holder be required to disclose more specific documentation to the County, as a result of this process.

All of which is respectfully submitted.



David Cribbs, BA, MA, JD, MPA, CMM III
GM Corporate Services / County Solicitor / County Clerk
The Corporation of the County of Lambton
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0
Tel: 519.845.0801 x.5402
Fax: 519.845.0818

cc: Secretary, Environmental Review Tribunal
Environmental Commissioner of Ontario
Vic Schroter, Director, Section 47.5, Environmental Protection Act
Suncor Energy Products Inc.

Exhibit B
Tab 4
Schedule 1
Appendix H

October 1, 2014 Lambton County Council Meeting Minutes

MINUTES
LAMBTON COUNTY COUNCIL

October 1, 2014

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present except E. Davis-Dagg.

Disclosures of Pecuniary Interest: Councillor Bilton declared a pecuniary interest with respect to the delegation presentation made by WAIT-PW as well as the NextEra Energy Community Liaison Committee Follow-Up report submitted under items tabled from previous meetings as the Councillor own lands on which industrial wind turbines are or may be located.

In-Camera Committee Room #3

#1: Foubister/Marriott: That the Warden declare that County Council go in-camera to discuss the following:

- a) a matter to be considered for the purpose of providing instructions and directions to officers and employees, for the receipt of legal advice from the County Solicitor pertaining to litigation involving an identifiable individual, including a matter before the Human Rights Tribunal of Ontario, which shall necessarily include the receipt of information relating to the employment of identifiable individuals, including any communication necessary for these purposes, pursuant to section 239(2)(b) and 239(2)(f) of the *Municipal Act, 2001*.
- b) to receive a report pertaining to the potential acquisition or disposition or the establishment of other economic relationships pertaining to real property including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.
- c) to receive a report pertaining to the potential acquisition or disposition or the establishment of other economic relationships pertaining to real property located within the geographic area of the City of Sarnia, including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.

Carried.

Open Session

The Warden declared that County Council go back into Open Session. Council then reconvened at 1:40 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated October 1, 2014

#2: Veen/MacKenzie: That Council rise and report.

Carried.

The County Clerk noted that there were no resolutions to report from the Closed Session meeting.

#3: Bilton/Boushy: That Council adopt the report of the Closed Session meeting.

Carried.

Delegations

#4: MacDougall/MacKenzie: That we invite the delegations within the Bar to speak to County Council.

Carried.

Mary Ann Buntrock, Chair, Lambton Children's Safety Village spoke to County Council regarding the reactivation of the request for \$125,000 to assist with the construction of the Lambton Children's Safety Village.

#5: Arnold/Bradley: That the request for \$125,000 from the Lambton Children's Safety Village to assist with the construction of the Village be referred to the 2015 Budget for further consideration.

Carried.

Santo Giorno and Elizabeth Bellavance, representatives of WAIT-PW asked County Council to become involved in a constitutional argument being heard by the Divisional Court of the Ontario Superior Court of Justice in London, ON involving industrial wind turbines which will begin on November 17, 2014.

#6: Bradley/Gillis: That Council support the request of WAIT-PW, being that Lambton County intervene in an application to be heard in Divisional Court and show support for the Charter challenge at a total cost of \$60,000 including the \$20,000 provided earlier by the County to WAIT-PW and further that the citizens of Huron County be made honorary citizens of Lambton County for the purpose of the court proceedings.

A recorded vote starting with Councillor MacDougall was requested by Councillor Bradley on motion #6 of this day's minutes:

S. Arnold Yes (3)
W. Bilton P.I.
D. Boushy Yes (3)
M. Bradley Yes (3)

T. Case.....Yes (2)
E. Davis-DaggAbsent
J. FoubisterYes (3)
P. GillilandYes (2)
A.M. GillisYes (3)
B. MacDougallYes (3)
L. MacKenzieYes (1)
K. Marriott.....Yes (1)
J. McCharlesYes (2)
D. McGuganYes (1)
L. NapperYes (3)
I. Veen.....No (1)
B. WeberNo (3)

Yeas - 30; Nays - 4.

Motion Carried.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated September 3, 2014 were presented.

#7: Napper/Bilton: That the Lambton County Council (Open Session) and (Closed Session) minutes dated September 3, 2014 be accepted as presented.

Carried.

Correspondence to Receive and File

CC 10-13-14 A news release from Bluewater Health dated September 24, 2014 regarding the Bluewater Health Residential Withdrawal Management Facility. Following the successful launch of local day and community withdrawal management programs, Bluewater Health has moved into Phase II to actively plan the residential facility. An update, including the news release and an article that will be published in the The Observer Saturday, September 27, 2014 were presented.

#8: Weber/McCharles: That correspondence CC 10-13-14 be received and filed.

Carried.

Information Report

SOCIAL SERVICES DIVISION

Information Report dated October 1, 2014 Regarding Coronation Park Day Nursery Update #1

#9: MacKenzie/McGugan: That the Information Report dated October 1, 2014 regarding Coronation Park Day Nursery Update #1 be received and filed.

Carried.

Items Not Requiring a Motion

The following item was presented to County Council for its information:

- a) Lambton Community Health Study Board Meeting Minutes dated June 26, 2014.

Reports Requiring a Motion

CAO

Report dated October 1, 2014 Regarding the 2015 Annual Meeting and Conference Great Lakes & St. Lawrence Cities Initiative

#10: Foubister/Marriott:

- a) That the County agree to sponsor the event at an amount of up to \$75,000.
- b) That this amount be funded from the Opportunities and Contingencies Reserve.
- c) That where possible, sponsorship funding pledged by 3rd parties be approved to bring down the costs otherwise incurred by the County.

Carried.

Committee Minutes

Mr. J. Foubister presented the Committee A.M. minutes dated September 17, 2014.

#11: Foubister/Marriot: That the Committee A.M. minutes dated September 17, 2014 be accepted as presented.

Carried.

Mr. B. Weber presented the Committee P.M. minutes dated September 17, 2014.

#12: Weber/Boushy: That the Committee P.M. minutes dated September 17, 2014 be accepted as presented.

Carried.

Items Tabled from Previous Meetings

a) Report dated October 1, 2014 Regarding Follow-Up - Community Liaison Committee for the Jericho Wind Energy Centre

Tabled motion #4 of the Committee A.M. minutes dated August 21, 2014 regarding correspondence PW 09-06-14 from NextEra Energy, requesting the County of Lambton to appoint a member to sit on the NextEra Community Liaison Committee. The motion was tabled pending a follow-up report that provides further information such as terms of reference, frequency of meetings, etc.

#13: Bradley/Napper: That motion #4 of the Committee A.M. minutes dated August 21, 2014 requesting that a member of County Council be appointed to sit on the NextEra Community Liaison Committee suggested in correspondence PW 09-06-14 be lifted from the table.

Carried.

#14: Bradley/Napper: That the request of a member of County Council be appointed to sit on the NextEra Community Liaison Committee as suggested in correspondence PW 09-06-14 be received and filed.

Carried.

b) Report dated October 1, 2014 Regarding Planning for the Future of 1014 Oak Street, Sarnia

Tabled motion #14 of the Lambton County Council (Open Session) minutes dated September 3, 2014 regarding the closure of Coronation Park Day Nursery. The motion was tabled so that staff could bring back a report including all the ramifications identified and how Council will move forward with the closure.

#15: Weber/Marriott:

a) That motion #14 of the Lambton County Council (Open Session) minutes dated September 3, 2014 be lifted from the table.

b) That staff be authorized to effect the agreements necessary to see the Ontario Early Years Centre Sarnia-Lambton continue to operate the Best Start Hub located at 1014 Oak Street, Sarnia at that location until December 31, 2015.

Carried.

OTHER BUSINESS

Lambton County Branding Exercise

Councillor Gilliland inquired about an update on the Branding Exercise for Lambton County. Councillor Bradley provided a response that an update is most likely to be provided in November, 2014.

Cornstalk Harvesting Demo

Councillor McGugan spoke about the Cornstalk Harvesting Demo which will take place November 4, 5 and 6, 2014 at the Inwood Fire Hall at 6438 Weidman Line, Inwood, ON and Don and Anne McGugan's Farm located at 3842 Old Walnut Road, Alvinston, ON.

Procedure By-Law Review Committee

#16: Arnold/Foubister: That Councillors break into the four Municipal Groups to approve a representative to be appointed to the Committee to review the Rules of Procedure.

Carried.

#17: Veen/Arnold: That the representatives chosen from each Municipal Group to review the Rules of Procedure and report back to Council regarding the same prior to the end of this term of Council, be as follows:

Group A - Brooke-Alvinston, Dawn-Euphemia and St. Clair
Group B - Sarnia
Group C - Enniskillen, Oil Springs, Petrolia and Point Edward
Group D - Lambton Shores, Plympton-Wyoming and Warwick

P. Gilliland
M. Bradley
J. McCharles
B. Weber

Carried.

By-Laws

#18: Gillis/Gilliland: That By-Laws #28 to #29 of 2014, as circulated, be taken as read a first and second time.

Carried.

#19: MacDougall/MacKenzie: That By-Laws #28 to #29 of 2014, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#20: Bilton/Foubister: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday, November 5, 2014 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 2:55 p.m.

Todd Case
Warden

David Cribbs
County Clerk
General Manager, Corporate Services

Exhibit B
Tab 4
Schedule 1
Appendix I

Consultation Report Excerpt



Stantec

**SUNCOR ENERGY
CEDAR POINT WIND POWER PROJECT
CONSULTATION REPORT**

File No. 160960709
April 2013

Prepared for:

Suncor Energy Products Inc.
150 6th Avenue SW
Calgary AB T2P 3E3

Prepared by:

Stantec Consulting Ltd.
Suite 1 - 70 Southgate Drive
Guelph ON N1G 4P5

Executive Summary

Suncor Energy Products Inc. ("Suncor") is proposing to develop the Suncor Energy Cedar Point Wind Power Project (the Project) within the Town of Plympton-Wyoming, the Municipality of Lambton Shores, and Warwick Township all within Lambton County, Ontario. The proposed Project was awarded a Feed-In-Tariff (FIT) contract with the Ontario Power Authority (OPA) in July, 2011 for up to 100 MW (FIT Contract F-002175-WIN-130-601).

It is envisioned that the proposed Project will include up to 46 wind turbines. The proposed Project would also include access roads, meteorological towers (met towers), electrical collector lines, substation, and a 115 kV transmission line. Suncor has elected to assess and seek approval for some alternative wind turbine locations. The Renewable Energy Approval (REA) application will consider up to nine (9) alternative turbine locations. Final selection of the turbine sites will be determined prior to Project construction and will be based on consultation activities, potential effects assessments, and detailed design / engineering work.

Suncor has retained Stantec Consulting Ltd. (Stantec) to prepare a REA application, as required under Ontario Regulation 359/09 - Renewable Energy Approvals under Part V.0.1 of the Act of the *Environmental Protection Act* (O. Reg. 359/09). According to subsection 6(3) of O. Reg. 359/09, the Project is classified as a Class 4 Wind Facility. This Consultation Report is one component of the REA application for the Project, and has been prepared in accordance with O. Reg. 359/09, the Ontario Ministry of Natural Resources' (MNR's) *Approval and Permitting Requirements Document for Renewable Energy Projects* (September 2009), and MOE's "Technical Guide to Renewable Energy Projects".

Specifically, with respect to the requirements outlined in O. Reg. 359/09 and the technical guide, the following table summarizes the documentation requirements of the REA application and the applicable section reference within this document which addresses the requirements.

Consultation Report Requirements (as per O. Reg. 359/09 – Table 1)

Requirements	Completed	Section Reference
Set out information relating to consultations conducted in respect of the renewable energy project, including the following: 1. A summary of communication with any members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards regarding the project.	✓	2.0 – 4.0
2. Evidence that the information required to be distributed to aboriginal communities under subsection 17 (1) was distributed.	✓	4.0 and Appendix F
3. Any information provided by an aboriginal community in response to a request made under paragraph 4 of subsection 17 (1).	✓	Appendix F

SUNCOR ENERGY CEDAR POINT WIND POWER PROJECT
CONSULTATION REPORT
Executive Summary
April 2013

Consultation Report Requirements (as per O. Reg. 359/09 – Table 1)

Requirements	Completed	Section Reference
4. Evidence that a consultation form was distributed in accordance with subsection 18 (1)	✓	3.1.1 and Appendix E
5. The consultation form distributed under subsection 18 (1), if any part of it has been completed by a municipality, local roads board or Local Services Board.	✓	3.1 and Appendix E
6. A description of whether and how, i. comments from members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards were considered by the person who is engaging in the project,	✓	2.0 – 4.0
ii. the documents that were made available under subsection 16 (5) were amended after the final public meeting was held, and	✓	2.4.2
iii. the proposal to engage in the project was altered in response to comments mentioned in subparagraph i.	✓	2.4 and 3.0
7. A description of the manner in which the location of the wind turbines was made available to the public, if a person proposing to engage in a project in respect of a class 4 or 5 wind facility relied on paragraph 4 of subsection 54 (1.2) or paragraph 4 of subsection 55 (2.2).	✓	2.3.1 and 2.3.3 and Appendix D
8. If paragraph 7 applies, proof of the date on which the location of the wind turbines referred to in that paragraph was made available to the public.	✓	2.3.1 and 2.3.3 and Appendix D

Suncor has conducted a comprehensive stakeholder consultation program that began in the winter of 2011 under O. Reg. 359/09 and has identified the key issues of interest to the local community and incorporated them into the Project design where possible. This includes a reduction in the total number of proposed turbine locations from 80 to 55 (up to 46 plus 9 alternative). The consultation program involved a total of eight public meetings and opportunities for stakeholders, agencies and aboriginal communities to provide comments and concerns including a review of Draft Renewable Energy Approval reports (released to the public in January 2013). Consultation efforts undertaken by Suncor will continue with Project stakeholders during all phases of the Project including providing Project updates on the Project website and the implementation of a communication plan to continually address stakeholder concerns. With an anticipated presence in the community over the long term, Suncor will continue to develop local relationships and channels of communication, which they anticipate will benefit the local area.

Table of Contents

1.0 PROJECT OVERVIEW	1.1
2.0 CONSULTATION PROCESS	2.1
2.1 COMMUNICATION TOOLS	2.1
2.2 PROJECT CONTACT LIST	2.2
2.2.1 Assessed Landowners	2.2
2.2.2 Municipalities	2.2
2.2.3 Aboriginal Communities	2.2
2.2.4 Updates to the Project Contact Lists	2.3
2.3 PROJECT NOTICES	2.3
2.3.1 Notice of Proposal and Public Meeting (Lambton Shores and Plympton-Wyoming)	2.3
2.3.2 Notice of Proposal and Public Meeting (Warwick Township)	2.4
2.3.3 Notice of Public Meeting	2.4
2.3.4 Notice of Draft Site Plan	2.5
2.3.5 Notice of Revised Draft Site Plan and Final Public Meeting	2.5
2.4 PUBLIC MEETINGS	2.7
2.4.1 April 18 and 19, 2012 Public Meetings	2.7
2.4.2 August 21, 22, and 23, 2012 Public Meetings	2.9
2.4.3 April 2, 3, and 4, 2013 Public Meetings	2.11
3.0 MUNICIPAL AND AGENCY CONSULTATION	3.1
3.1 MUNICIPAL CONSULTATION	3.1
3.1.1 Notices and Municipal Consultation Form	3.1
3.1.2 Overview of Municipal Discussions	3.2
3.1.2.1 Town of Plympton-Wyoming	3.2
3.1.2.2 Municipality of Lambton Shores	3.3
3.1.2.3 Township of Warwick	3.4
3.1.2.4 Lambton County	3.5
3.1.2.5 Landowner Dinners	3.6
3.2 CORRESPONDENCE WITH AGENCIES AND ORGANIZATIONS	3.6
3.2.1 Ministry of Natural Resources Confirmation Letter	3.6
3.2.2 Ministry of Tourism, Culture and Sport	3.7
4.0 ABORIGINAL ENGAGEMENT	4.1
4.1 MOE ABORIGINAL LIST	4.1
4.2 O. REG. 359/09 REQUIRED NOTIFICATIONS	4.3
4.2.1 Project Introduction and Notice of Public Meeting	4.3
4.2.2 Notice of Public Meeting and Updated Project Description Report	4.3
4.2.3 Notice of Draft Site Plan	4.4
4.2.4 Project Summary Report	4.4
4.2.5 Notice of Revised Site Plan, Draft REA Reports and Final Public Meeting	4.4
5.0 PUBLIC EDUCATION AND OUTREACH	5.1

**SUNCOR ENERGY CEDAR POINT WIND POWER PROJECT
CONSULTATION REPORT****Table of Contents**

6.0 ONGOING CONSULTATION	6.1
6.1 COMMUNITY UPDATES	6.1
6.2 COMMUNITY CONTACT INFORMATION	6.1
7.0 SIGNATURES	7.1

List of Tables

Table 2.1:	Newspaper Distribution of the Notice of Proposal and Public Meeting (Lambton Shores and Plympton-Wyoming)	2.3
Table 2.2:	Newspaper Distribution of the Notice of Proposal and Public Meeting (Warwick Township)	2.4
Table 2.3:	Newspaper Distribution of the Notice of Public Meeting.....	2.5
Table 2.4:	Newspaper Distribution of the Notice of Draft Site Plan	2.5
Table 2.5:	Newspaper Distribution of the Notice of Revised Draft Site Plan and Final Public Meeting.....	2.6
Table 2.6:	Newspaper Distribution of the Notice of Revised Final Public Meeting Location	2.7
Table 2.7:	April 18 and 19 Public Meetings: Key Information.....	2.7
Table 2.8:	August 21, 22, and 23, 2012 Public Meetings: Key Information	2.9
Table 2.9:	April 2, 3, and 4, 2013 Public Meetings: Key Information.....	2.11
Table 3.1:	Municipal Consultation Form Delivery	3.1

List of Appendices

Appendix A	Distribution Lists
Appendix B	Project Notices
Appendix C	Public Meeting Summary Tables and Display Boards
Appendix D	Public Correspondence Summary Table
Appendix E	Agency and Municipal Correspondence
Appendix F	Aboriginal Community Correspondence
Appendix G	Visual Simulations
Appendix H	Public Education and Outreach Efforts

that the boundary for the Cedar Point Wind Power Project increased from what was previously shown on Suncor's website, following the inclusion of additional project landowners who have chosen to participate in this project. This change allows for a wider land use in Plympton-Wyoming and the inclusion of a portion of project lands located in the Township of Warwick. The number of turbines included within this larger project area will not be increased, nor will the total energy output of the project be increased beyond the contracted 100MW. A map comparing the project boundary and a map of the new boundary was put up on Suncor's website on Friday July 13, 2012. As a result, more formal correspondence with Warwick Township ensued; following the requirements as outline in O. Reg. 359/09. **The Cedar Point Wind Project design layout currently only has one turbine located in the Township of Warwick.**

At the time of the release of this report, the Municipal Consultation Form was not received by Suncor, however, if and when it is received, Suncor will review the feedback and provide a summary of the feedback to the Ministry of the Environment. On April 10th a follow-up email was sent to determine what the timing may be. Meetings and discussions will continue to take place with the Town during detailed Project Design including municipal permitting and through the construction and operational phases of the Project. Meetings and discussions will continue to take place with Warwick Township during detailed Project Design including municipal permitting and through the construction and operational phases of the Project.

3.1.2.4 Lambton County

In 2006 Suncor began to engage Lambton County Planners. Between 2006 and 2008, Suncor provided input into work by the Planner to develop zoning by-laws that would specifically address wind power projects.

