



EB-2014-0337

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

AND IN THE MATTER OF a request by East Durham Wind, Inc. for the Board to review and vary its Revised Decision and Order in EB-2013-0233 establishing the location of East Durham Wind Inc.'s distribution facilities within certain road allowances owned by the Municipality of West Grey pursuant to subsection 41(9) of the *Electricity Act 1998*, S.O. 1998, c. 15, Schedule A, as amended;

BEFORE: Emad Elsayed
Presiding Member

Ellen Fry
Member

DECISION AND ORDER
Varying Revised Decision and Order issued on December 23, 2013

December 18, 2014

East Durham Wind, Inc., ("East Durham") filed a request dated November 3, 2014 (the "Request") pursuant to section 41.01 of the Board's *Rules of Practice and Procedure* ("Rules"), requesting that the Board vary its Revised Decision and Order in EB-2013-0233 which was issued on December 23, 2013 ("2013 Decision").

In the 2013 Decision, the Board established the location of East Durham's proposed distribution facilities ("Distribution System") within approximately 9.1 km of road allowances owned by the Municipality of West Grey (the "Municipality"). The Request is for the Board to initiate a review of the 2013 Decision and to approve modifications to the location of the Distribution System, in accordance with the modifications described in the request and the diagrams in the accompanying Appendix C (the "Location Modifications").

The Board issued a Notice of Hearing and Procedural Order on November 21, 2014. The Board granted intervenor status to the Municipality and the Parkins, parties in the proceeding that led to the 2013 Decision.

The Board, under s.43.01 of its Rules and section 21.2 of the *Statutory Powers Procedures Act*, R.S.O. 1990, Chapter S.22, can initiate a review of all or part of a decision or order and confirm, vary, suspend or cancel a decision or order. The Board has decided to grant East Durham's request to review the 2013 Decision on the basis of information provided in East Durham's Request.

In accordance with Procedural Order No.1, the Parkins and Board staff submitted interrogatories on December 3, 2014.

On December 4, 2014, East Durham advised the Board that the Municipality had agreed to the proposed modifications sought in the Request and attached a letter from the Municipality dated December 2, 2014 to that effect.

On December 11, 2014, East Durham filed a letter on behalf of itself and the Municipality requesting a consent order of the Board approving the Location Modifications.

The Board notes that in the 2013 Decision it indicated that "The Distribution System shall be located 1-4 metres from the abutting property line unless otherwise agreed between East Durham and the Municipality." The Board approves the agreement reached by East Durham and the Municipality.

THE BOARD ORDERS THAT:

1. The 2013 Decision is varied, on the consent of East Durham and the Municipality, by modifying the location of East Durham's Distribution System on Road Allowances owned by the Municipality in accordance with the modifications described in Appendix B of the Applicant's Request and as more particularly shown by the blue and dark red cross hatching in the revised map book attached at Appendix C to the Request.
2. The remaining procedural steps in the Notice of Hearing and Procedural Order No. 1 are dispensed with.

DATED at Toronto, December 18, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary