



**association to protect  
AMHERST ISLAND**

*Without prejudice to all our rights*

Dec. 5, 2014

Ontario Energy Board  
P.O. Box 2319  
2300 Young St, 27th Floor  
Toronto, Ontario, M4P 1E4

**File No. EB-2014-0300**

**Attn: Ms. K. Walli, Board Secretary**

Dear Ms. Walli:

**Re: Windlectric Inc. Proposed Amherst Island Wind Energy Project – Interrogatories of the Association to Protect Amherst Island (APAI)**

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Please accept this document as APAI's interrogatories submission.

With respect to "the promotion of the use of renewable energy sources consistent with the policies of the Government of Ontario", could the OEB clarify whether having a FIT contract is sufficient to demonstrate compliance with the policies of the Government of Ontario.

If not we would like to know what other policies are taken into account when the OEB considers an application, and we would like the opportunity to comment on these, within the OEB process.

Yours truly,

Laurie Kilpatrick  
Association to Protect Amherst Island  
c/o 4175 South Shore Rd.  
Stella, Ontario K0H 2S0  
Telephone: 613.634.3057  
Email: [lauriekilpatrick@rogers.com](mailto:lauriekilpatrick@rogers.com)

cc: Alex Tsopelas  
Jonathan Myers  
Association to Protect Amherst Island  
Rudra

**APAI Interrogatory #1: Permits and Project Schedule**

EB-2014-0300

Reference: a. Exh. B/ Tab 1/ Sch.1/ Page 4 of 5/ Par.15

b. Exh. B/Tab 1/Sch.1/Page 3 of 5/Par. 11

Preamble:

The applicant states in Ref. a that construction will be completed in 8 to 12 months and that the proposed Transmission Facilities would be ready for service by approximately Spring 2016.

15. Subject to receipt of its REA, as well as other necessary permits and approvals, Windlectric plans to commence construction of the Proposed Transmission Facilities in the summer of 2015. Construction is expected to take approximately 8-12 months to complete. The Proposed Transmission Facilities would then be commissioned and would be ready for service by approximately Spring 2016.

Windlectric's Renewable Energy Application for the proposed Amherst Island Wind Project to the Ministry of the Environment and Climate Change recently set out a timeframe for construction of 18 to 24 months<sup>1</sup>:

### **2.3 TIMING AND CONSTRUCTION PLANS**

A description of the key construction activities are provided below in Table 2.3. Construction activities leading up to Project operations are anticipated to take approximately 18 -24 months.

#### **Questions/Requests:**

1.1 Please confirm the timeline and milestones for construction for the proposed transmission facilities within the construction schedule for the AIWEP.

1.2 Please clarify why the most recent estimates differ.

1.3 Given the applicant's commitment, as set out in its application to the Ministry of Natural Resources and Forestry, to avoid construction between April and August to protect nesting ground birds and given the requirements of the Cataraqui Region Conservation Authority to

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<sup>1</sup> Amherst Island Wind Energy Project Construction Plan Report dated April 2013 revised December 2013

avoid construction during the fish spawning season in Lake Ontario, how will these requirements impact on the timeline for construction of the transmission facilities and the AIWEP period and completion of the project?

1.4 Will the Applicant provide evidence confirming that the Applicant will avoid construction during the times set out in Question 1.3?

1.5 Does the applicant's construction schedule include allowances for sharing Amherst Island's only ferry? We understand that the Applicant intends to use the Frontenac II until their permanent dock is in place. Ferry service is frequently interrupted by: breakdowns; high winds; ice and ice build up at the docks; and emergency trips that alter the schedule. In addition, when the Frontenac II or the Wolfe Islander go into dry-dock; the Quinte Loyalist ferry replaces the Frontenac II. This smaller ferry holds only 18 vehicles as compared to 38 for the Frontenac II. In addition it has a limited capability to handle larger vehicles. Significant cooperation is needed on the part of Amherst Island residents to deal with fewer ferry spaces. Line-ups are often long, especially in the summer when the population almost doubles.

