

**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 road allowances owned by the Town of Plympton-Wyoming.


**AFFIDAVIT OF SERVICE**


I, Aenea Young, of the City of Thornhill, in the Province of Ontario, **MAKE OATH AND AFFIRM:**

1. I am a legal assistant at Fogler, Rubinoff LLP ("**Foglers**"), which is legal counsel to Suncor Energy Products Inc. (the "**Applicant**") in the above noted proceeding. As such, I have personal knowledge of the matters set out below.
2. In accordance with the Ontario Energy Board's Letter of Direction dated September 29, 2014 ("**LOD**"), on October 10, 2014, I caused Foglers to have served by registered mail a copy of the Notice of Application ("**Notice**"), including the location map of the affected road allowances and a copy of the application ("**Package**") on each of the parties specified in paragraph 3 of the LOD. I also caused Foglers to courier 2 copies of the Package to Christopher Scott for personal service on the Trustees of Smith's Church North Plympton and The Trustees of the Little Church Congregation of the Wesleyan Methodist Church. A copy of my Affidavit of Service, which includes the Notice, Package, and the copies of the registered mail of the parties that were served and as well as the courier slip to Christopher Scott, and the covering email to the Board Secretary showing confirmation that it was sent, was sworn on October 10, 2014, is attached as "**Exhibit A**" hereto.
3. On October 21, 2014, our client Suncor was informed by the CAO of the Town of Plympton-Wyoming, that the Town was not served with the Notice of Application via the original mailing on October 10, 2014. Upon further review, when creating the mailing labels for the parties that were to be served, a total of thirty-six (36) names were inadvertently not included in the final mailing list.
4. On October 22, 2014, our office sent a letter to Ms. Janet Sakauye, Case Administrator for the Ontario Energy Board, informing her of our error and seeking advice. A copy of this letter and covering email to Ms. Sakauye is attached as "**Exhibit B**" hereto.
5. On October 30, 2014, Albert Engel received email correspondence from Batul Rahimtoola, Case Administrator of the Ontario Energy Board, advising us to serve the revised Notice on the thirty-six parties that did not receive the original Notice. A copy of this letter, as well as the letter to Chris Brett of Suncor from the Ontario Energy Board, is attached as "**Exhibit C**" hereto.

6. A copy of the revised Ontario Energy Board Notice is attached as "**Exhibit D**" hereto.
7. In accordance with the Ontario Energy Board's directions, on October 31, 2014, I caused Foglers to have served by registered mail, the revised Ontario Energy Board Notice ("Notice"), including the location map of the affected road allowances and a copy of the Application ("Package") on the thirty-five parties that were not served originally on October 10, 2014. Registered mail receipts of all thirty-five parties are attached as "**Exhibit E**" hereto.
8. I also caused Foglers to courier two copies of the Package to Christopher Scott for personal service on The Trustees of Smith's Church North Plympton and The Trustees of the Little Church Congregation of the Wesleyan Methodist Church. A copy of the delivery confirmation is attached as "**Exhibit F**" hereto.
9. In accordance with the Ontario Energy's Board directions, tracking histories of all the parties that was served with the Notice as of November 6, 2014 are attached hereto as "**Exhibit G**" are delivery confirmations of the parties that were successfully delivered of the Notice and attached hereto as "**Exhibit H**" are the delivery conformations of parties where delivery was attempted and unsuccessful and the Notice is currently awaiting for pickup at the post office. Attached here to as "**Exhibit I**" hereto is the delivery confirmation of Mr. Andrew William Gregory that was returned to our office.
10. I am advised that, in accordance with paragraph 5b. of the LOD, that a copy of the Notice, application and evidence was made available for public perusal at the office of Suncor Energy Products Inc. located at 2489 North Sheridan Way, Mississauga, Ontario on November 5, 2014 as confirmed by the email attached as "**Exhibit J**" hereto.
11. I am aware that the revised Notice, the application, evidence, and any additional materials currently available are posted on Suncor Energy Products Inc.'s website: <http://www.suncor.com/en/about/4797.aspx>. Attached as "**Exhibit K**" hereto is a copy of the relevant website page.