Beginning in September, 2011 and after being awarded a FIT contract, Suncor and County staff began discussions about the Suncor's proposed wind power project. County staff attended Suncor's April 2012 Public Meeting and discussions began to organize a face to face meeting. On September 6, 2012, Suncor met with the Lambton County Planner to discuss road access, rights-of-way and permit requirements. The County expressed an interest in Suncor working with neighbouring wind producers to share poles and to minimize any infrastructure footprint. Other topics included a discussion of future widening of roads and the necessity to share with the County any mapping of underground utilities and locations of other infrastructures and of property bars or pins that Suncor undertakes as part of our surveying to assist in improving local records.

At the time of the release of this report, the Municipal Consultation Form was not received by Suncor, however when it is received, Suncor will review the feedback and provide a summary of the feedback to the Ministry of the Environment. On April 10th a follow-up email was sent to determine what the timing may be for receiving the completed Form. Meetings and discussions will continue to take place with County staff during detailed Project Design including municipal permitting and through the construction and operational phases of the Project.

Exhibit B
Tab 4
Schedule 1
Appendix J

October 3, 2012 Email

From: [Hood, Jody](#)
To: glen.millar@county-lambton.on.ca; [Jason Cole \(jason.cole@county-lambton.on.ca\)](mailto:jason.cole@county-lambton.on.ca)
Cc: [Cedar Point Questions](#)
Subject: Meeting notes Suncor - Lambton County Sept 6 2012
Date: Wednesday, October 03, 2012 12:47:21 PM

Jason and Glen,

Thank you again for taking the time to meet with me on September 6.

I wanted to pass along the notes that I took to ensure I didn't miss anything from our conversation. They are basically point form as I took them, I apologize if they seem disjointed.

Lambton County has met with a neighboring project on road use. If there is a way for us to share poles with other power producers to minimize infrastructure footprint it would be appreciated.

Suncor needs to be aware that Thomson Line is planned for future widening. If this route is used then we would need to be prepared to move infrastructure at a future date as required by the County.

Suncor needs to be aware that records of underground utilities are incomplete, given the long history of development in the area. We need to be planning for due diligence activities to locate infrastructure.

Any information Suncor develops in terms of mapping of underground utilities, location of other infrastructure, precise location of property bars or pins that we undertake as part of our surveying, etc., should be shared with the County when possible to assist in improving local records.

We can expect to find telecom, township water and sewer, and potentially other services in the County right of ways.

For locating existing infrastructure, we need to check with:

- MNR well records
- Hydro One Call
- Union Gas
- Ask Municipalities / Townships about infrastructure records for their use of the County roads

We will need to file permits for entrances roads off of County roads.

Temporary road access will require permits

Project signs must comply with sign bylaw.

Winter shipping restrictions (half load limits) will exist seasonally for all highways (March / April usually)

Oversized loads by permit in compliance with bylaws.

Once Suncor is working on our transportation study, in terms of logistical planning (haul routes) and required road upgrades, we need to stay in discussion with the County. The County has had experience with others running oversized loads unpermitted (ie once a tower got stuck on a roundabout) and it creates work that planning could easily avoid.

In the County's experience undisturbed road allowance right of way will still require archeological surveys.

Even for transmission routes on private land we should discuss the detailed routing with the County to ensure understanding of projects such as road and right of way widening (if we run along the edge of private land that may someday be included in a municipal road right of way).

There is no formal agreement established for encroachment (ie if we run on private land adjacent to County right of way) for overhead swing of power lines, but we should have a discussion to make the amount of overhead swing clear.

The Country considers Wind Power Projects to have the same right of access as other industrial developers.

I was given paper copies of current permits relating to project development, the website must be checked for current versions at the time. The copies I was given are:

- Private Pipeline Application Form Commercial and Industrial Installations (used for power lines as well)
- Bylaw 13 of 2008 including Sched A (fees)
- Public Works Department Entrance Permit Application
- Bylaw 142 of 1994 (regarding entrances to County Roads)

Please let me know if I have missed anything or if there any further comments you wished included.

Thank you very much again for your time on the 6th, and whether it is myself or someone else from our Suncor team contacting you for future discussions we look forward to continuing to work with you.

Jody Hood, P.Eng.

Manager Engineering - Renewable Energy

Suncor Energy

Tel 403 296 3431

Cell 403 813 3431

jhood@suncor.com

Exhibit B
Tab 4
Schedule 1
Appendix K

Email chain from July 23, 2013 to July 31, 2013

From: [Jason Cole](#)
To: [McCoey, Kyle](#); [Scott, Christopher A](#); [Glen Millar](#)
Cc: [Zimmerman, Dianne](#); [Cedar Point Questions](#); [Hood, Jody](#); [Hall, Michael \(Oakville\)](#)
Subject: RE: Meeting notes Suncor - Lambton County Sept 6 2012
Date: Wednesday, July 31, 2013 10:00:40 AM

Kyle,

Wednesday August 21 at 10 a.m. will work for us. Please let us know when confirmed.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. (519) 845-0809 ext. 5370
Fax (519) 845-3872

From: McCoey, Kyle [mailto:kmccoey@suncor.com]
Sent: July 31, 2013 9:57 AM
To: Jason Cole; Scott, Christopher A; Glen Millar
Cc: Zimmerman, Dianne; Cedar Point Questions; Hood, Jody; Hall, Michael (Oakville)
Subject: RE: Meeting notes Suncor - Lambton County Sept 6 2012

Hi Jason – just following up to my below email, please let me know which dates will work for a meeting with Suncor and I will setup a meeting invite for the team.

Thanks,
KM

Kyle McCoey
Surface Landman
Suncor Energy Inc.
Tel 403 296 7349
Cell 403 540 6075
Fax 403 724 3624
kmccoey@suncor.com

From: McCoey, Kyle
Sent: Friday, July 26, 2013 7:43 AM
To: 'Jason Cole'; Scott, Christopher A; Glen Millar
Cc: Zimmerman, Dianne; Cedar Point Questions; Hood, Jody; Hall, Michael (Oakville)
Subject: RE: Meeting notes Suncor - Lambton County Sept 6 2012

Hi Jason – as Chris is away on vacation I would like to propose the following dates:

- Wednesday August 21 – 10am
- Thursday August 22 – 10am

Our times can be flexible on those days but hopefully this will work for you. Please advise which date you prefer and I will setup the meeting invite.

Regards,
KM

Kyle McCoey

Surface Landman
Suncor Energy Inc.
Tel 403 296 7349
Cell 403 540 6075
Fax 403 724 3624
kmccoey@suncor.com

From: Jason Cole [<mailto:jason.cole@county-lambton.on.ca>]
Sent: Thursday, July 25, 2013 1:35 PM
To: Scott, Christopher A; Glen Millar; McCoey, Kyle
Cc: Zimmerman, Dianne; Cedar Point Questions; Hood, Jody; Hall, Michael (Oakville)
Subject: RE: Meeting notes Suncor - Lambton County Sept 6 2012

Christopher,

With the exception of the last week of August, a date later in the month would likely work well. If you propose a few dates and times, I will confirm with Glen Millar and confirm those that work best.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. (519) 845-0809 ext. 5370
Fax (519) 845-3872

From: Scott, Christopher A [<mailto:cscott@Suncor.com>]
Sent: July 23, 2013 6:42 PM
To: Jason Cole; Glen Millar; McCoey, Kyle
Cc: Zimmerman, Dianne; Cedar Point Questions; Hood, Jody; Hall, Michael (Oakville)
Subject: RE: Meeting notes Suncor - Lambton County Sept 6 2012

Jason,

I hope you are doing well. It has certainly been a while since my manager Jody Hood met with you regarding the Cedar Point Wind Power Project. Suncor would like to meet with staff to discuss our latest plans with respect to our project infrastructure near county roads specifically Thompson Line and Townsend Line. Since your last meeting with Jody Hood we have had some changes to our transmission line routing the latest of which is now posted to our Project website www.suncor.com/cedarpointwind. The best drawings are obtained in the Draft Project Description

Report. There are primary and alternate routes under consideration and we wanted to share these details.

Would you be available during the later part of August to meet with Kyle McCoey and I to discuss the routing?

Christopher Scott, P.Eng.
Project Developer
Suncor Energy Services Inc.
(519) 328-0424

From: Hood, Jody
Sent: Tuesday, December 04, 2012 12:08 PM
To: Clancy, Kip
Cc: Scott, Christopher A
Subject: FW: Meeting notes Suncor - Lambton County Sept 6 2012
Importance: High

Notes from previous meeting with Lambton County

From: Hood, Jody
Sent: Wednesday, October 03, 2012 10:47 AM
To: glen.millar@county-lambton.on.ca <glen.millar@county-lambton.on.ca>; Jason Cole (jason.cole@county-lambton.on.ca) <jason.cole@county-lambton.on.ca>
Cc: Cedar Point Questions
Subject: Meeting notes Suncor - Lambton County Sept 6 2012

Jason and Glen,

Thank you again for taking the time to meet with me on September 6.

I wanted to pass along the notes that I took to ensure I didn't miss anything from our conversation. They are basically point form as I took them, I apologize if they seem disjointed.

Lambton County has met with a neighboring project on road use. If there is a way for us to share poles with other power producers to minimize infrastructure footprint it would be appreciated.

Suncor needs to be aware that Thomson Line is planned for future widening. If this route is used then we would need to be prepared to move infrastructure at a future date as required by the County.

Suncor needs to be aware that records of underground utilities are incomplete, given the long history of development in the area. We need to be planning for due diligence activities to locate infrastructure.

Any information Suncor develops in terms of mapping of underground utilities, location of other infrastructure, precise location of property bars or pins that we undertake as part of our surveying, etc., should be shared with the County when possible to assist in improving local records.

We can expect to find telecom, township water and sewer, and potentially other services in the County right of ways.

For locating existing infrastructure, we need to check with:

- MNR well records
- Hydro One Call
- Union Gas
- Ask Municipalities / Townships about infrastructure records for their use of the County roads

We will need to file permits for entrances roads off of County roads.

Temporary road access will require permits

Project signs must comply with sign bylaw.

Winter shipping restrictions (half load limits) will exist seasonally for all highways (March / April usually)

Oversized loads by permit in compliance with bylaws.

Once Suncor is working on our transportation study, in terms of logistical planning (haul routes) and required road upgrades, we need to stay in discussion with the County. The County has had experience with others running oversized loads unpermitted (ie once a tower got stuck on a roundabout) and it creates work that planning could easily avoid.

In the County's experience undisturbed road allowance right of way will still require archeological surveys.

Even for transmission routes on private land we should discuss the detailed routing with the County to ensure understanding of projects such as road and right of way widening (if we run along the edge of private land that may someday be included in a municipal road right of way).

There is no formal agreement established for encroachment (ie if we run on private land adjacent to County right of way) for overhead swing of power lines, but we should have a

discussion to make the amount of overhead swing clear.

The Country considers Wind Power Projects to have the same right of access as other industrial developers.

I was given paper copies of current permits relating to project development, the website must be checked for current versions at the time. The copies I was given are:

- Private Pipeline Application Form Commercial and Industrial Installations (used for power lines as well)
- Bylaw 13 of 2008 including Sched A (fees)
- Public Works Department Entrance Permit Application
- Bylaw 142 of 1994 (regarding entrances to County Roads)

Please let me know if I have missed anything or if there any further comments you wished included.

Thank you very much again for your time on the 6th, and whether it is myself or someone else from our Suncor team contacting you for future discussions we look forward to continuing to work with you.

Jody Hood, P.Eng.

Manager Engineering - Renewable Energy

Suncor Energy

Tel 403 296 3431

Cell 403 813 3431

jhood@suncor.com

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Exhibit B
Tab 4
Schedule 1
Appendix L

Email chain from October 3, 2013 to March 24, 2014

From: Jason Cole
To: Scott, Christopher A
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel
Subject: RE: Road Use Agreement - Suncor
Date: Monday, March 24, 2014 3:13:54 PM
Attachments: Jericho RUA with County of Lambton (Redacted).docx

Christopher,

The redacted Draft RUA between the County and Jericho is attached in MS Word format. This is the same agreement that is posted on our website in .pdf format.

Also, be advised that the County continues to receive comments during the 60 day Public Review Period for the Jericho Draft RUA and the final version of the agreement may be revised to incorporate or address items brought up as part of this process.

Please let me know if your team needs any other information.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [mailto:cscott@suncor.com]
Sent: March 19, 2014 10:26 AM
To: Jason Cole
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel
Subject: RE: Road Use Agreement - Suncor

Jason/David,

I would like to take a copy of the RUA between Suncor and County for discussion with Suncor management. To date I only have a copy between County and Jericho. Are you able to provide a word version that is between Suncor and County? If a word version is provided then I can change all the corporation information in a red line back to you.

Thanks

Christopher Scott, P.Eng.
Project Developer
Suncor Energy Services Inc.
(519) 328-0424

From: Jason Cole [mailto:jason.cole@county-lambton.on.ca]
Sent: Thursday, January 30, 2014 2:04 PM
To: Scott, Christopher A
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel
Subject: RE: Road Use Agreement - Suncor

Christopher,

A little later than promised below, but the Draft RUA between the County and Jericho has been posted on the County's website, linked below. I am anticipating that this will be the starting point for our discussions next week, along with your drawing submissions. Please feel free to contact me if you have any advance questions or concerns.

The documents can be accessed through the following links:

<http://www.lambtononline.ca/home/residents/publicworks/roads/renewable%20energy%20projects/Pages/default.aspx>

<http://www.lambtononline.ca/home/residents/publicworks/roads/renewable%20energy%20projects/jerichowindenergycentre/Pages/default.aspx>

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Jason Cole
Sent: January 22, 2014 1:33 PM
To: 'Scott, Christopher A'
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel
Subject: RE: Road Use Agreement - Suncor
Christopher,

The County has reserved Committee Room 4, on the Lower Level of the County Administration Building in Wyoming, for a meeting with your team. Glen Millar, David Cribbs and I are available for a 9:00 start. We will download and review the drawings linked below. Our RUA with Jericho should be posted on our public site before the end of the week - I will forward you the link when available.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [mailto:cscott@suncor.com]
Sent: January 20, 2014 3:07 PM
To: Jason Cole
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel
Subject: RE: Road Use Agreement - Suncor
Jason,

Suncor is pleased to submit our preliminary drawings of our Transmission Route for the Cedar Point Wind Power Project for your review. We have provided herein the plan and profile drawings as well as a site plan drawing. There are 10 pages in this file plan and profile set. Pages, 6, 7, 8 and 10 are in proximity to Thompson Line ROW. We believe the Site Plan Drawings are self explanatory. It is Suncor's intent to install the centre of poles 1.5 meters outside of the current surveyed limit of the ROW.

Drawings can be downloaded via the link below:

<https://suncor.securevdr.com/d/scc27633e97e47e29>

Suncor would be pleased to meet with you the week of February 3rd. Please advise if you are available for a discussion around the drawings and advancing discussions for a Road Use Agreement. Suncor would travel to your offices. We are available Tuesday or Wednesday mornings or anytime on Thursday. on January 7, 2014 you indicated that you were close on finalizing a template agreement to commence discussions around. Do you have an update as to when the document would be available?

Christopher Scott, P.Eng.

Project Developer

Suncor Energy Services Inc.

(519) 328-0424

From: Scott, Christopher A

Sent: Tuesday, January 07, 2014 9:59 AM

To: 'Jason Cole'

Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel

Subject: RE: Road Use Agreement - Suncor

Jason,

Possible Schedules would include:

Proposed Haul Routes;

Construction Plans;

After a review of our project I see that Suncor has 15 Entrances proposed from County Roads. And we are proposing u/g cables within the following county roads. The figures mentioned below can be downloaded here figures 2.1 to 2.10: http://www.suncor.com/pdf/Final_Cedar_Point_Design_Operations_Appendix_A.pdf

County Roads Requiring

RUA

Infrastructure	Road Name	Figure	Between
Tx & u/g Cable	Thompson Line	2.9 & 2.10	Rawlings and Army Camp
u/g Cable	Townsend Line	2.7	Kinnaird and Elarton Road
u/g Cable	Townsend Line	2.5 & 2.6	Bush Road and Lakeshore Road
u/g Cable	Lakeshore Road	2.5	Hubbard and Hillsborough
u/g Cable	Aberarder Line	2.1	Oil Heritage Road and Lakeshore Road
u/g Cable	Aberarder Line	2.2	Hillsboro Line and Uttuxeter Line
u/g Cable	Oil Heritage Road	2.2	Fisher Line and Douglas Line

Entrance Permits

Entrance to Turbine	Entrance to	Figure
53	Oil Heritage Road	2.1
42, 46, 72	Aberarder Line	2.2
69	Aberarder Line	2.2
70, 76 & 81	Aberarder Line	2.2
47, 48	Aberarder Line	2.3
51	Aberarder Line	2.1
34	Townsend Line	2.5
32	Townsend Line	2.5
31	Townsend Line	2.5
30	Townsend Line	2.5
27	Townsend Line	2.6
20	Townsend Line	2.7
7	Thompson Line	2.9
6, 8	Thompson Line	2.9
5	Thompson Line	2.9

We look forward to the draft RUA language.

Chris.

From: Jason Cole [<mailto:jason.cole@county-lambton.on.ca>]

Sent: Tuesday, January 07, 2014 9:31 AM

To: Scott, Christopher A

Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel

Subject: RE: Road Use Agreement - Suncor

Christopher,

We are still working on the agreement I would like to use as a starting point for discussions. It is substantially complete at this point with some minor revisions remaining. When our office gets a suitable state, I will provide for your consideration. Also, if we can identify any required schedules, I will forward as well.

Jason Cole, P.Eng.

Manager, Public Works

County of Lambton

Tel. 519-845-0809 ext. 5370

Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@Suncor.com>]

Sent: January 6, 2014 1:44 PM

To: Jason Cole

Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel

Subject: RE: Road Use Agreement - Suncor

Jason,

Happy New Year. I appreciate this detailed email to help me organize how best to schedule an RUA through Council. I am wondering if you now have language for a draft RUA that you can share?

I will sit down with my team this week and organize all the drawings that will be required for submission for your review.

Christopher Scott, P.Eng.

Project Developer

Suncor Energy Services Inc.
(519) 328-0424

From: Jason Cole [<mailto:jason.cole@county-lambton.on.ca>]
Sent: Wednesday, December 11, 2013 4:40 PM
To: Scott, Christopher A
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel; McCoey, Kyle; Hui, Ben; McAfee, Dan; Headrick, Jay; Hood, Jody
Subject: RE: Road Use Agreement - Suncor

Scott,

Staff Meeting

Our team's calendar is fairly open for a meeting in the last two weeks of January, so it will likely be easier if you propose a date and we can set it aside. Once we are able to finalize and provide the wording of the other Road Use Agreement (RUA) later this month, you can decide what Suncor members and solicitors will be required for the meeting - we can evaluate as this process develops.

Drawing Submissions

The transmission and collection location drawings will make up part of the agreement, so we will need adequate time to review prior to finalizing the RUA details.

Council Timelines

As indicated in our conversation, any RUA developed by Suncor and County staff will require County Council approval prior to being executed. County Council review process will require:

- 1) Submission of a report by staff outlining the details of the RUA to Committee A.M. (which deals with Infrastructure & Development, Cultural Services, and Public Health). Reports from staff must be submitted two weeks prior to the Committee meeting date to be included in the agenda.
- 2) Committee A.M. meeting to review and provide a motion with respect to the report. Half of County Councillors sit on Committee A.M..
- 3) County Council meeting where Committee A.M. motions are either received as per the Committee recommendations or discussed further.