1.5 Is the applicant aware that the Quinte Loyalist will replace the Frontenac II for 3-4 months starting in April of 2015? What impact will this have on the transmission project schedule?

1.6 Provide a list of all outstanding approvals and permits needed to complete the transmission Project, indicating the timeline to obtain each permit and each approval.

1.7 Provide information/correspondence confirming that Windlectric is in the late stages of negotiating a land agreement with Loyalist Township in respect of the road crossing on Amherst Island.

1.8 Given that the Windlectric's REA has not been approved and many other permits and approvals are outstanding, how does Windlectric propose to achieve its commercial operation date and at the same time comply with all conditions of approval of the REA and other permits and approvals?

1.9 What specific actions is Windlectric proposing to take to expedite construction completion while at the same time complying with all approvals, requirements and the municipal noise bylaw for construction?

1.10 Windlectric has entered into a FIT contract with the Ontario Power Authority for the proposed Amherst Island Wind Project. What is the commercial operation date set out in that contract? How many days extension to the commercial operation date (COD) has Windlectric sought due to Force Majeure?

1.11 How many days extension due to Force Majeure have been granted to Windlectric Inc., by the Ontario Power Authority?

1.12 Has the Ontario Power Authority publicly indicated that no contract extensions to FIT Contracts will be permitted?

**APAI Interrogatory # 2: SIA, CIA and Industry Standards**

Reference: a. Exh.B/Tab 1/Sch. 1/p.3 of 5/para.12&13

b. Exh.F/Tab 1/Sch. 1,2,&3

c. Exh.G/Tab 1/Sch. 1&2

Questions/Requests:

2.1 Do the SIA and the CIA documents need to be updated. If so what amendments are required?

2.2 Will the Applicant please provide a copy of Windlectric's license to generate. If no license is available, indicate if and when Windlectric plans to apply for this license?

2.3 Will Windlectric provide the minutes or notes from any meetings or discussions held with the IESO in regards to integration of the output of the Windlectric transmission project?

2.4 Will Windlectric provide the minutes or notes from meetings or discussions with Hydro One Networks in regards to the connection of the proposed project to the existing transmission line on the mainland?

2.5 One of the objectives of the OBE in the Ontario Energy Board Act is as follows: *To promote economic efficiency and cost effectiveness in the generation, transmission, distribution, sale and*

*demand management of electricity and to facilitate the maintenance of a financially viable electricity industry.*<sup>2</sup> How will approving this transmission project contribute to this objective?

2.6 Provide information of the anticipated price that will be paid to Windlectric per MWh of generated electricity including projected cost of living increases over the lifespan of this project.

2.7 Evidence suggests that the costs of developing and operating the proposed AIWEP are extremely high for the Project owing to the fact that it is on an Island. Please provide evidence demonstrating that the proposed Windlectric Transmission Project is cost effective relative to other projects, is efficient, and contributes to the maintenance of a financially viable electricity industry and therefore is in the public interest.

2.8 Will permitting the connection of this development to the grid, add to the high costs borne by the electricity consumer and provincial taxpayer?

2.9 How is it in the public interest for the OEB to grant approval for this connection, which will make the burden on the electricity worse?

### **APAI Interrogatory # 3: Other Connecting Projects**

Questions/Requests:

3.1 What will the cumulative effect of the energy projects on Amherst Island and the mainland to the north, including the AIWEP; the proposed TransCanada Napanee Generating Station; plans for the existing Lennox Generating Station; and the various solar energy developments on the transmission facilities in terms of timing of each of the projects. Should the Minister act on a request by the APAI to consider the cumulative effects, what impact would this have on the transmission project?