SWORN BEFORE ME at the City of Toronto )  
this 20<sup>th</sup> day of November, 2014 )

  
\_\_\_\_\_  
A Commissioner for taking Affidavits )

  
\_\_\_\_\_  
AENEA YOUNG

**tab A**

This is Exhibit "A" referred to in the Affidavit of Aenea Young  
sworn Nov 20, 2014



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*Commissioner for Taking Affidavits (or as may be)*

## Young, Aenea

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**From:** Young, Aenea  
**Sent:** Tuesday, October 14, 2014 1:58 PM  
**To:** Young, Aenea

**From:** Young, Aenea  
**Sent:** Friday, October 10, 2014 4:55 PM  
**To:** 'boardsec@ontarioenergyboard.ca'; 'Batul.Rahimtoola@ontarioenergyboard.ca'  
**Cc:** 'chbrett@suncor.com'; 'jhood@suncor.com'; 'makozak@suncor.com'; 'cscott@suncor.com'; Engel, Albert M.  
**Subject:** Board File No. EB-2014-0295 - Affidavit of Service of A. Young

Good Afternoon Ms. Rahimtoola and Board Secretary,

Attached, please find a pdf version of my Affidavit of Service, which is being filed with the Board by way of this email, pursuant to paragraph 5 of the Board's Letter of Direction dated September 29, 2014 ("LOD").

Please confirm receipt.

Thank you,

**fogler**  
rubinoff

**Aenea Young**  
Assistant to Joel D. Farber and Albert Engel  
Fogler, Rubinoff LLP  
Lawyers  
77 King Street West  
Suite 3000, P.O. Box 95  
TD Centre North Tower  
Toronto, ON M5K 1G8  
Direct: 416.864.9700 x386  
Main: 416.864.9700  
Toll Free: 1.866.861.9700  
Fax: 416.941.8852  
Email: [ayoung@foglers.com](mailto:ayoung@foglers.com)  
[foglers.com](http://foglers.com)



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Regional Firms by Canadian Lawyer magazine  
2013-2014***

# ONTARIO ENERGY BOARD

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**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 road allowances owned by the Town of Plympton-Wyoming.

## AFFIDAVIT OF SERVICE

I, Aenea Young, of the City of Thornhill, in the Province of Ontario, **MAKE OATH AND AFFIRM:**

1. I am a legal assistant at Fogler, Rubinoff LLP ("**Foglers**"), which is legal counsel to Suncor Energy Products Inc. (the "**Applicant**") in the above noted proceeding. As such, I have personal knowledge of the matters set out below.
2. In accordance with the Ontario Energy Board's Letter of Direction dated September 29, 2014 ("**LOD**"), on October 10, 2014, I caused Foglers to have served by registered mail a copy of the Notice of Application ("**Notice**"), including the location map of the affected road allowances and a copy of the application ("**Package**") (attached hereto as "**Exhibit A**") on each of the parties specified in paragraph 3 of the LOD for whom registered mail receipts are attached as "**Exhibit B**" hereto. I also caused Foglers to courier 2 copies of the Package to Christopher Scott for personal service on the Trustees of Smith's Church North Plympton and The Trustees of the Little Church Congregation of the Wesleyan Methodist Church. A copy of this courier slip is attached as "**Exhibit C**" hereto.
3. I am advised that, in accordance with paragraph 5b. of the LOD, that a copy of the Notice, application and evidence was made available for public perusal at the office of Suncor Energy Products Inc. located at 2489 North Sheridan Way, Mississauga, Ontario on October 10, 2014 as confirmed by the email attached as "**Exhibit D**" hereto.
4. I am aware that the Notice, the application, evidence, and any additional materials currently available are posted on Suncor Energy Products Inc.'s website: <http://www.suncor.com/en/about/4797.aspx>. Attached as "**Exhibit E**" hereto is a copy of the relevant website page.

SWORN BEFORE ME at the City of Toronto )  
this 10<sup>th</sup> day of October, 2014 )

A Commissioner for taking Affidavits )

  
Aenea Young

This is Exhibit "A" referred to in the Affidavit of Aenea Young sworn October 10, 2014.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

## ONTARIO ENERGY BOARD NOTICE

**Suncor Energy Products Inc. has applied to the Ontario Energy Board to determine the location of electricity distribution facilities within road allowances owned by the Town of Plympton-Wyoming.  
Learn More.**

Suncor Energy Products Inc. plans to own and operate the generation and distribution assets associated with the Suncor Cedar Point II Wind Energy Project in the Municipality of Lambton Shores, the Township of Warwick and the Town of Plympton-Wyoming, in Lambton County. To convey the electricity from the wind generation to the provincial electricity grid, Suncor Energy Products Inc. proposes to construct and operate a distribution system including 22.615 km of distribution line which it plans to locate within certain road allowances owned by the Town of Plympton-Wyoming. Because Suncor Energy Products Inc. and the Town of Plympton-Wyoming have not been able to reach agreement regarding the location of the distribution facilities, Suncor Energy Products Inc. is asking that the Ontario Energy Board determine the location of the distribution facilities within the municipal road allowances.

**A map showing the potentially affected road allowances is appended to this Notice.**

### THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The OEB is an independent and impartial public agency. It will hold a public hearing to consider Suncor Energy Products Inc.'s request. During this hearing, the OEB will consider evidence and arguments by Suncor Energy Products Inc., the Town of Plympton-Wyoming and others whose interests would be affected.