Committee and Council typically meet once a month with some exceptions. The following schedule provides our next opportunities following a January 2014 meeting (indicated above) to bring forward a report once we have agreed on the terms of the RUA:

Report Submission	Committee A.M. Meeting	County Council Meeting	Comments
Feb. 5, 2014	Feb. 19, 2014	Mar. 5, 2014	Council hears budget grant requests (heavy agenda). No Committee in March due to budget.
Apr. 2, 2014	Apr. 16, 2014	May 7, 2014	

From our discussion, it sounded like a May 2014 agreement was outside your timeline. It may be feasible for us to have an agreement ready and report prepared in time for the April Committee/March Council, however, March Council is quite busy due to pre-budget requests and I cannot guarantee that Council will have time to discuss.

Municipal Drain Crossings

The County will want to have a clear detail of any crossing of buried infrastructure on County Road allowance, including municipal drains. Since the local tier municipalities are responsible for managing the drains, they should also be involved in any crossing, including those located on County Road allowance.

Please let me know if you require any further information prior to issuing the drawings for our review.

Jason Cole, P.Eng.

Manager, Public Works

County of Lambton

Tel. 519-845-0809 ext. 5370

Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@suncor.com>]
Sent: December 4, 2013 6:40 PM
To: Jason Cole
Cc: Glen Millar; David Cribbs; Cedar Point Questions; Zimmerman, Dianne; Visser, Daniel; McCoey, Kyle; Hui, Ben; McAfee, Dan; Headrick, Jay; Hood, Jody
Subject: RE: Road Use Agreement - Suncor

Jason,

It was great to speak with you this afternoon, Suncor would like to commence negotiations for a Road Use Agreement at a kick-off meeting in January. As such, Suncor are proposing the following agreement as a starting template for a road use agreement. As discussed, I understand that you may have slightly different language proposed for some sections. If you could get this language to Suncor prior to the kick-off meeting we can be better prepared for the meeting.

I will be taking vacation for the better part of December so I was hoping to determine some dates in the 2nd or 3rd week of January that we could meet to discuss our proposed project, our transmission infrastructure and the draft road use agreement. I would suggest we meet at your offices. Could you propose some dates that would work with your staff and solicitor? Some Suncor members will require to travel from Calgary, so if we could avoid Monday mornings that would be best. As well our solicitors would need to attend via teleconference.

You mentioned that any Road Use Agreement would need to pass through a Roads Committee and then Council. And you indicated that Council and the Roads Committee meet monthly. Could you provide the current 2014 calendar for these meetings? Suncor would like to work towards the tabling the agreement during the February meetings.

Dan Visser is leading our Leave To Construct application and has preliminary drawings of our proposed transmission infrastructure near Thompson Line. Once those have been completed he will provide you advance copies of the drawings for your review prior to the kick-off meeting.

Suncor also has buried collector infrastructure within the right of way of Townsend Line and we would like to get clarity around the ownership of the drains and whether we require additional permitting above and beyond the RUA when crossing beneath drains that are within County Road ROW.

www.suncor.com/cedarpointwind

Best Regards,

Christopher Scott, P.Eng.

Project Developer

Suncor Energy Services Inc.

(519) 328-0424

From: Jason Cole [<mailto:jason.cole@county-lambton.on.ca>]
Sent: Wednesday, October 09, 2013 12:53 PM
To: Scott, Christopher A
Cc: Glen Millar; David Cribbs
Subject: RE: Road Use Agreement

Christopher,

We are currently in discussions for a road use agreement with another proponent. Our outcome will likely form the basis for future agreements. It may be prudent to wait until this agreement is in its final stages before trying to create another draft in parallel. Also, if your timeline allows you to wait until the other agreement passes through council, we will all have a level of certainty on how things will proceed.

Let us know your schedule and we will discuss here at our office.

Jason Cole, P.Eng.

Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@suncor.com>]
Sent: October 3, 2013 10:02 AM
To: Jason Cole
Cc: Cedar Point Questions; Zimmerman, Dianne; Hood, Jody; Visser, Daniel; MacMillan, Jodi
Subject: Road Use Agreement
Jason,

Suncor would like to begin the process of discussing a Road User Agreement with the County. Is there any draft language prepared at this time that Suncor could consider for a Road User Agreement? Are you the correct person for us to commence discussions with?

Please advise.

Christopher Scott, P.Eng.
Project Developer
Suncor Energy Services Inc.
(519) 328-0424

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Exhibit B
Tab 4
Schedule 1
Appendix M

Email chain from April 22, 2014 to April 23, 2014

From: [Jason Cole](#)
To: [Scott, Christopher A](#)
Cc: [David Cribbs](#); [Glen Millar](#); [Visser, Daniel](#); [Aslam, Sohail](#)
Subject: RE: Drawings for RUA
Date: Wednesday, April 23, 2014 12:08:45 PM

If everything is in order and there are no changes, we may be able to meet that schedule if we obtain the information earlier in the week. However, our office is still preparing the Public Review summary for the NextEra RUA, which closes on May 4, 2014. This is important for two reasons:

1. The Public Review report will take priority based on the County's prior commitments and is taking up the majority of our available resources to deal with; and
2. The current Public Review may result in changes to the RUA outline your team has in hand, which would then require a subsequent report to Council with changes to the Suncor agreement and may be seen in an unfavourable light by Council members (similar to presenting a substantially complete vs. final draft agreement)

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [mailto:cscott@Suncor.com]
Sent: April 23, 2014 10:43 AM
To: Jason Cole
Cc: David Cribbs; Glen Millar; Visser, Daniel; Aslam, Sohail
Subject: RE: Drawings for RUA

Jason,

I will be submitting the information the week of April 28th for the purpose of making the agenda for the May 21st meeting. Please advise if you are able to prepare a report on this timeline.

Chris.

From: Jason Cole [mailto:jason.cole@county-lambton.on.ca]
Sent: Wednesday, April 23, 2014 9:55 AM
To: Scott, Christopher A
Cc: David Cribbs; Glen Millar
Subject: RE: Drawings for RUA

Christopher,

The upcoming available timelines are as follows:

Report Submission	Thursday May 8, 2014
Committee	Wednesday May 21, 2014
Council	Wednesday June 4, 2014

Report Submission	Thursday June 5, 2014
Committee	Wednesday June 18, 2014
Council	Wednesday July 2, 2014

No Council Scheduled in August

Report Submission	Thursday July 3,
Committee	Wednesday August 20, 2014
Council	Wednesday September 3, 2014

I think it is unlikely that we could get a submission together for the next session, especially given my staff's availability at this time. After receiving the drawings, our staff still needs time to review the documents and prepare the report. Also, there may still be changes that come out of our Public Review for NextEra, which would then have to be incorporated into the Suncor agreement (which would already be in front of Councillors). Once satisfied, the County would want to receive a compiled draft agreement prepared in hard copy and electronic formats assembled for Council distribution/public availability.

Feel free to contact me to discuss.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@Suncor.com>]
Sent: April 22, 2014 5:23 PM
To: Jason Cole; David Cribbs
Cc: Cedar Point Questions
Subject: Drawings for RUA

Jason

I am trying to obtain all the necessary drawings for the road use agreement to meet the submission deadline of May 7 for the next AM Committee meeting.

Please advise when you will require the drawings in order to prepare a report

for the agenda.

Christopher Scott, P.Eng.
Sr. Engineer Renewable Energy
Refining & Marketing
(519) 328-0424 (mobile)
Box 2844 150 6th Ave SW Calgary, AB T2P 3E3

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Exhibit B
Tab 4
Schedule 1
Appendix N

May 1, 2014 Email

From: [Scott, Christopher A](#)
To: [Jason Cole \(jason.cole@county-lambton.on.ca\)](mailto:jason.cole@county-lambton.on.ca)
Cc: [Cedar Point Questions](#); [McAffee, Dan](#); [Visser, Daniel](#)
Subject: Preliminary Collector Line Drawings - Lambton County
Date: Thursday, May 01, 2014 10:25:49 AM

Jason,

Please find in the link below access to our preliminary collector line drawings for the Cedar Point Wind Power Project. Included are drawings of Thomson Line, Townsend Line, Lakeshore Road, Oil Heritage Road. Suncor has not received Aberarder Line yet and will forward these at a future date.

Suncor is also working on the requested Transmission Line drawings along Thomson and will forward those once completed.

<https://suncor.securevdr.com/d/s0f96666f94d4d89a>

Christopher Scott, P.Eng.
Sr. Engineer Renewable Energy
Refining & Marketing
(519) 328-0424 (mobile)
Box 2844 150 6th Ave SW Calgary, AB T2P 3E3

Exhibit B
Tab 4
Schedule 1
Appendix O

Email chain from June 17, 2014 to June 18, 2014

From: [Jason Cole](#)
To: [Scott, Christopher A](#)
Subject: RE: Distribution Plan and Profile
Date: Wednesday, June 18, 2014 3:51:21 PM

Thanks Christopher. We will print off and begin our review.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [mailto:cscott@Suncor.com]
Sent: June 17, 2014 11:20 PM
To: Jason Cole
Cc: Visser, Daniel; Cedar Point Questions; Hood, Jody; Kozak, Mark
Subject: Distribution Plan and Profile

Jason,

We have completed our plan and profile drawings for the Cedar Point Wind Power Project. Please find the link below where you can download the drawings identifying the location of our proposed 34.5 kV cables within County Road Allowances.

<https://suncor.securevdr.com/d/s0ba3a0d57d04218a>

Christopher Scott, P.Eng.
Sr. Engineer Renewable Energy
Refining & Marketing
(519) 801-8633 ← NEW
Box 2844 150 6th Ave SW Calgary, AB T2P 3E3

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Exhibit B
Tab 4
Schedule 1
Appendix P

Email chain from June 17, 2014 to September 15, 2014

From: [Jason Cole](#)
To: [Scott, Christopher A](#)
Cc: [Cedar Point Questions](#); [Kozak, Mark](#); [Glen Millar](#)
Subject: RE: Distribution Plan and Profile
Date: Monday, September 15, 2014 9:03:24 AM
Attachments: [image001.png](#)

That time works well. Committee Room 5 (downstairs, across from Public Works) is booked for our meeting.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@Suncor.com>]
Sent: September 14, 2014 6:07 PM
To: Jason Cole
Cc: Cedar Point Questions; Kozak, Mark; Glen Millar
Subject: Re: Distribution Plan and Profile

Jason

Mark and I will be at the offices at 1:30 pm. I hope this time works.

Chris.

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Jason Cole
Sent: Friday, September 12, 2014 11:40 AM
To: Scott, Christopher A
Cc: Cedar Point Questions; Kozak, Mark; Glen Millar
Subject: RE: Distribution Plan and Profile

Chris,

After lunch on Monday would work well for us. Let me know how many will be coming from your office and I will book an appropriate boardroom.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@Suncor.com>]
Sent: September 12, 2014 10:43 AM
To: Jason Cole

Cc: Cedar Point Questions; Kozak, Mark; Glen Millar
Subject: RE: Distribution Plan and Profile

Jason,

Mark and I are available Monday if that is not too soon any time after 11 am.

Chris.

From: Jason Cole [<mailto:jason.cole@county-lambton.on.ca>]
Sent: Friday, September 12, 2014 10:31 AM
To: Scott, Christopher A
Cc: Cedar Point Questions; Kozak, Mark; Glen Millar
Subject: RE: Distribution Plan and Profile

Christopher,

We have printed off and have some review items that can be discussed. It's been a while since we've sat down together and this would likely be a good opportunity to have a meeting to discuss the following:

- collection design and installation
- progress on the transmission design
- entrance permit status/approvals
- future construction concerns
- steps toward RUA
- any other items that may be relevant at this time.

Next week works well for me, except for Tuesday morning and Wednesday. The following week looks good as well. If you propose some dates, we will confirm.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@Suncor.com>]
Sent: September 11, 2014 11:22 AM
To: Jason Cole
Cc: Cedar Point Questions; Kozak, Mark
Subject: RE: Distribution Plan and Profile

Jason,

On June 17, I had sent in the plan and profile drawings that would eventually

append to a future road use agreement. Have you completed your review? I would like to receive approvals from the County that the locations of the electrical distribution cables proposed in the drawings are acceptable to the County.

I have provided a link to the download location of the drawings again for ease of access.

<https://suncor.securevdr.com/d/sf081ccdd3224dd98>

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.

519-801-8633 | cscott@suncor.com



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From: Jason Cole [<mailto:jason.cole@county-lambton.on.ca>]

Sent: Wednesday, June 18, 2014 3:52 PM

To: Scott, Christopher A

Subject: RE: Distribution Plan and Profile

Thanks Christopher. We will print off and begin our review.

Jason Cole, P.Eng.

Manager, Public Works

County of Lambton

Tel. 519-845-0809 ext. 5370

Fax 519-845-3872

From: Scott, Christopher A [<mailto:cscott@suncor.com>]

Sent: June 17, 2014 11:20 PM

To: Jason Cole

Cc: Visser, Daniel; Cedar Point Questions; Hood, Jody; Kozak, Mark

Subject: Distribution Plan and Profile

Jason,

We have completed our plan and profile drawings for the Cedar Point Wind Power Project. Please find the link below where you can download the drawings identifying the location of our proposed 34.5 kV cables within County Road Allowances.

<https://suncor.securevdr.com/d/s0ba3a0d57d04218a>

Christopher Scott, P.Eng.

Sr. Engineer Renewable Energy

Refining & Marketing

(519) 801-8633 ← NEW

Box 2844 150 6th Ave SW Calgary, AB T2P 3E3

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Exhibit B
Tab 4
Schedule 1
Appendix Q

October 6, 2014 Email

From: [Scott, Christopher A](#)
To: [David Cribbs \(david.cribbs@county-lambton.on.ca\)](#); [Jason Cole \(jason.cole@county-lambton.on.ca\)](#)
Cc: [Cedar Point Questions](#); [Kozak, Mark](#)
Subject: Submission for AM Committee - Oct 15
Date: Monday, October 06, 2014 4:37:10 PM
Attachments: [image001.png](#)
[2014-10-06 Suncor Electrical Infrastructure Location County.pdf](#)

Jason/David,

Please find attached Suncor's submission requesting AM Committee's consideration of the location of electrical infrastructure within the County's road allowances. These drawings have been provided to identify the side of the road allowances Suncor plans to install its distribution cables for the Cedar Point Wind Power Project. These are a more simplistic summary of locations represented in the detailed plan and profile drawings that Suncor submitted to the County in June 2014.

We request that the AM Committee consider the location proposed by Suncor for approval at the next meeting on October 15, 2014.

The drawings referenced in the letter can be obtained by downloading from the link below:

<https://suncor.securevdr.com/d/s5d3fcfba2da4008a>

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.

519-801-8633 | cscott@suncor.com



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Suncor Energy Products Inc.

c/o Suncor Energy Inc.

P.O. Box 2844

150 – 6th Avenue S.W.

Calgary, AB T2P 3E3

Tel 403-296-8000

Fax 403-296-3030

www.suncor.com

October 6, 2014

County of Lambton
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0

Attention: Mr. Jason Cole

Dear Mr. Cole

Re: Request for AM Committee Approval of the Location of Electrical Infrastructure

As you are aware, Suncor Energy Products Inc. (Suncor) is developing the Cedar Point Wind Power Project which is located within the County of Lambton (County). Suncor wishes to exercise its right as a distributor under section 41 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A (as amended) to place electrical cables within County road allowances. Suncor is proposing electrical infrastructure (buried underground cables) within certain road allowances within the County. As such, Suncor requests that the AM Committee consider for approval the location of Suncor's proposed electrical infrastructure at the next assembly of the AM Committee on Wednesday October 15, 2014 as provided in the attached drawings:

- 34.5 kV Collection System Layout – 173709-0300-DF00-SKT-0906.001
- 34.5 kV Collection System Layout – 173709-0300-DF00-SKT-0907.001
- Underground Collector Line Trench Details – 173709-0300-DD10-DTL-0001.001_rD
- Underground Collector Line Directional Drill Details – 173709-0300-DF00-DTL-0002.001_rD
- Underground Collector Lines Notes & Detail – 173709-0300-DF00-DTL-0004.001

The drawings attached to this letter identify the location of Suncor's proposed electrical infrastructure. The location of buried cables within County road allowances are shown in red, within Municipal road allowances in blue, and those on private lands are in orange. The electrical infrastructure proposed is < 50 kV and is proposed to be buried in trenches at a depth of 1.2 metres and directionally drilled below obstacles such as entrances, existing culvert, and municipal drains at appropriate depths 1.5 meters. Section detail locations are provided on the 34.5 kV Collection System Layout. To determine the trench detail that corresponds with a specific section number, refer to the "Underground Collector Cable Sizes" table.

Please do not hesitate to contact me if you have any questions or comments.

Yours truly,

Suncor Energy Products Inc.

A handwritten signature in blue ink, appearing to read "Christopher Scott".

Christopher Scott, P. Eng
Project Developer
(519) 328-0424 (cell)

Cc: David Cribbs – Solicitor, Clerk

Exhibit B
Tab 4
Schedule 1
Appendix R

October 7, 2014 Email

From: [Scott, Christopher A](#)
To: [Jason Cole \(jason.cole@county-lambton.on.ca\)](#); [Glen Millar \(glen.millar@county-lambton.on.ca\)](#)
Cc: [Kozak, Mark](#); [Cedar Point Questions](#)
Subject: Updated Plan & Profile Drawings
Date: Tuesday, October 07, 2014 12:26:06 PM
Attachments: [image001.png](#)

Jason,

Based on the review which took place between Suncor and Lambton County staff on Sept 15, and the markups provided that day, Suncor has updated the plan and profile drawings to address concerns raised. The drawings depict the detailed location of our proposed collector cables for the wind farm which are proposed within County Road Allowances.

Please find the link below where the updated versions of the drawings can be obtained for County review and comment. Suncor proposes that these detailed drawings be included in a Road Use Agreement.

<https://suncor.securevdr.com/d/sfac317404994021a>

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.

519-801-8633 | cscott@suncor.com



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Exhibit B
Tab 4
Schedule 1
Appendix S

Email chain from October 6, 2014 to October 9, 2014

From: [Jason Cole](#)
To: [Scott, Christopher A](#)
Cc: [Cedar Point Questions](#); [Kozak, Mark](#); [David Cribbs](#); [Todd Case](#); [Ron Van Horne](#)
Subject: RE: Submission for AM Committee - Oct 15
Date: Thursday, October 09, 2014 1:55:25 PM
Attachments: [image001.png](#)

Scott,

The requested submission for County Council to approve or deliberate on the placement of electrical infrastructure in the County road allowance was not included in the October 15, 2014 County of Lambton Committee A.M. Meeting Agenda. The two most pertinent factors for not bringing Suncor's request forward to Committee A.M. are as follows:

1. Although the presented information identifying Suncor's proposed underground electrical collection has been simplified and presented at a relatively high level with respect to the subsequent submission to staff, the ultimate decision as to where this infrastructure should be, or can be placed, will rely on the detailed review. Confirming the location of the proposed infrastructure, even to the larger extent of what side of the road it is placed, cannot be accurately or confidently assessed without consideration for the other existing utilities, physical obstructions, and roadway geometric/cross-section configurations. This stance has been argued by the County to the Ontario Energy Board in the past and remains a point of contention with this submission. It is simply unreasonable for Suncor to request a decision of this nature from County Council without the appropriate technical review and recommendations by staff. In this case, Suncor and County staff have made progress in the review process, however, given that the detail drawings with revisions based on an initial County staff review was sent to our office the same day as the submission below, it is simply not possible to bring this request forward with the information required for County Council to make a reasonably educated or informed decision.
2. Throughout the limited interaction of negotiating a Road Use Agreement (RUA) for Suncor's Cedar Point Wind Energy Project, County staff have been clear that it is the County's preference that all roadway aspects not covered in existing County of Lambton By-Laws are incorporated in the RUA. Both parties have worked toward a RUA that includes detailed description of the collection line location within the County road allowance. The RUA is the County's existing model for presenting roadway impacts to the public and County Council for consideration and, ultimately, approval. Removing this individual item from the RUA at this stage of negotiation and dealing with it on a separate track would jeopardize the integrity of the process to date. The decision to not piecemeal RUA items during the negotiation and approval process is consistent with the County's previous approach when dealing with utilities in the road allowance.