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<sup>2</sup> Ontario Energy Board Act, Part 1, (1.1) 2

#### **APAI Interrogatory #4: Cost Responsibility**

Reference: a. Exh.B/Tab 1/Sch.1/p.4 of 5/para.16

Preamble: The Applicant states: *The cost of the proposed transmission facilities will be borne by the Applicant.* (ref.a.)

Questions/Requests:

4.1 Are there any costs associated with the transmission facilities that will be covered by the taxpayers and consumers?

4.2 How will the costs of decommissioning the transmission facilities be paid for?

4.3 Will Windlectric assure the OEB, the provincial government and Loyalist Township that it will decommission the transmission project by posting a letter of credit in an amount sufficient to cover the complete cost of decommissioning the transmission facilities, with the ability of Loyalist Township to draw on the Letter of Credit should the project be sold or terminated for any reason?

#### **APAI Interrogatory #5: Construction Matters**

Reference: a. Exh.C /Tab 1/ Schedule 1/ Page 3 of 6

Preamble:

Windlectric states: "The overhead segment of the transmission line on the island will be constructed using a monopole type design of approximately 11 **steel** structures". (Ref. a)

The Construction Plan Report dated April 2013 and revised December 2013 prepared by Stantec and submitted by Windlectric to the Ministry of the Environment and Climate Change in support of its Renewable Energy Application describes the transmission line on Amherst Island with wooden "H" poles or alternatively cable buried underground.

Modification Report #1 submitted to the Ministry of the Environment and Climate Change suggests that 50 ft. above ground poles. Now, ref. b specifies steel poles up to 80 ft. will be used.

This change is not reflected in the updated Construction Plan Report<sup>3</sup>. The public has not had an opportunity to comment on the design and construction of the transmission facilities as these plans are only now being finalized.

Diagrams do not depict the relationship of the transmission project the, the community centre, the ferry dock, the village of Stella, heritage landscapes and existing electrical infrastructure and AIWEP components. It appears from the Applicant's diagrams that the transmission project is in an area where no one lives when in fact this is the most populated part of Amherst Island. The Island has one village, one school, one community centre, one radio station and one ferry all located on adjacent property to just east of the transmission project . Front Rd. is the most critical road on Amherst Island from a resident perspective. The western boundary of the village of Stella is at the Island's elementary school, which is .5 km from the proposed transmission line and approximately 950 metres from the substation.

#### Questions/Requests:

5.1 Confirm, given the discrepancy between the descriptions in the submission to MOECC and to the Ontario Energy Board, what is proposed for the construction of the transmission line on Amherst Island and how Amherst Island residents can input to the plans for the transmission facilities.

5.2 Explain the rationale for using metal monopoles rather than H poles specified in earlier Stantec reports.

5.3 Will Windlectric provide a landscape diagram to scale, of the proposed above-ground transmission facilities, indicating the specific placement of the monopoles, in relation to the Island community and elementary school.

5.4 Windlectric's Application for Leave to Construct does not refer or depict the electrical and communications infrastructure that serves Amherst Island. The communications infrastructure and the community radio station are also not shown on the drawings. Similarly the Island's only helipad is absent from the maps and drawings provided by Windlectric. Will the Applicant please provide maps with this infrastructure depicted?

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<sup>3</sup> Stantec for Windlectric Inc. Amherst Island Wind Energy Project Construction Plan Report, April 2013, revised December 2013; Timing and Construction Plans; Unnumbered pages.

5.5 Will Windlectric provide a summary of required and actual setbacks from the transmission corridor, substation, and transformer station, to adjacent landowners, the Amherst Island Public School and Community Centre and heritage landscapes and built heritage resources, identified in the REA documents?

5.6 What is your advice to landowners who have leased their lands for transmission facilities regarding a safe distance for farming the impacted lands?

5.7 Who at the Electricity Safety Association will be responsible for reviewing this installation?

5.8 Will the Applicant provide details of any measures that will be taken to prevent electrification of the surrounding lands in the event of a failure of the transmission system?

