

December 11, 2014

RESS, EMAIL, COURIER

Ontario Energy Board
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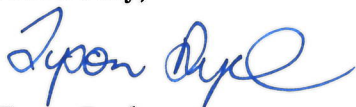
Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2014-0337 – Interrogatory Responses

We are counsel to East Durham Wind, LP (“East Durham”) in the above noted proceeding. In accordance with Procedural Order No. 1, please find enclosed responses to the interrogatories submitted by Board staff and the intervenors. Given the consensus between East Durham and the Municipality of West Grey regarding the distribution system location modifications expressed in our letter to the Board dated December 4, 2014, and given the joint request for a consent order filed earlier today, we expect this proceeding will be resolved. We are therefore only filing these interrogatory responses given the deadline set out in Procedural Order No. 1.

Yours truly,



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Enclosure

**EB-2014-0337
East Durham Wind, LP
Interrogatory Responses
December 11, 2014**

**Responses to Board Staff Interrogatories
Motion to Review and Vary
the Revised Decision and Order in EB-2013-0233
East Durham Wind, LP (“East Durham”) EB-2014-0337
December 3, 2014**

Reference:

East Durham Wind Inc. request for Motion to Review and Vary (filed November 3, 2014)

INTERROGATORY Staff-1

Preamble:

There are numerous sections where the cable is placed in horizontally bored channel.

Question/Requests:

a. What regulations are applicable to ensure safety with respect to possible digging activity such as construction, farming, etc. along the length of the bore-located cable?

There are certain key safety requirements that apply to the installation of East Durham Wind, LP's distribution system facilities (the "Distribution System") in the Municipality's road allowances (the "Road Allowances"). For example, all electrical infrastructure associated with the East Durham Wind Energy Centre (the "Project") -- including the Distribution System's collector cables and HDPE conduit -- will be installed to conform to applicable electrical safety standards in Ontario. These standards govern, among other things, the depth of installation and the installation methods for electrical infrastructure. The standards are enforced by the Electrical Safety Authority, which will inspect and approve the Project's installed cables and conduits prior to energization.

The Ontario Electrical Safety Code requires suitable marking tape to be installed approximately halfway between the grade level and the installation level of buried pipes and conduits. Common trade practice is to bury an electrical warning marker tape (similar to crime scene tape) above the electrical wiring, halfway to the grade level. The tape is meant to act as warning for those who may be digging or working in the area.

Furthermore, East Durham will be installing permanent aboveground fiberglass markers demarcating the cable and HDPE conduit locations to help show the physical locations of these buried facilities.

In addition, the *Ontario Underground Infrastructure Notification System Act, 2012* also requires infrastructure owners such as East Durham to register their buried pipes and cables with Ontario One Call. If Ontario One Call is contacted in relation to possible digging activity in the relevant Road Allowances, East Durham would be notified and the location of the buried Distribution System would be clearly demarcated so that any interference could be avoided.

b. What safety markers and other special provisions will be provided by Fairview [sic] to identify cable which is located in a horizontally bored channel?

See the second and third paragraphs of the response to Board staff interrogatory 1(a).

INTERROGATORY Staff-2

Preamble:

Intervenor Parkins has indicated to the Board that their property is affected by this application.

Question/Requests:

a. Please indicate if any of the proposed route modifications are adjacent to the property owned by the Parkins, and identify which page of the maps is relevant to this modification.

None of the proposed route modifications are adjacent to the property owned by the Parkins.

b. Please describe, if applicable, how in your opinion, the Parkins property might be affected.

Given the response to Board staff interrogatory 2(a), East Durham believes that the Parkins are not directly affected by the proposed modifications.

**EB-2014-0337
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Motion to Review and Vary
the Revised Decision and Order in EB-2013-0233
East Durham Wind, LP (“East Durham”) EB-2014-0337
December 3, 2014**

Reference:

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INTERROGATORY Parkins-1

Preamble:

It appears that there is a large section of roadway where the cable may be placed, parallel with the roadway and/ or under the roadway. This proposal is not just crossing the roadway from one side to the other, but horizontally bored under the roadway for a kilometre (more or less).

Question/Requests:

Specifically, what are the constructability issues that require doubling the set back?

By way of clarification, East Durham is not proposing to double the setback of the Distribution System from adjacent private property. Rather, East Durham is proposing certain specific modifications to the approved Distribution System locations. These proposed modifications are described in the letter attached at Appendix "B" to East Durham's November 3, 2014 filing with the Board, and are more particularly shown by the blue and dark red cross hatching in the revised map book attached at Appendix "C" to the same November 3, 2014 filing.

In response to the question, the constructability issues underlying the proposed modifications are described in detail in the letter attached at Appendix "B" to East Durham's November 3, 2014 filing.

INTERROGATORY Parkins-2

Question/Requests:

Is there an engineers [*sic*] report that will provide assurances that this horizontal boring, will not impair the integrity of the road in any way.

There is not an engineer's report that specifically addresses this issue. That said, where directional drilling is proposed for the installation of Distribution Facilities under the travelled portion of the Road Allowances, East Durham plans, in accordance with standard industry practices, to bore at a sufficient depth below the road base and into the subgrade to ensure the integrity of the road is maintained.

INTERROGATORY Parkins-3

Question/Requests:

In the event of an unforeseen impairment of the roadway, will East Durham Wind accept complete responsibility to repair the road to it's [sic] original state at East Durham Winds expense?

With respect to such repair work, East Durham will comply with section 41(7)(b) of the *Electricity Act, 1998*, which requires East Durham, as a distributor, to restore the street or highway to its original condition in so far as is practicable.

INTERROGATORY Parkins-4

Question/Requests:

Will East Durham Wind engage the services of a cable locating and documenting company, that will document and register, the specific path of the cable and location of any cable connections?

All of East Durham's underground cables will be documented and registered with Ontario One Call. See the response to Board staff interrogatory 1(a).

INTERROGATORY Parkins-5

Question/Requests:

Will the cable be encased inside of a conduit and what safety measures will be taken for the cable buried along and/ or under the roadway?

Please see the response to Board staff interrogatory 1(a). All installed cable will be encased in a conduit that conforms to applicable electrical safety standards in Ontario, and will be inspected and approved by the Electrical Safety Authority prior to energization.

INTERROGATORY Parkins-6

Question/Requests:

During the installation of the underground cable, what measures will be taken to avoid damaging the existing underground utility instalments, such as Bell telephone?

East Durham will locate existing utilities in the Road Allowances prior to construction by contacting Ontario One Call. East Durham will also adhere to any required setbacks for the existing utilities that are identified.

INTERROGATORY Parkins-7

Question/Requests:

During the installation of the underground cable, in the event the Bell telephone cable is damaged, what compensation will be provided by East Durham for the interruption of service?

In the unlikely event of such damage, East Durham and Bell would have to discuss what compensation, if any, was appropriate in the circumstances.

INTERROGATORY Parkins-8

Question/Requests:

In the event that the installation of the underground cable interferes with the function, use or quality of existing underground utilities, such as Bell telephone, will East Durham repair, replace and/ or restore the utility to its original condition, at East Durhams *[sic]* sole expense?

In the unlikely event of such interference, East Durham and the relevant utility would have to discuss what repair, replacement or restoration, if any, was appropriate in the circumstances, and which party was the appropriate party to carry out such work.