The County does not dispute Suncor's privileges, as a distributor, under the Electricity Act, as the same act outlines the County of Lambton's privilege, as the owner of the highway, to be able to agree to the location of the infrastructure. The County and Suncor have both willingly initiated a

process, through the RUA, to facilitate an agreement under the act. Both parties have worked toward developing a Draft RUA that can be presented to County Council following a public review process, however, the Draft RUA has not progressed to that stage to date. The timeline required to work through development and municipal approval process for the RUA has been natural and reasonable. To circumvent the approval process already underway, and expected by County Council, would be unusual and irregular at this stage.

Please feel free to contact me to discuss further, if required.

Jason Cole, P.Eng.
Manager, Public Works
County of Lambton
Tel. 519-845-0809 ext. 5370
Fax 519-845-3872

From: Scott, Christopher A [mailto:cscott@Suncor.com]
Sent: October 7, 2014 3:35 PM
To: David Cribbs; Jason Cole
Cc: Cedar Point Questions; Kozak, Mark
Subject: RE: Submission for AM Committee - Oct 15

Jason,

I received your voicemail this am regarding my submission to the Am Committee. I just left you a voicemail to call me back however I have a conference call at 3:30 pm so I thought I would respond to you by email.

I believe your request was why is this issue being submitted to the AM Committee outside of the Road Use Agreement?

The reason for this are as follows:

1. Suncor has received their REA from the Province on August 22, 2014.
2. The Electricity Act gives Distributors the right to use streets and highways for constructing distribution infrastructure. Suncor is a distributor under the Electricity Act.
3. As Suncor would like to commence construction shortly, we do want to receive the County's agreement with our proposed locations in County owned streets and highways.

I hope this answers your questions. Please do not hesitate to contact me.

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.
519-801-8633 | cscott@suncor.com



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From: Scott, Christopher A
Sent: Monday, October 06, 2014 4:37 PM
To: David Cribbs (david.cribbs@county-lambton.on.ca); Jason Cole (jason.cole@county-lambton.on.ca)
Cc: Cedar Point Questions; Kozak, Mark
Subject: Submission for AM Committee - Oct 15

Jason/David,

Please find attached Suncor's submission requesting AM Committee's consideration of the location of electrical infrastructure within the County's road allowances. These drawings have been provided to identify the side of the road allowances Suncor plans to install its distribution cables for the Cedar Point Wind Power Project. These are a more simplistic summary of locations represented in the detailed plan and profile drawings that Suncor submitted to the County in June 2014.

We request that the AM Committee consider the location proposed by Suncor for approval at the next meeting on October 15, 2014.

The drawings referenced in the letter can be obtained by downloading from the link below:

<https://suncor.securevdr.com/d/s5d3fcfba2da4008a>

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.
519-801-8633 | cscott@suncor.com



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Exhibit B
Tab 4
Schedule 1
Appendix T

October 14, 2014 Email

From: [Jason Cole](#)
To: [Scott, Christopher A](#)
Cc: [Glen Millar](#); [Kozak, Mark](#); [Cedar Point Questions](#)
Subject: RE: Road Use Agreement and Schedules
Date: Friday, November 14, 2014 4:47:05 PM
Attachments: [image001.png](#)
[2014-11-14 Suncor RUA \(Suncor redline tracks\) \(County blueline tracks\).docx](#)
[Attachment - Appendix B Revised Draft Road Use Agreement Terms and Conditions.pdf](#)
[Draft Suncor Road Use Agreement Language.msg](#)

Christopher,

Please find the County of Lambton Public Works Department's comments and recommendations for the terms and conditions of the RUA provided in the link below and also forwarded to our office on October 20, 2014.

It appears that the agreement mark-up provided on October 20 had based the on the original MS Word version of the Jericho RUA that I had forwarded your office back on March 24, 2014. Subsequent to that version, and as anticipated in my originating e-mail of that date, there were revisions to that document as a result of the Public Consultation Period which was reported back to County Council on May 21, 2014 and made available through that report to the public. Many of the changes between the two documents were trivial or housekeeping in nature and would likely have been caught once a more thorough review had been carried out by your team. However, there are some fundamental changes in the document which will likely need to be discussed to convey their purpose. I have attached the final Jericho document to this e-mail as many of the changes in our recommendations are referenced to that document instead of typing them out in full - I have added actions or inclusions by brackets and capitals <ADD...> that should be deleted prior to finalizing.

Our office does not concur with reasoning in the attached e-mail regarding the removal of the indicated clause due to Jericho not signing the presented RUA. This is an important aspect to both agreements and it is unlikely that an agreement excluding this clause could be brought forward by staff to County Council or the public.

Our Legal Department has not yet been asked to review but our office has some specific items we would like to have them input on before finalizing.

As your team was not able to meet during the week of November 3, which the County previously offered to discuss the draft RUA, I would ask that your team (either technical only, or with legal) suggest some dates to have, what I would consider, our first meeting regarding this agreement.

Your office has already received our comments on the Collection Line drawings which were picked up at the end of last week. We will continue to review the Transmission and remaining drawings to be included in Schedule B of the RUA.

Jason Cole, P.Eng.
Manager, Public Works

County of Lambton

Tel. 519-845-0809 ext. 5370

Fax 519-845-3872

From: Scott, Christopher A [mailto:cscott@suncor.com]

Sent: October 27, 2014 2:14 PM

To: Jason Cole

Cc: Glen Millar; Kozak, Mark; Cedar Point Questions

Subject: Road Use Agreement and Schedules

Jason,

I hope you are well. I am hoping Suncor could set a time to meet with you regarding a plan of moving a Road Use Agreement before council. We are keen to obtain your review comments on the location of the cables in the detailed plan and profile drawings which updated and submitted on October 7, 2014. I have also provided you with the draft RUA language in an email Oct 20th for discussion.

There are many technical documents required for Schedule B of the agreement. Suncor has prepared these and have uploaded them to our share file site for your review.

<https://suncor.securevdr.com/d/sbac5b6dcf9340828>

When would you be available for another meeting?

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.

519-801-8633 | cscott@suncor.com



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Exhibit B
Tab 4
Schedule 1
Appendix U

November 20, 2014 Email with Drawings Attached

From: [Scott, Christopher A](#)
To: [Jason Cole \(jason.cole@county-lambton.on.ca\)](mailto:jason.cole@county-lambton.on.ca)
Cc: [Kozak, Mark](#); [Cedar Point Questions](#); [Glen Millar \(glen.millar@county-lambton.on.ca\)](mailto:glen.millar@county-lambton.on.ca)
Subject: Transmission Line
Date: Thursday, November 20, 2014 1:06:11 PM
Attachments: [image001.png](#)

Jason,

Suncor has staked the draft pole centres proposed for the transmission line along Tompson. I wanted to make you aware of this in the event you wanted to check measurements etc.

Also please find a link to our updated plan and profile based on Glen's written comments that Mr. Kozak picked up on Nov 7, 2014.

<https://suncor.securevdr.com/d/sb32a36e7f204fda8>

We no longer are planning any distribution infrastructure on Oil Heritage road so this simplifies things.

Christopher Scott, P.Eng.

Senior Engineer, Renewable Energy | Suncor Energy Services Inc.
519-801-8633 | cscott@suncor.com



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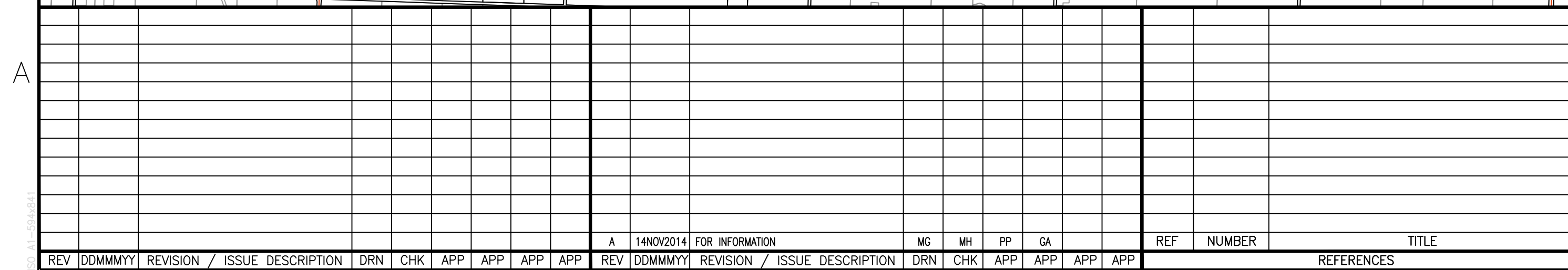
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SUBJECT UNDERGROUND COLLECTOR LINE LAYOUT COVER PAGE		AREA 0300	SUNCOR ENERGY CEDAR POINT II WIND POWER PROJECT
		CLIENT DWG. NO.	
		DRAWING NO. 173709-0300-DD10-LYD-0500.008	REV. A

STAMP/SEAL

PRELIMINARY

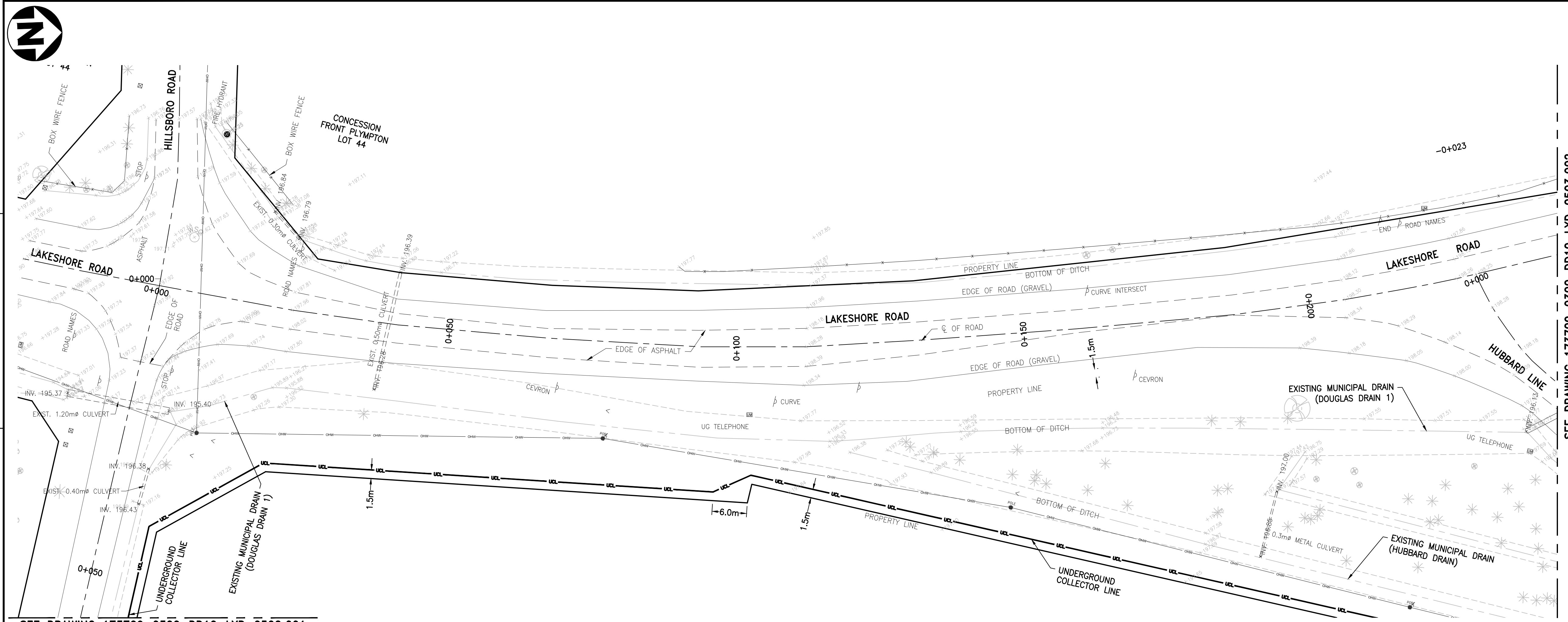
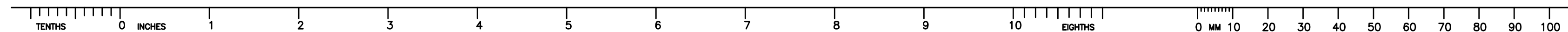
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		DES	PP	03FEB2014
		DRN	MG	03FEB2014
SCALE 1:30,000	PACKAGE CODE	CHK	MH	03FEB2014
		APP	MU	03FEB2014

							
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AREA 0300	SUNCOR ENERGY CEDAR POINT II WIND POWER PROJECT						
CLIENT DWG. NO.							
DRAWING NO. 173709-0300-DD10-LYD-0500.008	REV. A						

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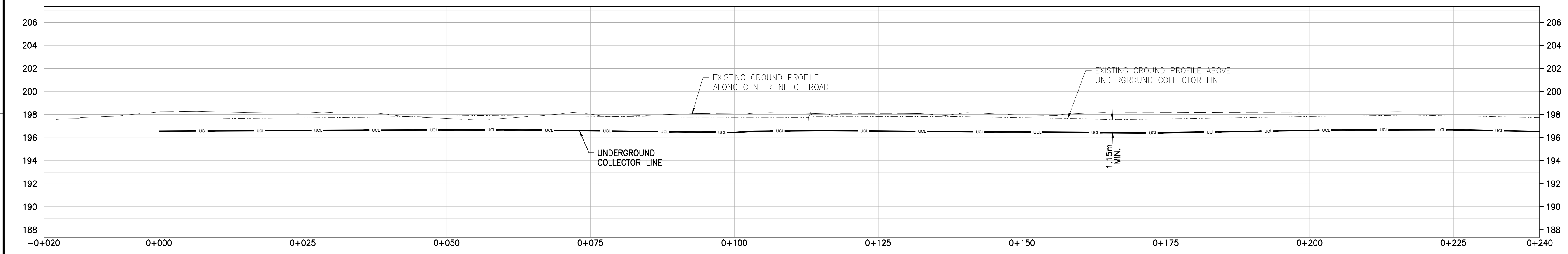




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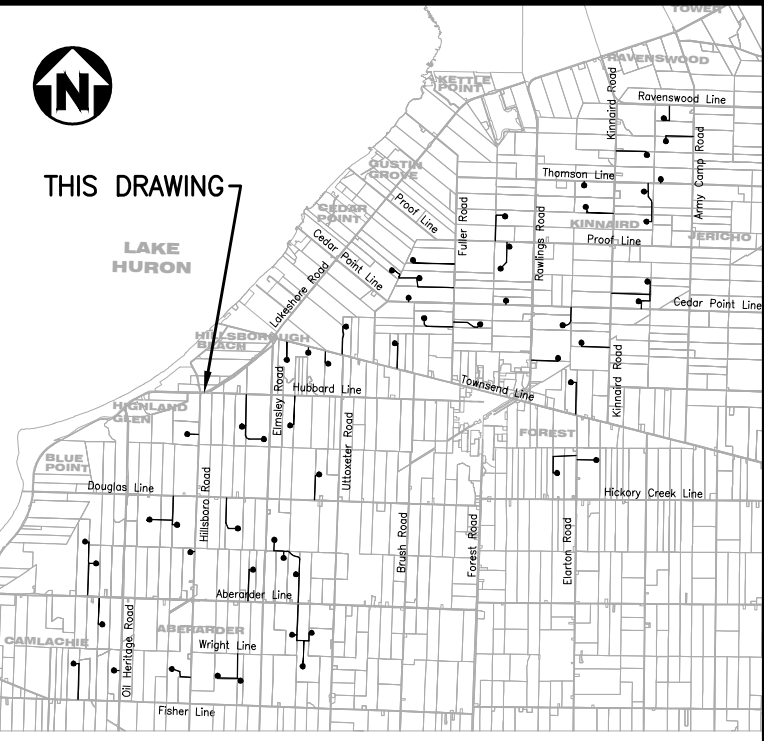
UNDERGROUND COLLECTOR LINE - PLAN

SCALE : 1:400



UNDERGROUND COLLECTOR LINE - PROFILE

SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)



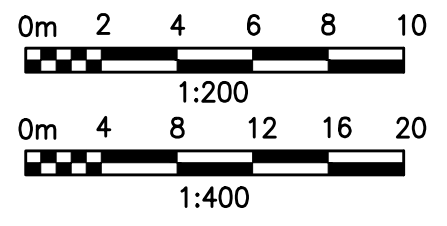
KEY PLAN



NOTES

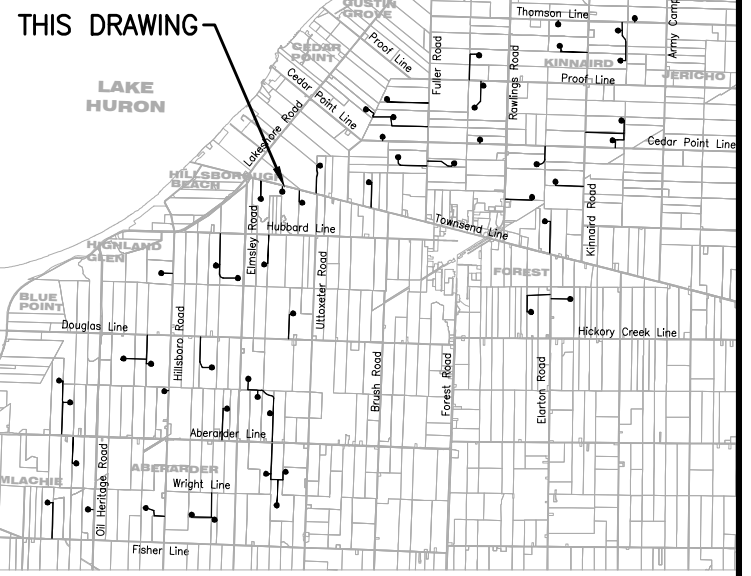
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LEGEND

— GAS —	GAS LINE
— OHV —	OVERHEAD HYDRO LINE
— SA —	SANITARY SEWER
— ST —	STORM SEWER
— W —	WATERMAIN
— B —	BELL LINE
— UCL —	UNDERGROUND COLLECTOR LINE
— UCL —	UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY
— UCL —	UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROW
---	DIRECTIONAL DRILL PATH
(CB)	CATCH BASIN
(CO)	CLEAN OUT
(WSO)	WATER SHUTOFF
(F/C)	FACE OF CURB
(T/C)	TOP OF CURB
(M)	MAILBOX
(MH)	MANHOLE
(EH)	ELECTRICAL HANDHOLE
(IB)	IRON BAR
(G)	GAS
(GP)	GUARD POST
(V)	OVERHEAD ELECTRICAL
CL	WATER METER
EG	POLE ANCHOR
(F)	FIRE HYDRANT
(C)	CENTER LINE
(E)	EDGE OF GRAVEL
(X)	EXISTING CULVERT
(H)	HYDRO MANHOLE
(S)	SEWER MANHOLE
X 250.00	EXISTING GROUND ELEVATION
WSO	WATER SHUT OFF
(G)	GAS METER
(V)	GAS VALVE
(H)	HYDRO METER
(P)	TELEPHONE PEDESTAL
(S)	SIGN
(T)	TESTHOLE
(B)	BENCH MARK
(M)	TELEPHONE MANHOLE
(H)	TRAFFIC MANHOLE
(W)	WATER MANHOLE
(P)	EXISTING POLE
(G)	GUY WIRE
(GP)	GUARD POST
(H)	INVERT
(B)	BOTTOM OF CURB
(M)	WATER METER