5.9 Will the Applicant provide details of Windlectric's plans and procedures for dealing with complaints related to the transmission facilities?

5.10 Does the applicant's Emergency Response Plan include a plan for dealing with a failure in the transmission line, substation and transformer? If not, and the applicant has not yet prepared a detailed Emergency Plan, please provide information and documents dealing with this risk.

5.11 We understand that the Applicant will have unrestricted access to Island roads. The location of the transmission facilities, the project dock and construction constitute a worst-case scenario from the perspective of people who live on Amherst Island. Please provide information on proposed public access/safety on the roads during construction. What alternate access routes are proposed? How will the Applicant share the existing Island ferry?

5.12 How does Windlectric propose to protect groundwater and residents' water supply from the construction and installation of the proposed hydro transformer and poles on the Island given its fractured limestone geology?



## 6. APAI Interrogatory : Crossings

- Reference:
- a. Exh. C/ Tab 2/Sch. 1/ Figure 3b
  - b. Exh. B/Tab 2/Sch. 1/Page 5 of 9/Line 13
  - c. Exhibit B Tab 2 Schedule 1 Page 5 of 9 section 5

### Preamble:

The Application for Leave to Construct notes that Windlectric is “well advanced in its efforts to negotiate a roads use agreement with Loyalist Township which will address the road crossing on Amherst Island<sup>4</sup>”.

### Questions/Requests:

6. 1 Please provide evidence that this assertion is true. The Township’s position as set out In a report approved by Loyalist Township Council on April 2, 2013, Murray J Beckel MCIP, Director of Planning and Development for Loyalist Township concerning the Municipal Consultation Form pointed out the many deficiencies and omissions in the Windlectric Inc. proposal and advised that the “consultants’ reports lack detail and an approval of **the project is premature** until the full scope of the project including an appropriate level of detail is supplied enabling a proper assessment of impact on municipal infrastructure, the natural environment, cultural heritage, and land use compatibility.”

6.2 What is the status of negotiations with the County of Lennox and Addington concerning Roads Use given the County’s advice to Stantec Consulting Ltd in a letter dated July 23, 2013 that “The County of Lennox & Addington concurs with Loyalist Township that the various studies lack the level of detail needed to adequately assess potential impacts on municipal infrastructure (sic) Further, the County agrees with Loyalist Township that a renewable energy approval for this project is premature until such time that further details are provided that adequately address all concerns raised. “

## **APAI Interrogatory #7: Transmission Route**

Reference: a. Exh. E/ Tab 1/ Sch. 1/Page 1 of 12/ Section 1(b)

b. Exh.B/Tab 1/Sch.1/Page 3 of 5/para. 10

c. Exh. B/Tab 2/Sch.1/p.4 of 9/line 5

### **Preamble:**

Windlectric presented three submarine cable routes, and three dock locations, in its Renewable Energy Application to the Ministry of the Environment and Climate Change and advised that all of these options were still under consideration in July 2014. It is unclear whether the plans for the transmission facilities as set out in the OEB application are final, subject to input from the OEB, or if changes are still possible.

The Applicant states: “The location of the Project Substation was based on its proximity to the wind turbines associated with the Generation Project, which minimizes losses on the collection system, as well as to facilitate a relatively short path to the mainland interconnection point”.

### **Questions/Requests:**

7.1 Are the plans for the transmission facilities final, subject to input from the OEB and IESO in the present hearing? If not please advise as to the remaining steps to complete the plans.

7.2 Were community interests considered in the decision to locate the Island transmission facilities? If not when and in what manner will these be considered?

7.3 Were alternative locations and routes for the proposed 115 kV transmission line, substation, and transformer on Amherst Island considered?

7.4 Windlectric agreed to bury the transmission line on the mainland following a request by a participating landlord but failed to accede to community requests to bury the 115 kV transmission line on the Island. Will participating landowners on Amherst Island have an opportunity in negotiating their agreements, to request an underground transmission line?