*The OEB hearing will consider specific issues determined by law. The Electricity Act, 1998 specifies that the OEB is strictly limited to determining the location of the distribution facilities within the road allowances in question. The OEB will not consider alternative locations for the distribution facilities outside of the road allowances or any aspect of the wind generation project in this case.*

### BE INFORMED

You have the right to information regarding Suncor Energy Products Inc.'s application. You can read the application on the OEB's website (See below under "Learn More").

### HAVE YOUR SAY

If you would be affected by the location of the distribution facilities within the road allowances owned by the Town of Plympton-Wyoming, you may want to take a more active role in the hearing. You can:

- Send the OEB a letter with your comments within 60 calendar days from the date this Notice is posted on applicant's website, which will be considered during the hearing; or
- Ask the OEB for permission to be an active participant in the hearing (an intervenor). Intervenors can provide evidence, argue their positions and submit relevant questions to be answered by Suncor Energy Products Inc. (interrogatories). To be an intervenor, a party must be affected by the location of the facilities in a way that relates directly to the issues the OEB will consider. If you wish to be an intervenor, the OEB must receive your request by **October 20, 2014**.

### LEARN MORE

Our file number for this case is **EB-2014-0295**. To learn more about how to participate in this hearing, including how to file a letter with your comments or how to become an intervenor, go to [www.ontarioenergyboard.ca/participate](http://www.ontarioenergyboard.ca/participate). From that OEB web page you can also enter the file number **EB-2014-0295** to see all the documents related to this case. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

### ORAL AND WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. Suncor Energy Products Inc. has applied for a written hearing. If you think an oral hearing is needed, you can write to the OEB to explain why.

### PRIVACY

If you write a letter with your comments, your name and the content of your letter will be put on the OEB's public record and the OEB website. However, your personal telephone number, address and email address will be removed. If you are a business, all your information will be public. If you apply to become an intervenor, all your information will be public.

This application was filed under section 41(9) of the *Electricity Act, 1998 S.O. 1998, c.15, Schedule A*.