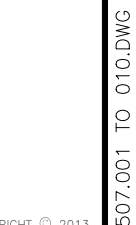
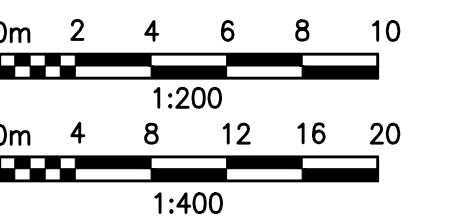
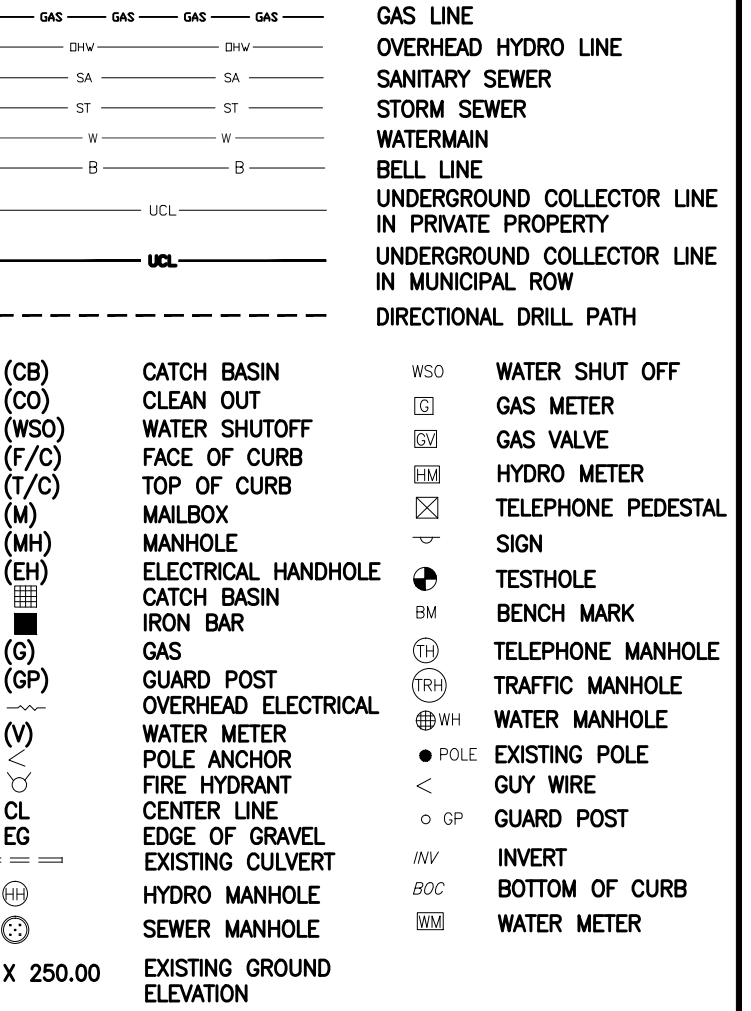
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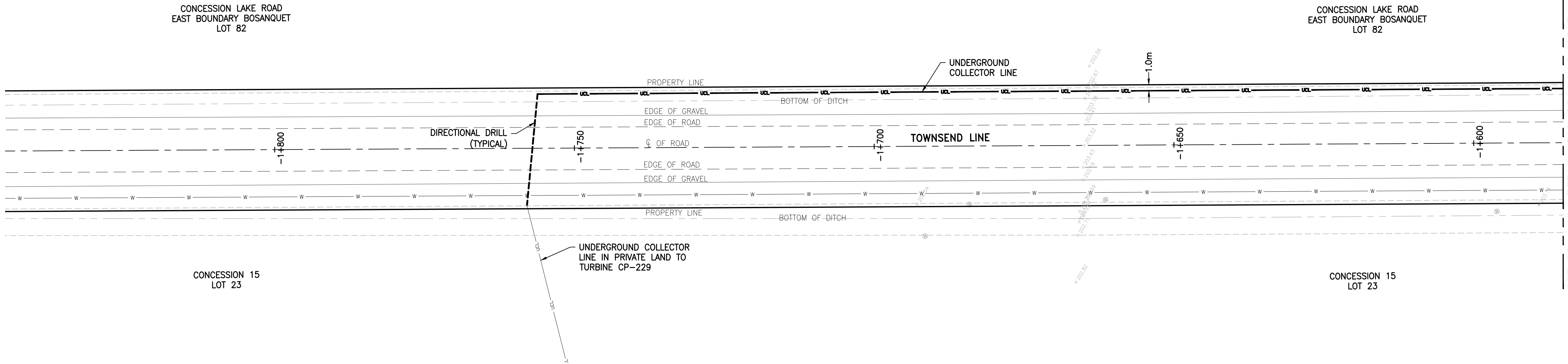


JECT
UNDERGROUND COLLECTOR LINE
LAYOUT PLAN
TOWNSEND LINE
STATION -1+845.0 TO -1+585.0

REA 0300	SUNCOR ENERGY CEDAR POINT II WIND POWER PROJECT
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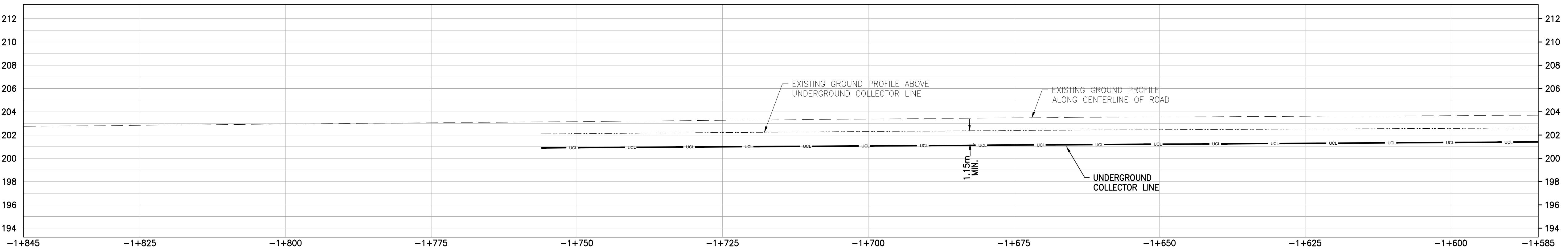
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(OAKVILLE) 1



UNDERGROUND COLLECTOR LINE - PLAN

SCALE : 1:400



UNDERGROUND COLLECTOR LINE - PROFILE

SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)

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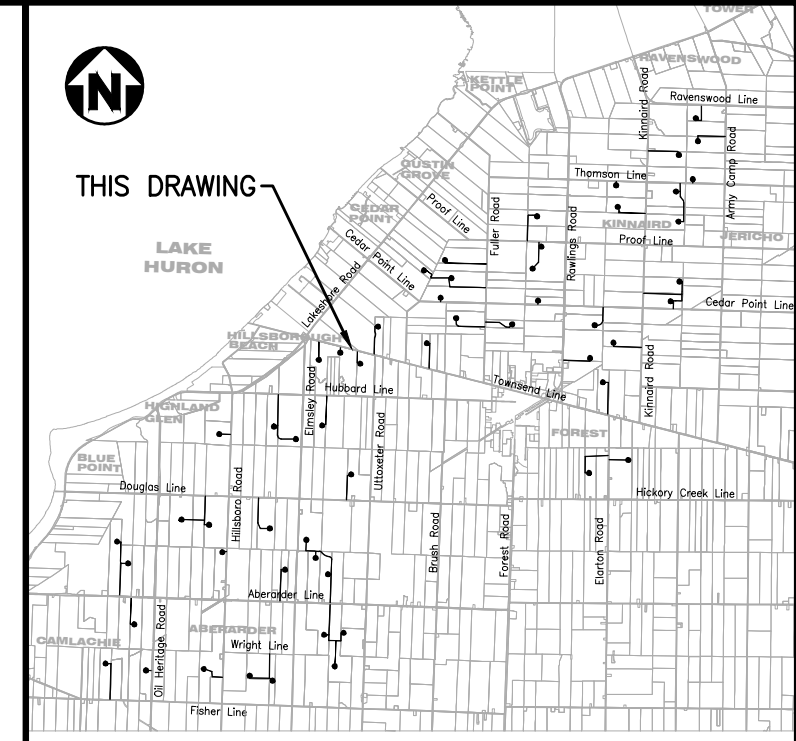
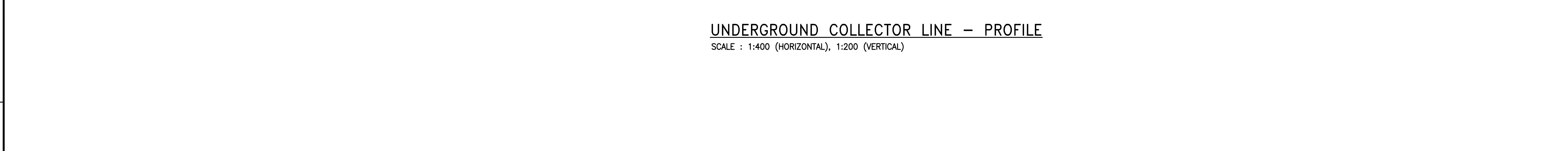
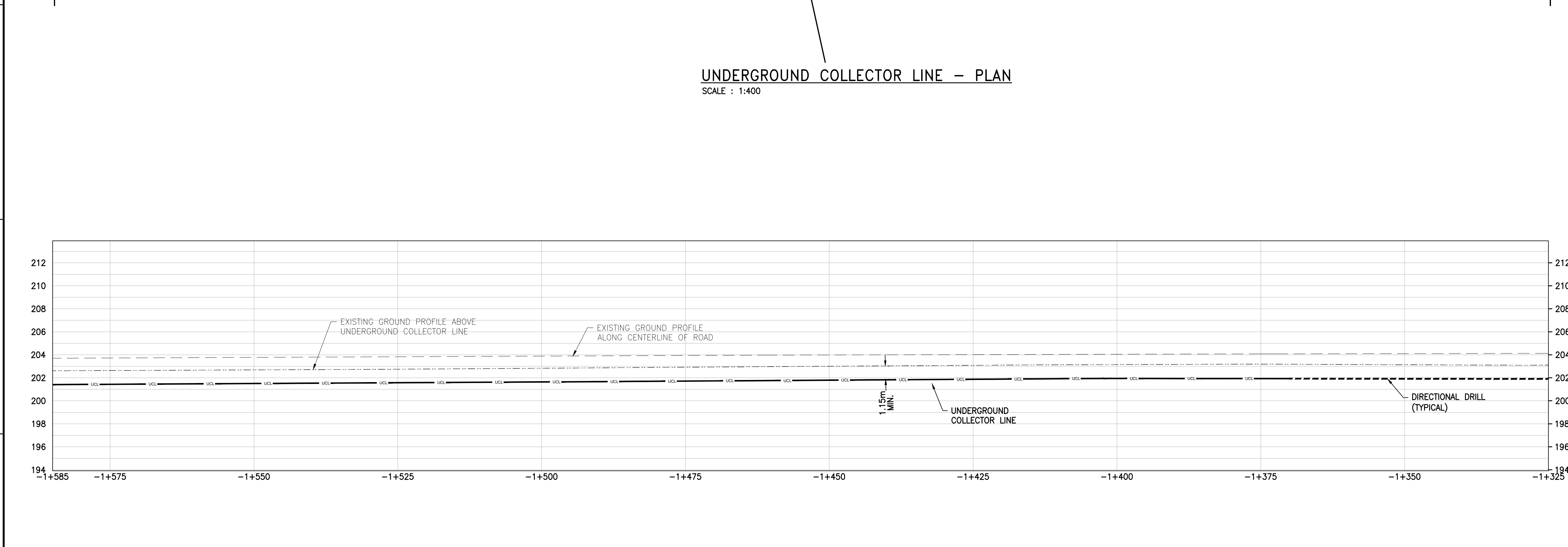
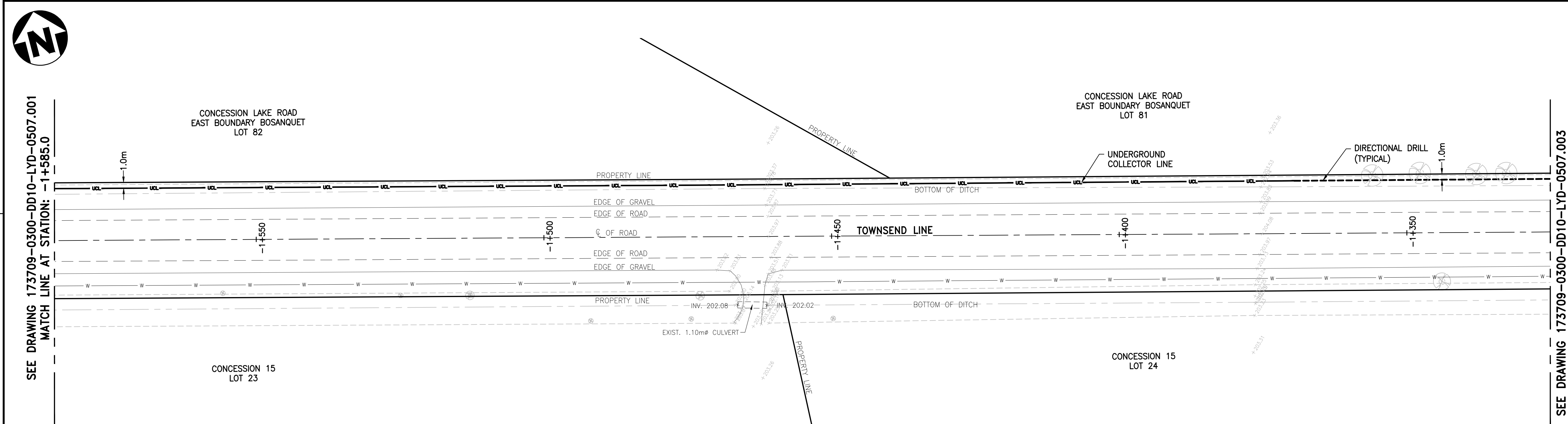
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PROJECT PHASE		

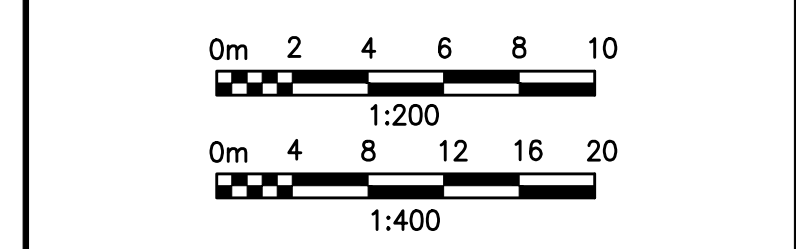
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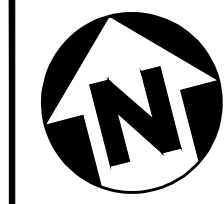
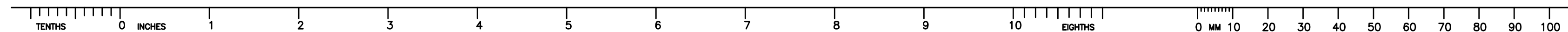


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LEGEND

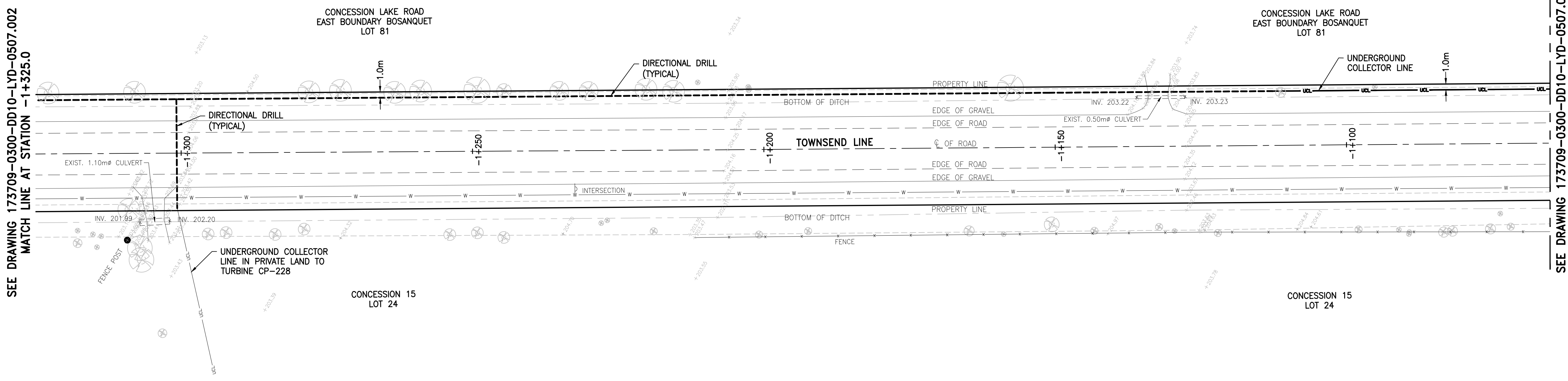
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— OHV — OHV — OHV — OHV —	OVERHEAD FUEL LINE
— SA — SA — SA — SA —	SANITARY SEWER
— ST — ST — ST — ST —	STORM SEWER
— B — B — B — B —	WATER MAIN
— UCL —	BELL LINE
— UCL —	UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY
— UCL —	UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROAD
— — — — —	DIRECTIONAL DRILL PATH
(CB)	CATCH BASIN
(CO)	CLEAN OUT
(WSO)	WATER SHUTOFF
(F/C)	FACE OF CURB
(T/C)	TOP OF CURB
(M)	MAILBOX
(MH)	MANHOLE
(CH)	ELECTRICAL HANDHOLE
▢	CATCH BASIN
■	IRON BAR
■	GAS
(G)	GAS POST
(GP)	OVERHEAD ELECTRICAL
(V)	WATER METER
▽	POLE / ANCHOR
▽	FIRE HYDRANT
CL	CENTER LINE
EG	EDGE OF GRAVEL
— — — — —	EXISTING CURB
(H)	HYDRO MANHOLE
(S)	SEWER MANHOLE
X 250.00	EXISTING GROUND ELEVATION
WSD	WATER SHUT OFF
⊠	GAS METER
⊠	GAS VALVE
⊠	HYDRO METER
⊠	TELEPHONE PEDESTAL
⊠	SIGN
⊠	TESTHOLE
⊠	BENCH MARK
⊠	TELEPHONE MANHOLE
⊠	TRAFFIC MANHOLE
⊠	WATER MANHOLE
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●	GUY WIRE
○	GAS POST
INV	INVERT
BOC	BOTTOM OF CURB
WSD	WATER METER