7.5 Has Windlectric considered the impact of the proposed transformer station on Amherst Island and the transmission line on the Little family, known in Windlectric’s REA application as

Receptor 166? (Ref. b) The Little family home is approximately 390 metres from the proposed substation.

### **APAI Interrogatory #8: Operational Issues**

8.1 What provisions have been made by Windlectric to protect the Island's single source of electricity, its communications infrastructure and the community radio station licensed by the CRTC located in close proximity to the proposed transmission line at 5830 Front Road?

8.2 The submarine cable that provides power to the Island is not identified in the Application for Leave to Construct. How can the community be assured that its electrical power will not be interrupted or affected by the transmission project?

8.3 What alternatives did Windlectric consider to provide power to the Island isolated from the mainland in Lake Ontario?

8.4 Provide details of any safety or backup system in the event of a failure in the transmission line.

8.5 The quality of electricity supply to the Island is considered somewhat unstable with frequent voltage fluctuations and frequent brief power interruptions. As the IWT generators are also consumers of electricity during low wind conditions, will the Windlectric project consume electrical power from the existing Hydro One network and become an additional burden to that system. Please provide projections of the net power demands of an IWT system.

8.6 What provisions are proposed to provide emergency back-up power to the entire Island in the event that the proposed Amherst Island Wind Project results in a power outage? Note that the Island is isolated and vulnerable. It has no medical services, no doctor, no ambulance, no water supply and the average response time for an ambulance is 33 minutes by ferry with a similar time for the return trip.

8.7 Has Windlectric received approval from the Ontario Ministry of Health and ORNGE to locate project infrastructure in proximity to the Amherst Island helipad?

8.8 The Applicant's drawings do not include the location of the existing transmission infrastructure including the single submarine transmission line to the Island. The Island is

particularly vulnerable as it has a single submarine cable that is not shown on any of Windlectric's drawings. What provisions have been made by Windlectric to protect the Island's single source of electricity?

### **APAI Interrogatory #9: Public and Consumer Interests**

Reference: a. Exh.B/Tab 1/ Sch.1/Page 1 of 5/ Section 2

Preamble:

The success and viability of this Project, and the way in which it impacts consumer interests with respect to prices is tied to the viability of Windlectric Inc.

#### **Questions/Requests:**

9.1 Please provide information on Windlectric, its' directors and staff and incorporation

9.2 How many transmission projects has Windlectric developed?

9.3 Please provide details of Windlectric's safety record in the design, development, operation and management of transmission facilities.

9.4 Was the Application for Leave to Construct to the Ontario Energy Board made in writing by one or more of Windlectric's Directors authorized to bind the company?

9.5 Please provide a copy of this authorization signed by one or more of Company Directors?

9.6 Does Windlectric Inc. have sufficient assets and insurance to protect the leaseholders and landholders of Loyalist Township, the County of Lennox and Addington, and the community in the event that there is a marine accident including a spill, an industrial accident, a fire or lightning strike or any other type of accident that could harm an individual or the environment on land or in the channel between Amherst Island and the mainland?

9.7 Please provide evidence in support of Question 9.6.

9.8 Will the Applicant provide a copy of Windlectric's insurance policy with respect to the proposed transmission facilities and Amherst Island Wind Project and all related correspondence?

9.9 Has the applicant provided evidence to its insurers that its Emergency Response Plan for the Amherst Island Wind Project is sufficient and complete?

9.10 Will Windlectric provide a copy of the applicant's Emergency Response Plan

9.11 Please provide a copy of the FIT contract and a summary of all amendments since it was awarded.

9.12 Please comment on why you believe the Windlectric application is ready for consideration by the OEB, and not premature?

**APAI Interrogatory #10: Community Consultation**

10.1 Have the Mohawks of the Bay of Quinte, who are on record as being opposed to this energy project on Amherst Island been informed of Windlectric's Application?

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