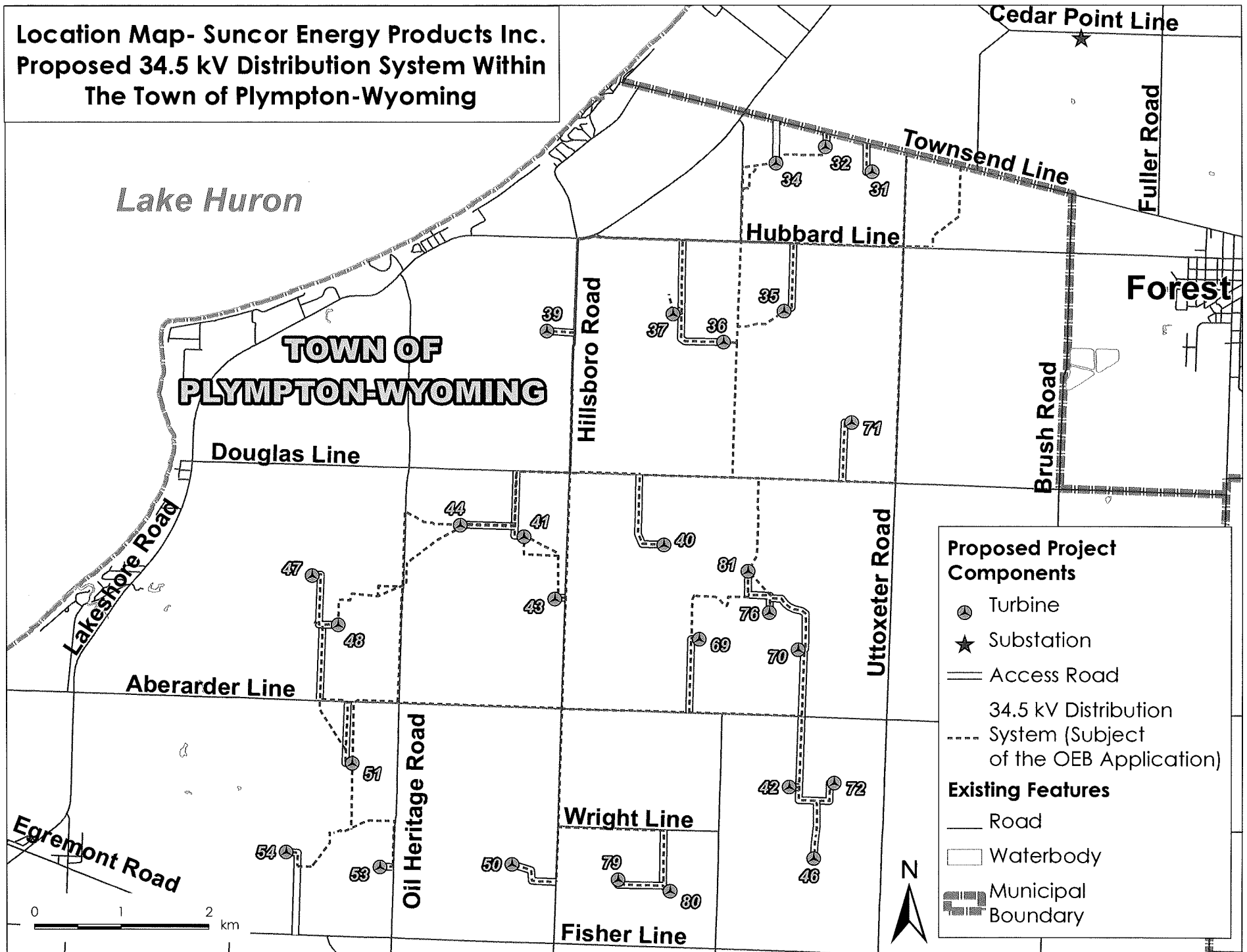




## APPENDIX A

Location Map of Suncor Energy Products Inc.  
Proposed 34.5 kV Distribution System Within the  
Town of Plympton-Wyoming

**Location Map- Suncor Energy Products Inc.  
Proposed 34.5 kV Distribution System Within  
The Town of Plympton-Wyoming**



## 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 road allowances owned by the Town of Plympton-Wyoming, all as set out in this application.

### APPLICATION

1. Suncor Energy Products Inc., ("**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 the Suncor Cedar Point II Wind Energy Project (the "**Project**") in the Municipality of Lambton Shores, the Township of Warwick, and the Town of Plympton-Wyoming ("**Town**"), in Lambton County, Ontario.
2. Suncor hereby applies to the Ontario Energy Board (the "**Board**") pursuant to Section 41(9) of the *Electricity Act, 1998*, as amended (the "**Electricity Act**") for an order or orders establishing the location of Suncor's distribution facilities within the streets and highways owned by the Town, listed in Exhibit B, Tab 5, Schedule 1, Appendix A (collectively, the "**Road Allowances**"), all as set out in Exhibit B, Tab 5, Schedule 1 (Order Sought).
3. Suncor was issued Renewable Energy Approval Number 6914-9L5JBB ("REA") for the Project 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, 27 of which are located within the Town (collectively, the "**Generation Facilities**"). 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**"). The Distribution System will include approximately 124 km of 34.5 kV distribution lines located on private property and municipal and county right-of-ways, 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.
4. As the owner and operator of the Distribution System, Suncor is a "distributor" within the meaning of the Electricity Act and the Board's decisions in EB-2010-0253, EB-2013-0031, EB-2013-0233 and EB-2014-0139. As a distributor, Suncor has chosen to locate a portion of its Distribution System within approximately 22.615 km of Road Allowances pursuant to the statutory right of distributors under subsections 41(1) and 41(5) of the Electricity Act. These subsections, among other things, give distributors the right to construct and install structures, equipment and other distribution facilities over, under or

on any public street or highway without the consent of the owner of, or any other person having an interest in, such public street or highway.

5. In accordance with Section 41(9) of the Electricity Act, Suncor, as the distributor, and the Town, as the owner of the Road Allowances, are required to agree on the location of the Distribution System within the Road Allowances, which location shall be determined by the Board in the event of a disagreement.
6. Notwithstanding its statutory rights, as more particularly described in Exhibit B, Tab 3, Schedule 1, Suncor has sought, as is commonplace in Ontario, to negotiate agreements with the Town with respect to the location, construction, operation and maintenance of the Distribution System within the Road Allowances.
7. While neither Town staff nor Town Council have expressed concern with the location of the Distribution System, the Town has nevertheless to date not approved the execution of any agreement with Suncor as to the location of the Distribution System within the Road Allowances.
8. Because Suncor and the Town cannot reach an agreement with respect to the location of the Distribution System within the Town's Road Allowances, Suncor requests that the Board issue an order or orders, pursuant to Section 41(9) of the Electricity Act, establishing the location of the Distribution System within the Road Allowances, all as set out in Exhibit B, Tab 5, Schedule 1.
9. 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 the Town as the sole owner of the Road Allowances, and (ii) Suncor received its REA on August 22, 2014 and its project schedule requires construction to commence shortly.
10. 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".
11. 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](mailto: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](mailto:aengel@foglers.com)

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

Dated at Toronto, Ontario, this 12<sup>th</sup> day of September, 2014.

**Suncor Energy Products Inc.**

By its counsel  
Fogler, Rubinoff LLP

Per: \_\_\_\_\_

Albert Engel