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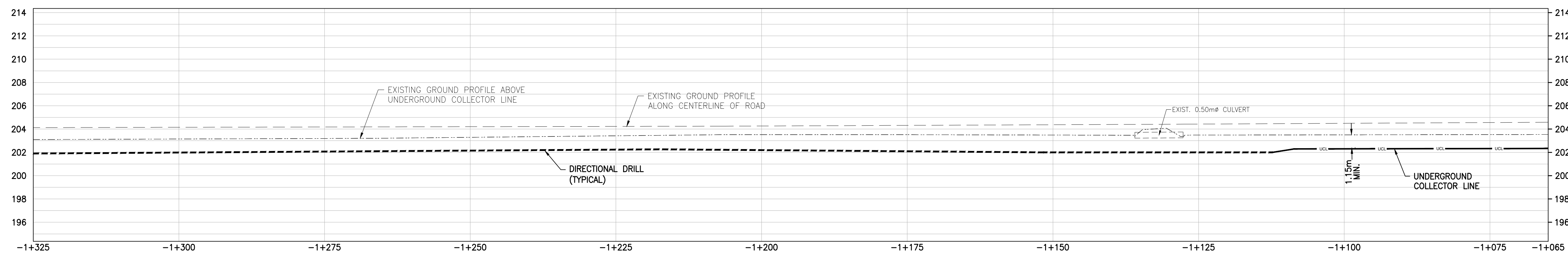


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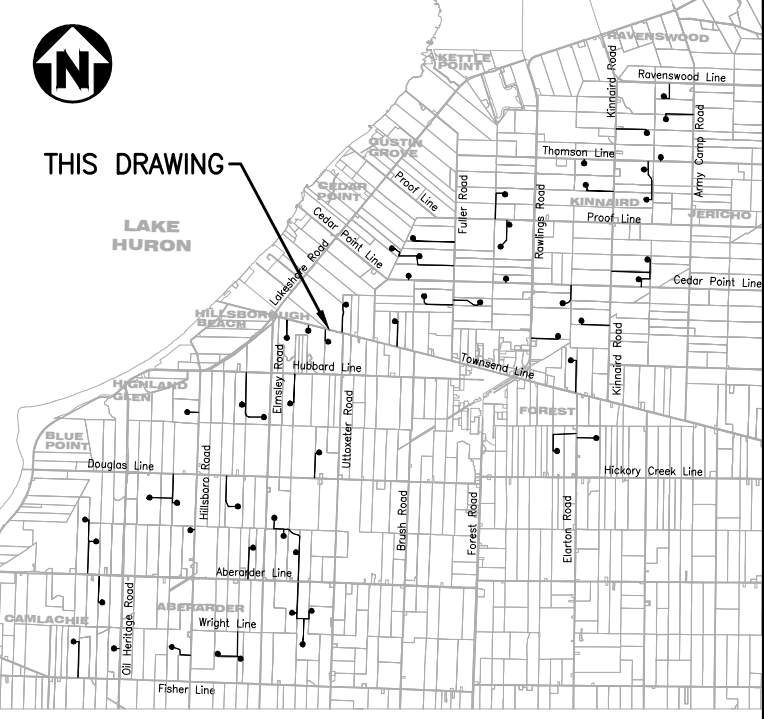
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UNDERGROUND COLLECTOR LINE - PLAN
SCALE : 1:400



UNDERGROUND COLLECTOR LINE - PROFILE
SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)

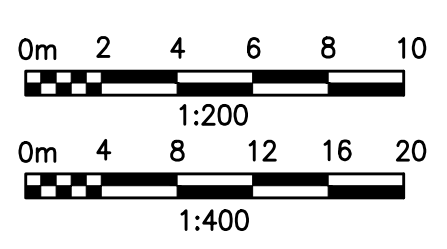


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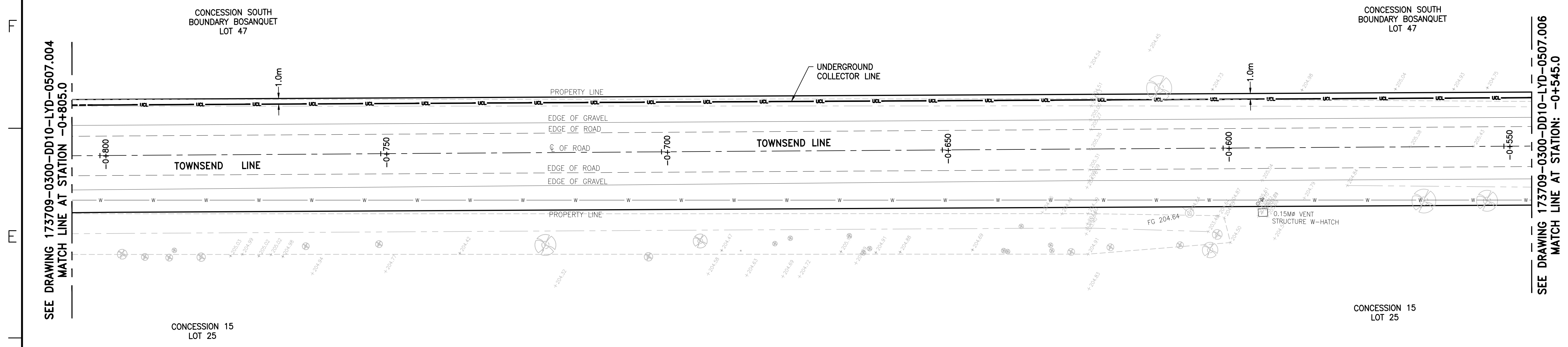
LEGEND

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— OHV —	OVERHEAD HYDRO LINE
— SA —	SANITARY SEWER
— ST —	STORM SEWER
— W —	WATERMAIN
— B —	BELL LINE
— UCL —	UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY
— UCL —	UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROW
---	DIRECTIONAL DRILL PATH

(CB)	CATCH BASIN	WSO	WATER SHUT OFF
(CO)	CLEAN OUT	(G)	GAS METER
(WSO)	WATER SHUTOFF	(V)	GAS VALVE
(F/C)	FACE OF CURB	(F/C)	HYDRO METER
(T/C)	TOP OF CURB	(X)	TELEPHONE PEDESTAL
(M)	MAILBOX	(S)	SIGN
(MH)	MANHOLE	(EH)	TESTHOLE
(EH)	ELECTRICAL HANDHOLE	(BM)	BENCH MARK
(CB)	CATCH BASIN	(TM)	TELEPHONE MANHOLE
(IR)	IRON BAR	(TM)	TRAFFIC MANHOLE
(G)	GAS	(WH)	WATER MANHOLE
(GP)	GUARD POST	(P)	EXISTING POLE
(V)	OVERHEAD ELECTRICAL	(G)	GUY WIRE
(W)	WATER METER	(GP)	GUARD POST
(P)	POLE ANCHOR	(IN)	INVERT
(F)	FIRE HYDRANT	(BOC)	BOTTOM OF CURB
(CL)	CENTER LINE	(W)	WATER METER
(EG)	EDGE OF GRAVEL		
(E)	EXISTING CULVERT		
(H)	HYDRO MANHOLE		
(S)	SEWER MANHOLE		
X 250.00	EXISTING GROUND ELEVATION		

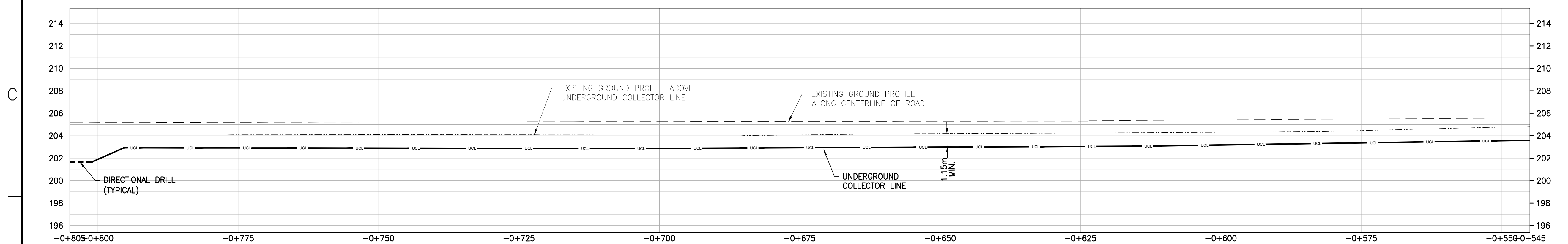


<div>UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN AMEC AND ITS CLIENT: (1) THIS AMEC DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED AND TO THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTRACT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.</div> <div>STAMP/SEAL</div>										<div>APPROVED FOR CONSTRUCTION</div> <div>CLIENT PROJECT MGR. DEPARTMENT MGR. PROJECT MGR.</div> <div>PROJECT PHASE</div>			<div></div>		<div></div>	
<div>PROJECT NO. 173709</div> <div>ACTIVITY NO.</div> <div>SCALE AS SHOWN</div>										<div>BY DES PP 03FEB2014</div> <div>DRN MG 03FEB2014</div> <div>CHK MH 03FEB2014</div> <div>APP MU 03FEB2014</div>		<div>SUBJECT UNDERGROUND COLLECTOR LINE LAYOUT PLAN & PROFILE TOWNSEND LINE STATION -1+325.0 TO -1+065.0</div>		<div>AREA 0300 CEDAR POINT II WIND POWER PROJECT</div> <div>CLIENT DWG. NO.</div>		
<div>REV DDMMYY REVISION / ISSUE DESCRIPTION DRN CHK APP APP APP APP</div> <div>REV DDMMYY REVISION / ISSUE DESCRIPTION DRN CHK APP APP APP APP</div>										<div>REV DDMMYY REVISION / ISSUE DESCRIPTION DRN CHK APP APP APP APP</div>		<div>DRAWING NO. 173709-0300-DD10-LYD-0507.003</div> <div>REV.</div>		<div>SAVED: 11-Sep-14 1:22 PM PLOTTED: 19-Nov-14 1:26 PM USER: GUO, MIKE (OAKVILLE)</div>		



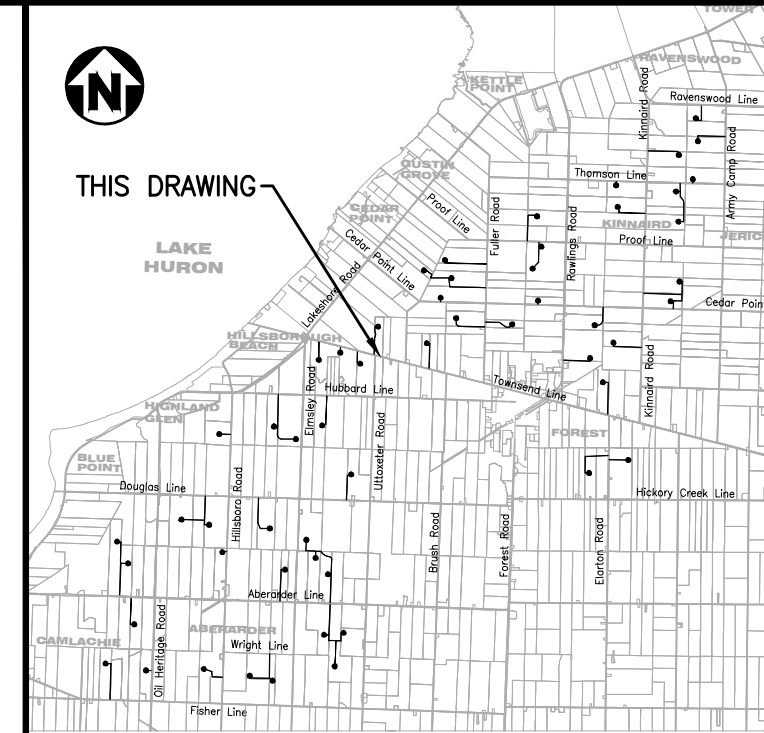
UNDERGROUND COLLECTOR LINE - PLAN

SCALE : 1:400



UNDERGROUND COLLECTOR LINE - PROFILE

SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)



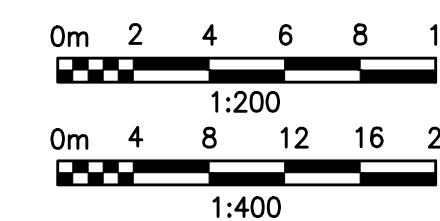
KEY PLAN

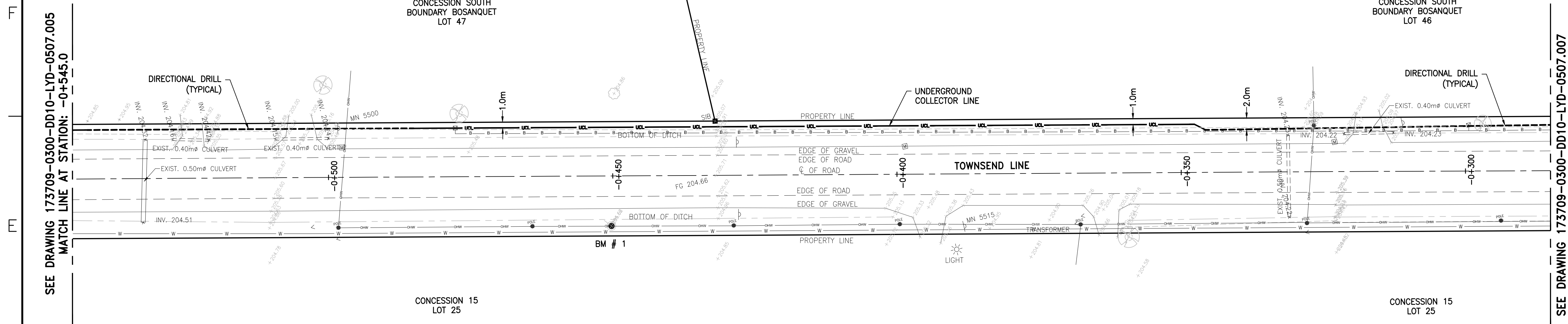
NOTES

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LEGEND

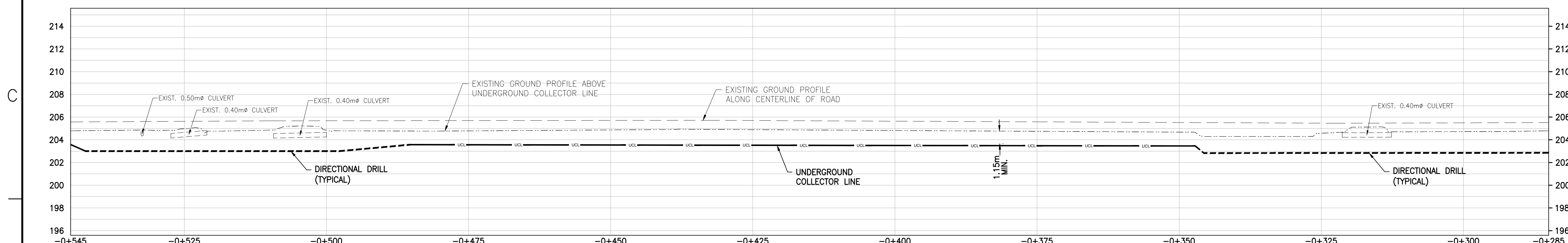
		GAS LINE	
		OVERHEAD HYDRO LINE	
		SANITARY SEWER	
		STORM SEWER	
		WATER MAIN	
		BELL LINE	
		UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY	
		UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROAD	
		DIRECTIONAL DRILL PATH	
(CB)	CATCH BASIN	WSD	WATER SHUT OFF
(C)	CLEAN OUT	GS	GAS METER
(WSD)	WATER SHUTOFF	GV	GAS VALVE
(F/C)	FACE OF CURB	HM	HYDRO METER
(T/C)	TOP OF CURB	TM	TELEPHONE PEDESTAL
(M)	MAILBOX	TS	TESTHOLE
(MH)	MANHOLE	BM	BENCH MARK
(CH)	ELECTRICAL HANDHOLE	TR	TELEPHONE MANHOLE
CATCH BASIN		TRH	TRAFFIC MANHOLE
IRON BAR		WH	WATER MANHOLE
(G)	GAS	POLE	EXISTING POLE
(GP)	GUARD POST	W	WIRE GUARD
OVERHEAD ELECTRICAL		OP	GROUND POST
WATER METER		INV	INVERT
POLE ANCHOR		ROC	BOTTOM OF CURB
FIRE HYDRANT		WM	WATER METER
CENTER LINE			
EDGE OF GRAVEL			
EXISTING CURVERT			
HYDRO MANHOLE			
SEWER MANHOLE			
X 250.00		EXISTING GROUND ELEVATION	

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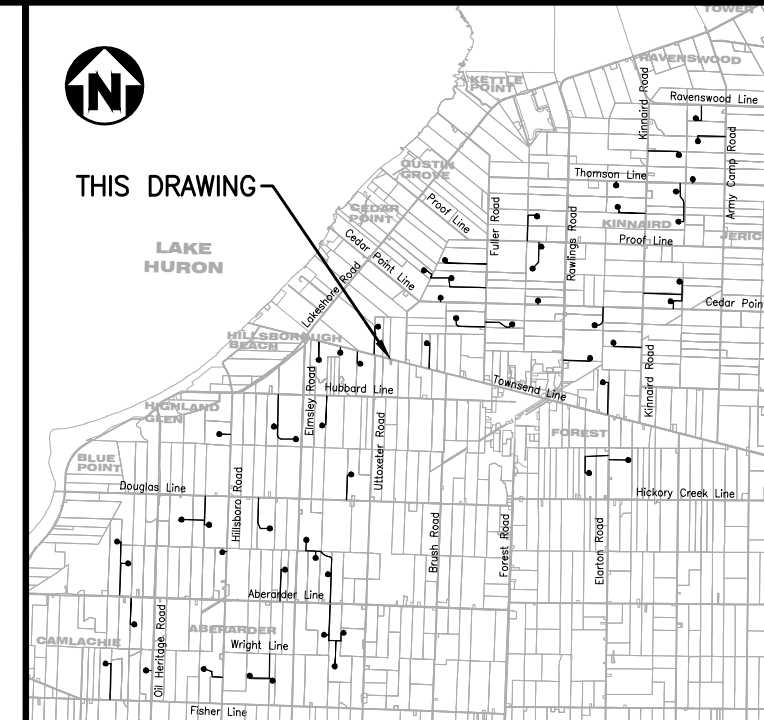
UNDERGROUND COLLECTOR LINE – PLAN

SCALE : 1:400



UNDERGROUND COLLECTOR LINE - PROFILE

SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)

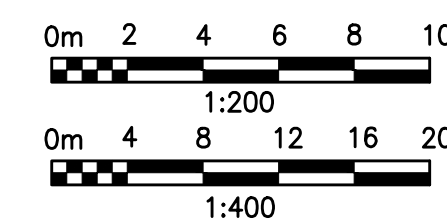
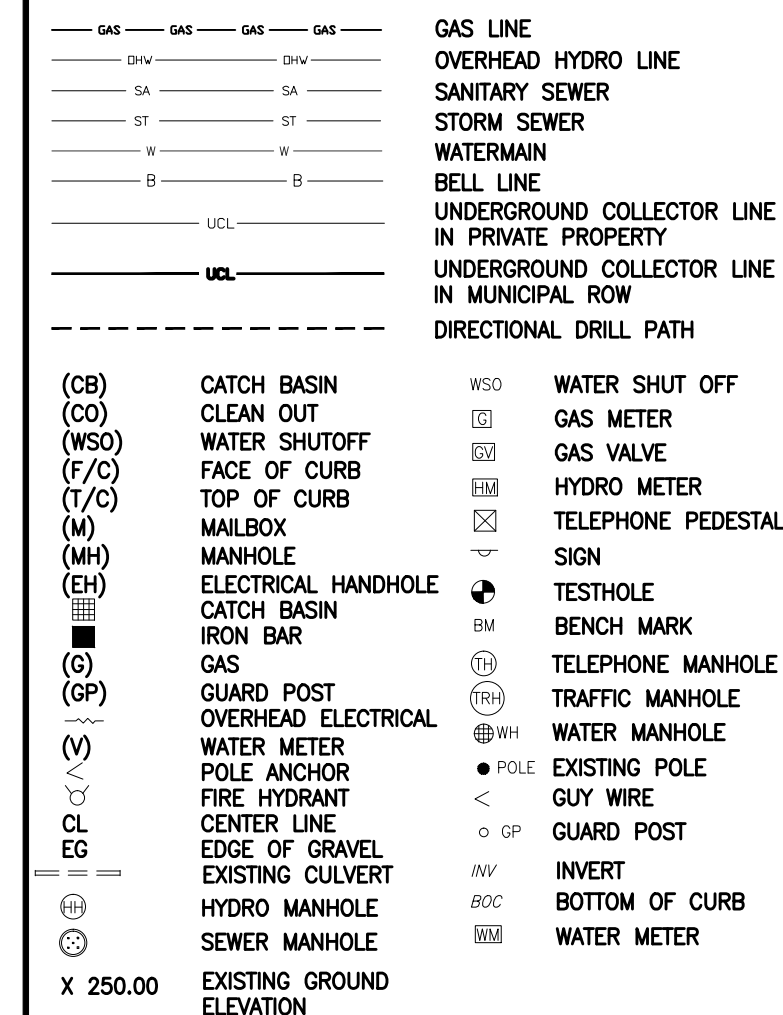


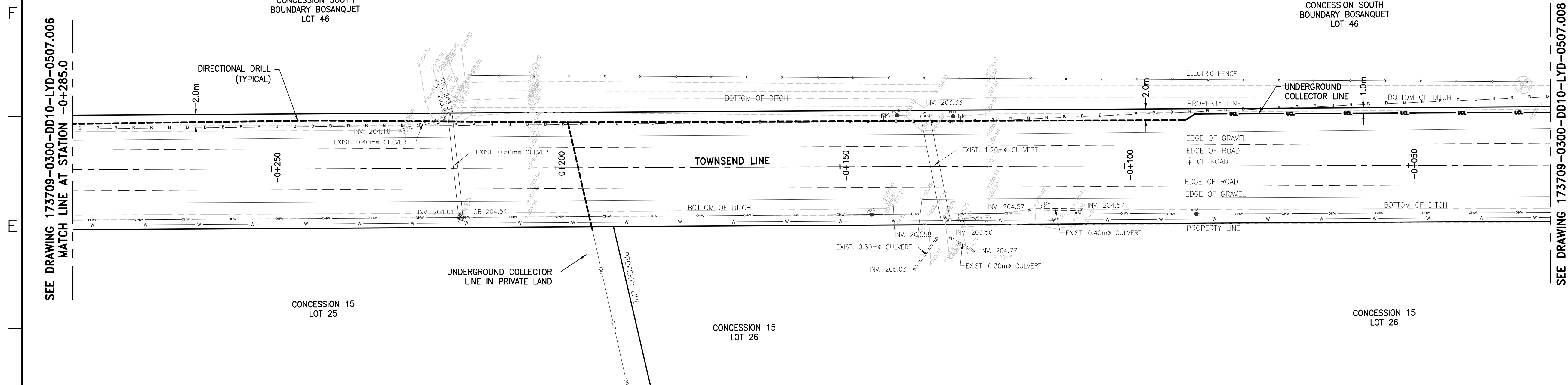
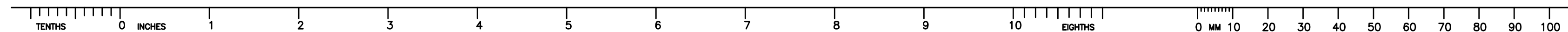
KEY PLAN

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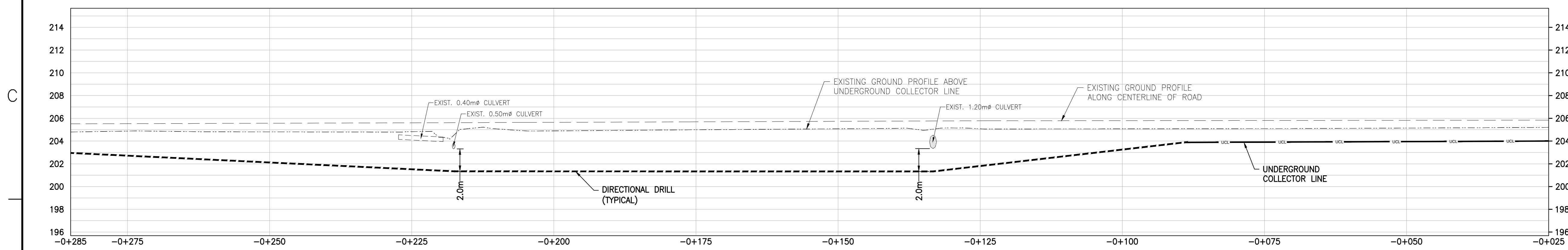
LEGEND

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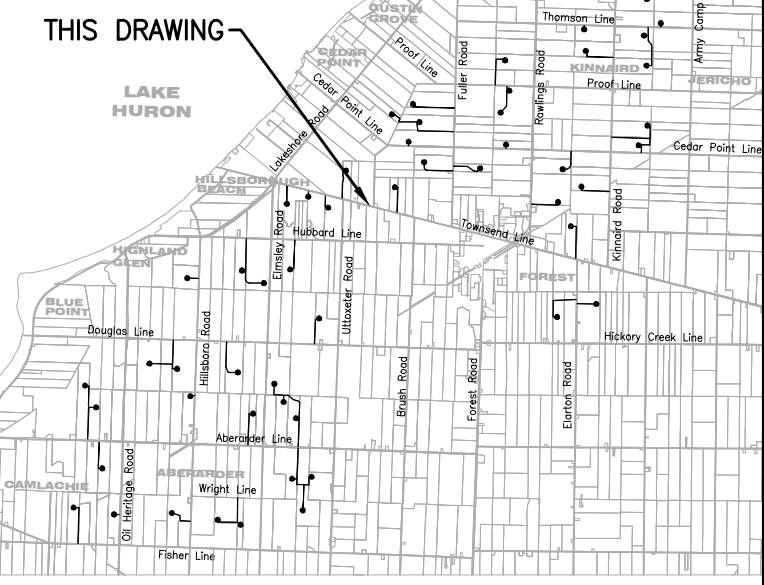
UNDERGROUND COLLECTOR LINE – PLAN

SCALE : 1:400



UNDERGROUND COLLECTOR LINE – PROFILE

SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)



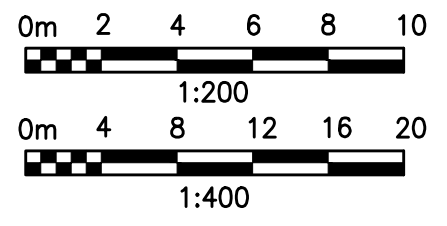
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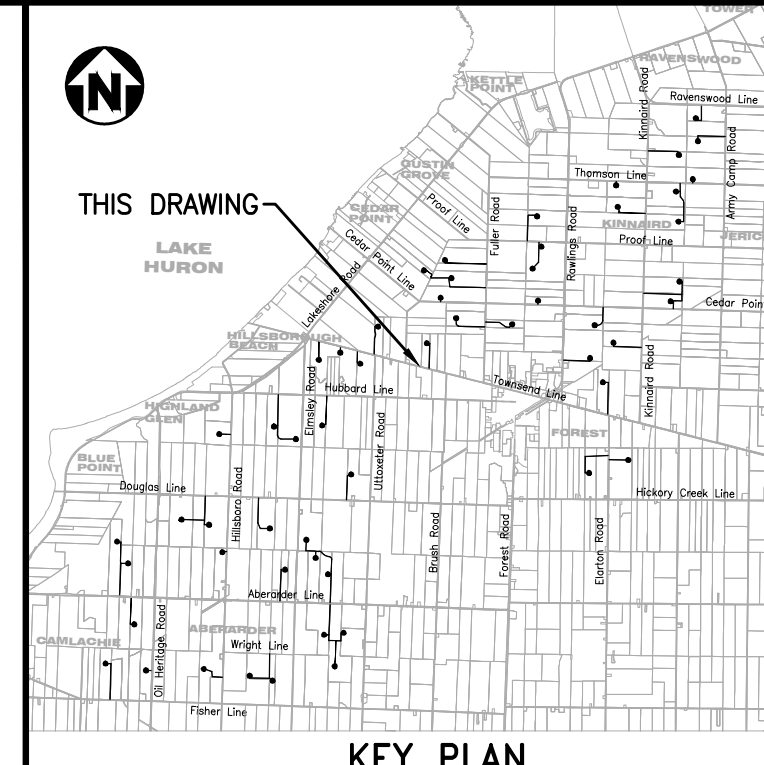
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	OVERHEAD HYDRO LINE		GAS METER
	SANITARY SEWER		GAS VALVE
	STORM SEWER		HYDRO METER
	WATERMAIN		TELEPHONE PEDESTAL
	BELL LINE		SIGN
	UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY		TESTHOLE
	UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROW		BENCH MARK
	DIRECTIONAL DRILL PATH		TELEPHONE MANHOLE
	CATCH BASIN		TRAFFIC MANHOLE
	CLEAN OUT		WATER MANHOLE
	WATER SHUTOFF		EXISTING POLE
	FACE OF CURB		GUY WIRE
	TOP OF CURB		GUARD POST
	MAILBOX		INVERT
	MANHOLE		BOTTOM OF CURB
	ELECTRICAL HANDHOLE		WATER METER
	CATCH BASIN		
	IRON BAR		
	GAS		
	GUARD POST		
	OVERHEAD ELECTRICAL		
	WATER METER		
	POLE ANCHOR		
	FIRE HYDRANT		
	CENTER LINE		
	EDGE OF GRAVEL		
	EXISTING CULVERT		
	HYDRO MANHOLE		
	SEWER MANHOLE		
	EXISTING GROUND ELEVATION		



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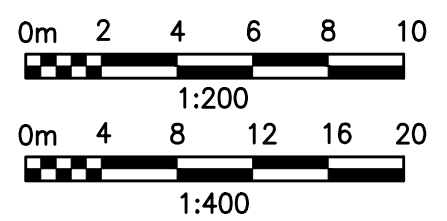
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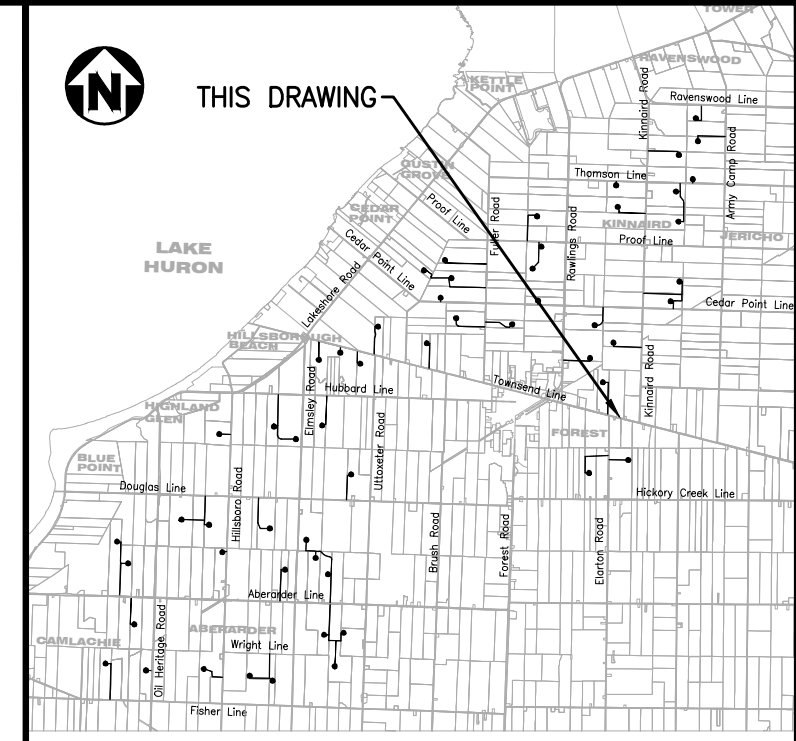
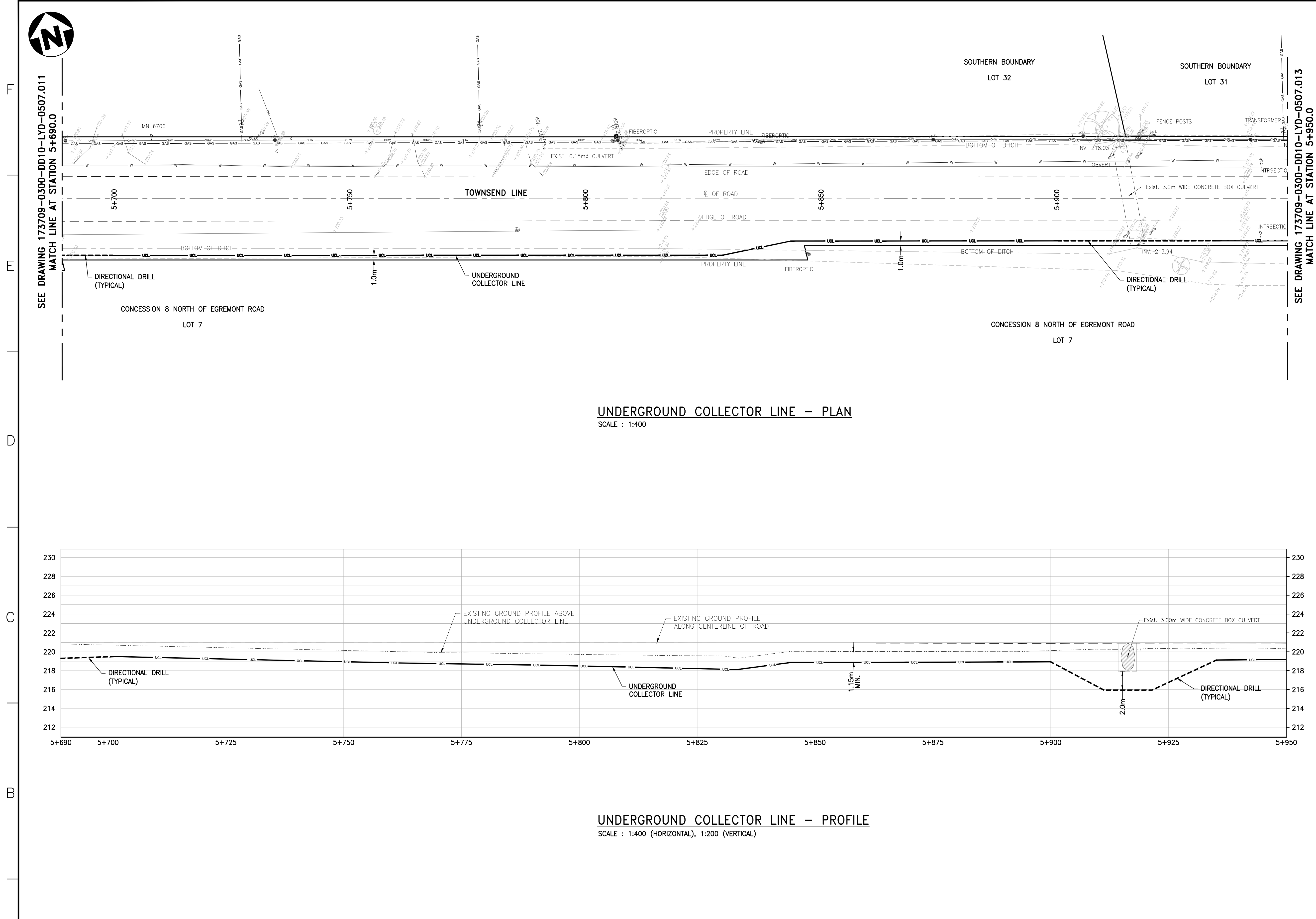
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





















































































































SAVED: 11-Sep-14 1:22 PM PLOTTED: 19-Nov-14 2:27 PM USER: GUO, MIKE

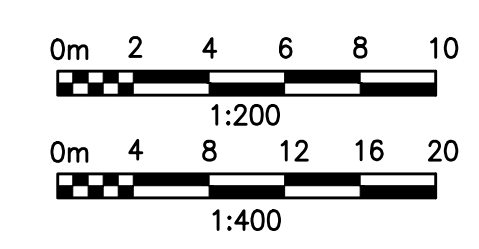


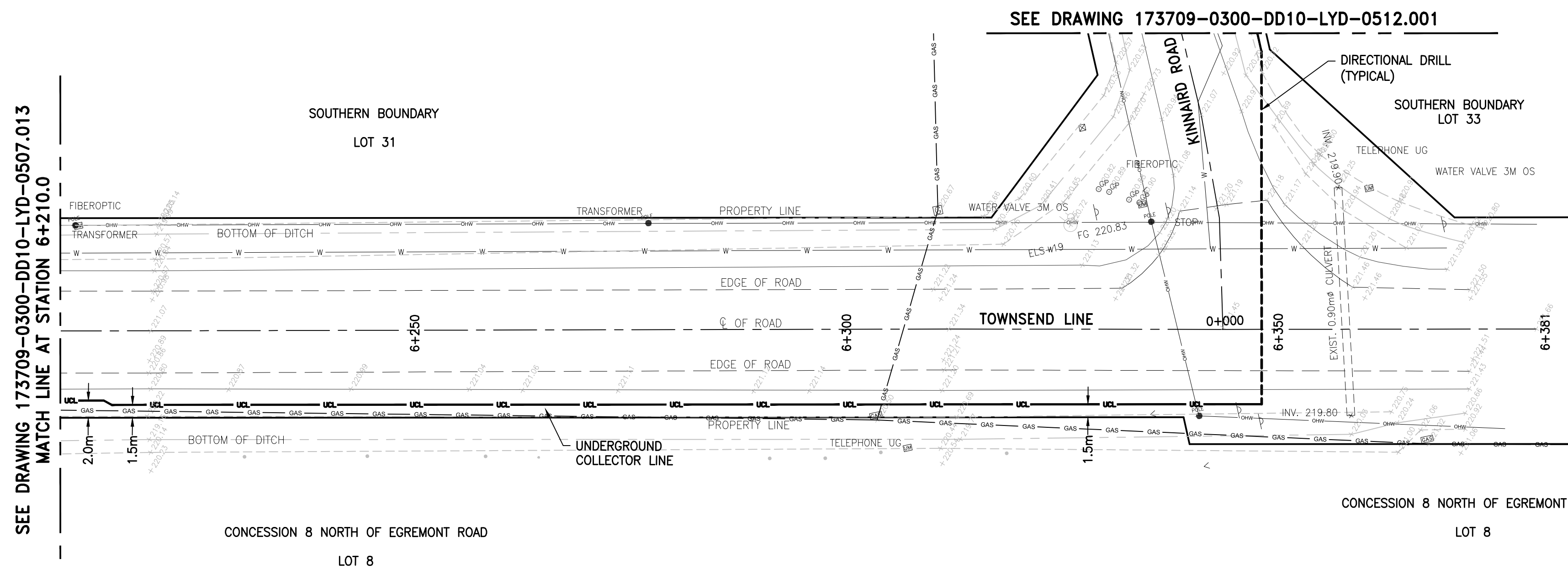
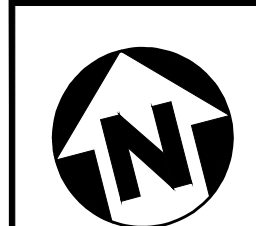


- # NOTES
1. COORDINATES SHOWN ON THIS DRAWING ARE BASED ON UTM NAD 83, ZONE 17.
 2. ALL COORDINATES, DIMENSIONS, AND ELEVATIONS ARE IN METRES, UNLESS NOTED OTHERWISE.
 3. FOR COVER PAGE AND LIST OF DRAWINGS, SEE DRAWING 173709-0300-DD10-LYD-0500.001.
 4. FOR GENERAL NOTES AND DETAILS, SEE DRAWING 173709-0300-DD10-DTL-0207.001.
 5. FOR UNDERGROUND COLLECTOR LINE LAYOUT AND TRENCH DETAILS, SEE DRAWINGS
173709-0300-DF00-LYD-0001.001 AND
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 6. THE POSITION OF POLE LINES, CONDUITS, WATERMAIN, SEWERS AND OTHER UNDERGROUND AND ABOVEGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
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LEGEND

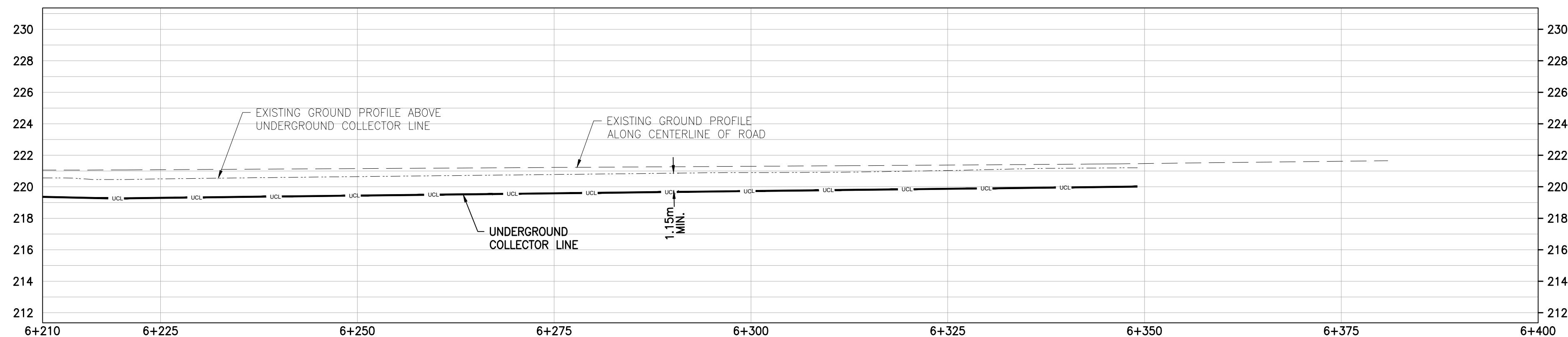
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[illegible]



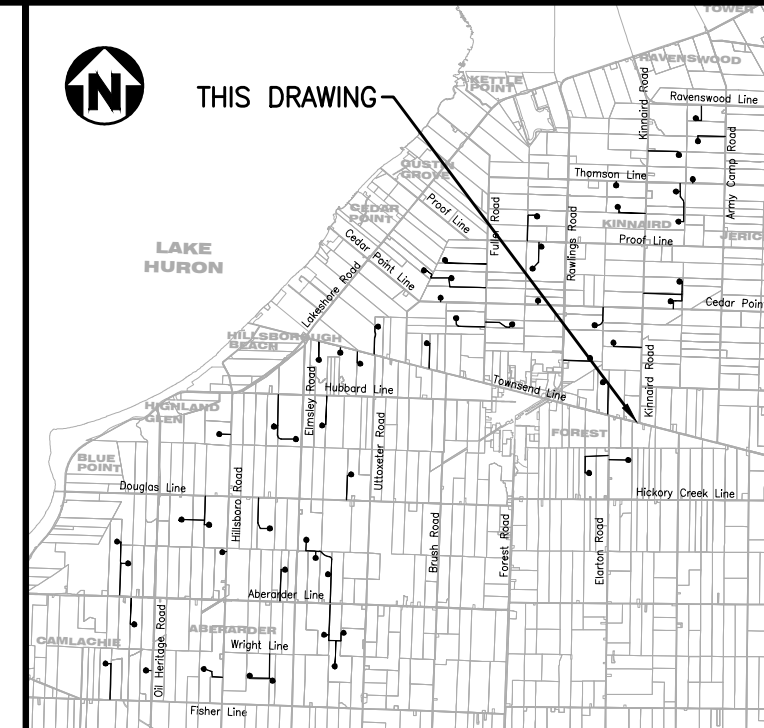
UNDERGROUND COLLECTOR LINE - PLAN

SCALE : 1:400



UNDERGROUND COLLECTOR LINE - PROFILE

SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)

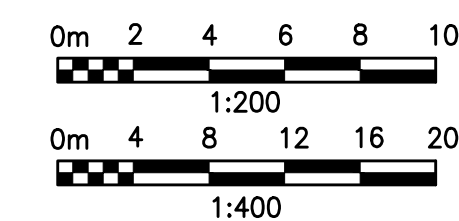
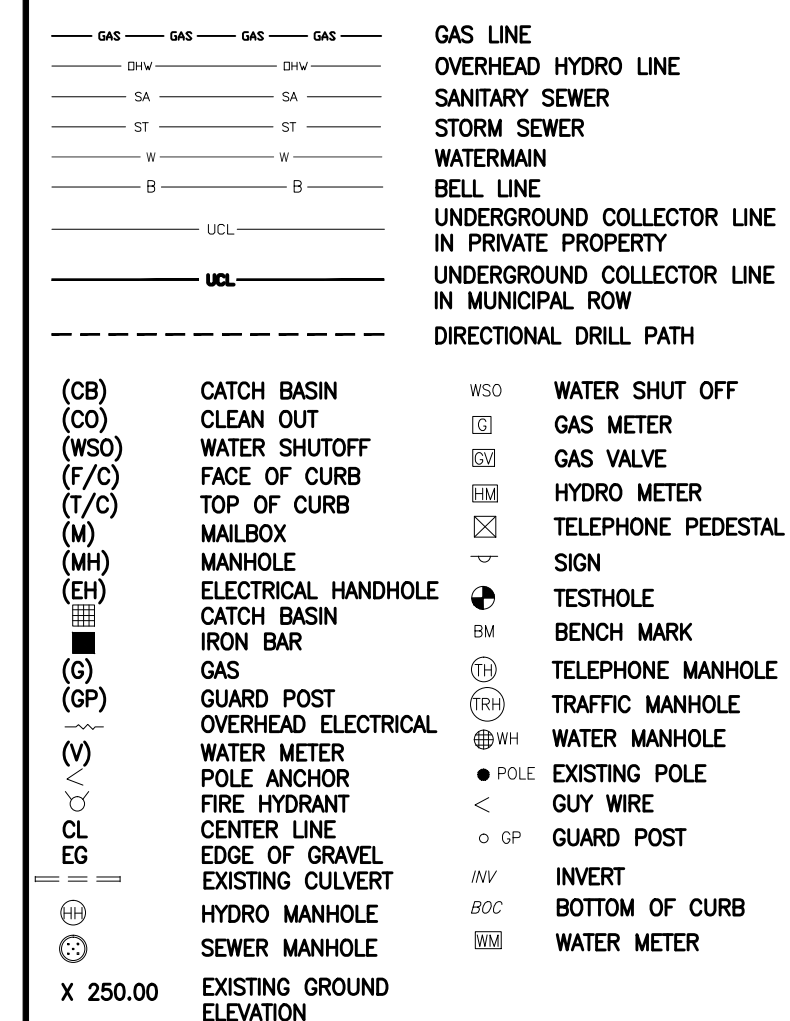


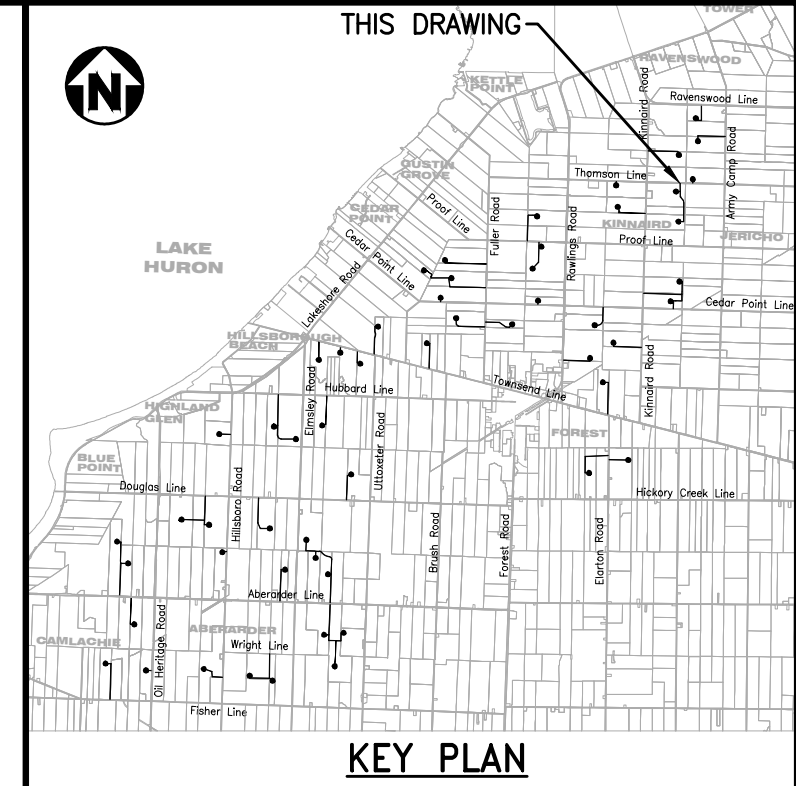
KEY PLAN










NOTES

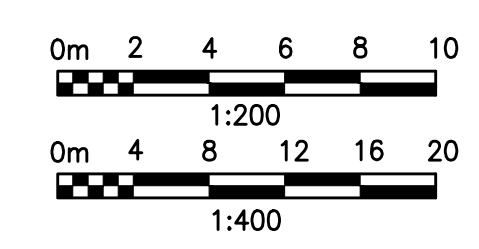
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LEGEND

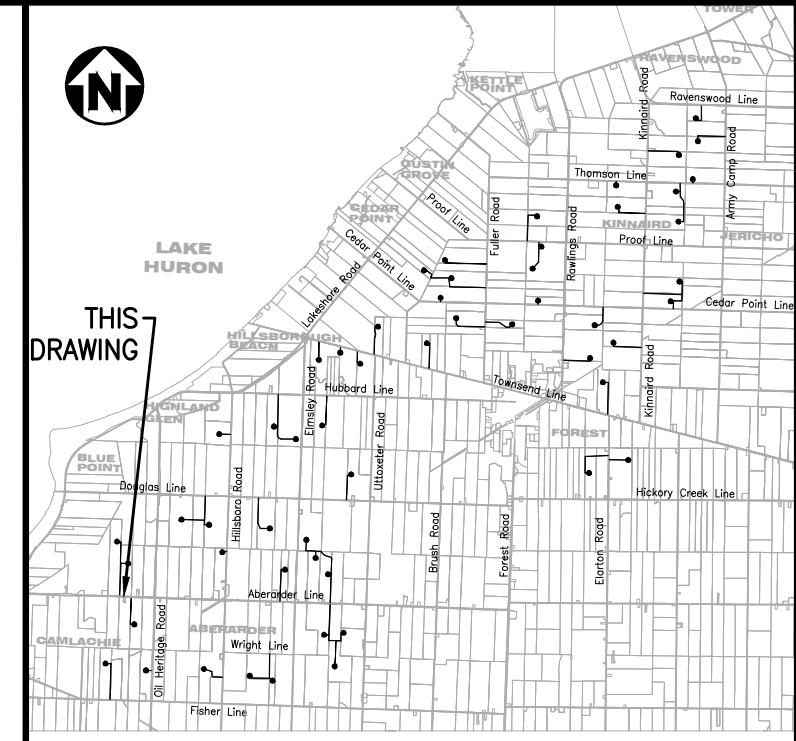
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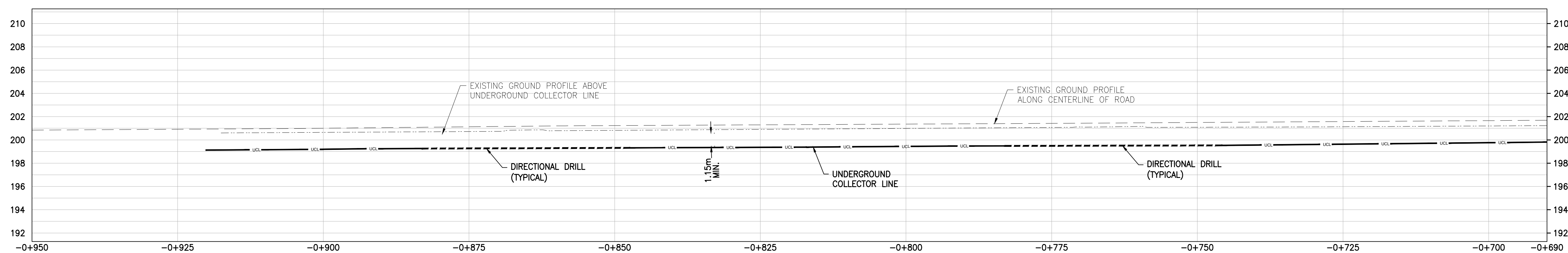
- # LEGEND
- | | |
|---|--|
| — GAS — GAS — GAS — GAS — | GAS LINE |
| — OHV — OHV — OHV — OHV — | OVERHEAD FUEL LINE |
| — SA — SA — SA — SA — | SANITARY SEWER |
| — ST — ST — ST — ST — | STORM SEWER |
| — W — W — W — W — | WATER MAIN |
| — B — B — B — B — | BELL LINE |
| — UCL — | UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY |
| — UCL — | UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROAD |
| ----- | DIRECTIONAL DRILL PATH |
| (CB) | CATCH BASIN |
| (CO) | CLEAN OUT |
| (WSO) | WATER SHUTOFF |
| (F/C) | FACE OF CURB |
| (T/C) | TOP OF CURB |
| (M) | MAILBOX |
| (MH) | MANHOLE |
| (CH) | ELECTRICAL HANDHOLE |
|  | CATCH BASIN |
|  | IRON BAR |
| (G) | GAS |
| (GP) | GAS POST |
| (V) | OVERHEAD ELECTRICAL |
|  | WATER METER |
|  | POLE / ANCHOR |
|  | FIRE HYDRANT |
|  | CENTER LINE |
| EG | EDGE OF GRAVEL |
|  | EXISTING CURB |
|  | HYDRO MANHOLE |
|  | SEWER MANHOLE |
| X 250.00 | EXISTING GROUND ELEVATION |



	
AREA 0300	SUNCOR ENERGY CEDAR POINT II WIND POWER PROJECT
CLIENT DWG. NO.	
DRAWING NO. 173709-0300-DD10-LYD-0514.001	REV. X



SCALE : 1:400



SCALE : 1:400 (HORIZONTAL), 1:200 (VERTICAL)

LEGEND

— GAS — GAS — GAS — GAS —

— DW — DW —

— ST — ST —

— W — W —

— S — S —

— UCL —

— UCL —

GAS LINE

OVERHEAD HYDRO LINE

SANITARY SEWER

STORM SEWER

WATERMAIN

BELL LINE

UNDERGROUND COLLECTOR LINE IN PRIVATE PROPERTY

UNDERGROUND COLLECTOR LINE IN MUNICIPAL ROW

UNDERGROUND DRILL PATH

(CB) CATCH BASIN

(CO) CLEAN OUT

(WSO) WATER SHUTOFF

(F/C) TOP OF CURB

(C/C) FACE OF CURB

(M) MAILBOX

(MH) MANHOLE

(EH) ELECTRICAL HANDHOLE

CATCH BASIN

IRON BAR

(G) GAS

(GP) GUARD POST

OVERHEAD ELECTRICAL

(V) WATER METER

POLE ANCHOR

● FIRE HYDRANT

CL CENTER LINE

EDGE OF GRAVEL

EXISTING CULVERT

(H) HYDRO MANHOLE

SEWER MANHOLE

WSO WATER SHUT OFF

GA GAS METER

GV GAS VALVE

HM HYDRO METER

TE TELEPHONE PEDESTAL

● SIGN

TH TESTHOLE

BM BENCH MARK

TM TELEPHONE MANHOLE

TRD TRAFFIC MANHOLE

WM WATER MANHOLE

● POLE EXISTING POLE

● GUY WIRE

GP GUARD POST

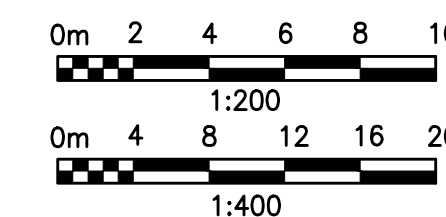
INVERT

BDC BOTTOM OF CURB

WM WATER METER

X 250.00

EXISTING GROUND ELEVATION



NOT TO BE USED FOR
CONSTRUCTION

[illegible]

ORDER SOUGHT

1 Given that Suncor and Lambton County have not agreed to the location of the Distribution
2 System within the Streets and Highways owned by Lambton County, Suncor requests that the
3 Board issue an order pursuant to section 41(9) of the *Electricity Act* determining such location as
4 follows:

- 5 • The Distribution System shall generally be located in the Streets and Highways owned by
6 Lambton County listed in Exhibit B, Tab 5, Schedule 1, Appendix A.
- 7 • Where practicable, and where it meets all applicable engineering, environmental and
8 health and safety standards, the Distribution System shall be more particularly located in
9 the Streets and Highways owned by Lambton County shown in the drawings included in
10 Exhibit B, Tab 4, Schedule 1, Appendix U.

Exhibit B
Tab 5
Schedule 1
Appendix A

*List of Lambton County Streets and Highways for Cedar Point II Wind Energy Project Distribution
System Location*



Cedar Point II Wind Energy Project

Distribution System Within Lambton County Streets and Highways

Date: November 24, 2014

	<u>Distribution Facility</u>	<u>Functionality</u>	<u>Degree of Necessity</u>	<u>Relevant Road Allowance</u>	<u>Side of Road Allowance</u>	<u>Approximate Length of Line</u>
1	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Tompson Line 869 m east of Kinnaird Rd to 854 m west of Army Camp Rd	North	368 m
2	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Tompson Line 920 m east of Kinnaird Rd	Across	20 m
3	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line from Dolmage Rd to approx. 640 m east of Dolmage Rd.	North	640 m
4	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line from Dolmage Rd to approx. 200 m west of Dolmage Road	North	200 m
5	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line approx. 193 m west of Dolmage Road	Across	30 m
6	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line from 193 m west Dolmage Road to approx. 451m west of Uttoxeter Rd.	North	1078 m
7	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Across Townsend Line approx. 451m west of Uttoxeter Rd.	Across	30 m
8	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line from approx. 451m west of Uttoxeter Rd. to approx. 922 m west of Uttoxeter Rd.	North	471 m
9	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Across Townsend Line approx. 922m west of Uttoxeter Rd.	Across	30 m
10	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line from 50 m west Elarton Rd to Kinnaird Rd	South	875 m
11	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Townsend Line, 50 m west of Elarton Rd	Across	30 m
12	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Across Aberarder Line at Hillsboro	Across	30 m
13	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Across Oil Heritage Rd. approx. 1350m north of Aberarder Line	Across	20 m
14	Segment	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Aberarder Line from 604 m west of Oil Heritage Rd. to approx. 920 m west of Oil Heritage Rd.	South	316 m
15	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Across Aberarder Line from approx. 920 m west of Oil Heritage Rd.	Across	30 m
16	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Across Aberarder Line from approx. 897m east of Blue Heron Rd.	Across	20 m
17	Crossing	Convey wind turbine generated electricity at 34.5 kV to substation	Essential	Lakeshore Rd. across Hubbard Line	Across	105 m

Total 4293 m