

From: [REDACTED]
Sent: December-30-14 7:07 PM
To: BoardSec
Cc: Robert Caputo; John Pickernell; [REDACTED]
Subject: OEB File No. EB-2013-0339
Importance: High

Ontario Energy Board,

On December 15, 2014 the message attached below was submitted to the Board with a request to be added to the comments to be considered by the Board in any hearing regarding OEB File No. EB-2013-0339. Upon review of the OEB's web site on December 30, 2014 it does not appear that my December 15th submission has been acknowledged by the Board with respect to File No. EB-2013-0339 as the comments have not been posted to this file.

My December 15th letter, while referencing information relating to another OEB proceeding, are quite relevant and applicable in the matter of Board File No. EB-2013-0339. And as Board File No. EB-2013-0339 is a Leave to Construct Application, I would suggest that my December 15th comments, and the Board's position regarding the REA process and OEB proceedings detailed in the Board's December 12, 2014 letter to the Township of Clearview, are clearly germane to a Leave to Construct Application such as contemplated by EB-2013-0339. As the Board is aware, under an application initiated pursuant Part VI, subsection 92(1) of the Ontario Energy Board Act, 1998, c.15, Schedule B the applicant for an order shall "... file with the application a map showing the general location of the proposed work..." (subsection 94 of the OEB Act). Given that the Board within their December 12th correspondence has now publically recognized and confirmed that *"the REA process could find that there are environmental issues with respect to the location of the distribution facilities and could result in the parties having to re-examine the location of distribution facilities"* (Board File No. EB-2014-0226; Ontario Energy Board letter to Township of Clearview, dated December 12th, page 1, line 11 to 14), this confirmation by the Board must call into question the ability of the Board to accept any map (showing the general location of the proposed work) where no REA exists and which would therefore be subject to a re-examination once the REA is received.

Furthermore, while the Board may believe "...that concurrent REA and OEB proceedings are the most efficient process..." (Board File No. EB-2014-0226; Ontario Energy Board letter to Township of Clearview, dated December 12, 2014, page 1, line 15 and page 2, line 1), it is respectfully suggested that the Board's belief in this matter is clearly one slanted in favour of the applicant and a belief which is not consistent with the intent of the legislation as noted above. Once again, in the matter of File No. EB-2013-0339, I respectfully request the Board to respect the intent of the legislation and ask that any proceeding on this matter be deferred until a REA is actually issued; or dismiss the application in its present state.

Please ensure that this message and attachment below are added to the record in their entirety for the consideration of the Board in any hearing on the subject application. Thank you.

Ray Ford

From: [REDACTED]
Sent: Monday, December 15, 2014 7:36 PM
To: Boardsec@ontarioenergyboard.ca
Cc: robert.caputo@ontarioenergyboard.ca ; john.pickernell@ontarioenergyboard.ca ; todd.smith@pc.ola.org
Subject: OEB File No. EB-2014-0226 and OEB File No. EB-2013-0339

Ontario Energy Board,

The following letter has been mailed to the parties as noted. Please ensure that this letter and comments are added to the record for the consideration of the Board in all hearings regarding both OEB File No. EB-2014-0226 **and** OEB File No. EB-2013-0339. Thank you.

Ray Ford

Honourable Bob Chiarelli,
Minister of Energy
4th Floor, Hearst Block,
900 Bay Street
Toronto, Ontario M7A 2E1

December 15, 2014

RE: Ontario Energy Board File No. EB-2014-0226; and,
Ontario Energy Board File No. EB-2013-0339

Dear Minister Chiarelli,

In the matter of Ontario Energy Board File No. EB-2014-0226, the Ontario Energy Board (Board) has provided public clarification on the Board's position regarding Renewable Energy Approvals (REA) and Board proceedings. In a letter to the Township of Clearview dated December 12, 2014 (copy attached), on page 1 at lines 10 and 11 the Board notes "...that the ERA (*sic*) process and the Board's consideration of the Application may run concurrently." And, in fact, on several earlier matters the Board has proceeded in this manner.

The concern which I am bringing to your attention Mr. Minister is in regard to the Board's position of conducting Board proceedings on matters which are subject to a REA; but which have not been resolved through issuance of a REA. Within the Board's December 12th letter, the Board has at last acknowledged on page 1 at lines 11 to 14 that "The Board recognizes that the REA process could find that there are environmental issues with respect to the location of the distribution facilities and *could result in the parties having to re-examine the location of the distribution facilities which may have been determined in a Board decision.*" (italics added for emphasis). In effect, the Board through this statement, is essentially confirming that they are prepared to subject municipalities to participating in **multiple proceedings on the same matter**. As a property tax payer in a municipality in this province which is currently involved in a similar Board proceeding regarding an application under REA review (Board File No. EB-2013-0339), I find this statement, and the Board's stated position, to be quite disrespectful to municipal tax payers for the following reasons:

- Municipalities rely upon property tax revenues to fund their services.
- Participation by municipalities in Board proceedings are costly and can result in the expenditure of several thousands of dollars (as participants in Board proceedings will require solicitors and technical expertise to represent the municipal interests).
- An expenditure of several thousand dollars can consume a significant percentage of a small rural municipality's annual budget.
- Small rural municipalities, such as the Township of Clearwater (File No. EB-2014-0226) and the County of Prince Edward (File No. EB-2013-0339), have small and limited property tax bases from which revenues can be raised to cover expenditures.
- The Board's rules of procedure do not entitle or empower municipalities from being able to recover any costs related to Board proceedings under any circumstance.
- If the municipality has insufficient funds available to cover the expenditures associated with representation in a Board proceeding, the municipality will be required to cut services or raise taxes to fund these expenditures.
- In the proceedings of EB-2013-0339, the applicant is not a property owner within the host municipality; and therefore does not contribute toward the municipal tax levy. This is very likely a common occurrence across the province.

As detailed above, clearly any municipal participation in a Board proceeding will have a direct and measurable impact on the subject municipality and the municipal tax payers of that municipality. In consideration of the above issues and the implications to me as a property tax payer in the Municipality of the County of Prince Edward as it relates to File No. EB-2013-0339, I believe that the Board's stated position; in which they are prepared to subject my municipality to being responsible for the cost of participating in **multiple proceedings on the same matter**, is either an egregious error in judgment or a contemptible showing of disrespect by the Board toward property tax payers of this province. Honourable Minister Chiarelli, I must request that you intervene in this matter

and direct the Board to amend their approach to one which is more respectful to the municipal tax payers and municipalities of this Province.

As the Board's stated position in this matter can and will have a clear and direct impact on municipalities and their ability to deliver services funded through property tax levies, I have copied the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing so as to bring this matter to his attention.

Thank you for your anticipated attention to this matter.

Yours truly,

Original signed by,

Ray Ford

A black rectangular redaction box covering the signature area.

Attachment

cc: Premier Kathleen Wynne
Honourable Ted McMeekin, Minister of Municipal Affairs and Housing
Todd Smith, MPP Prince Edward – Hastings (email only)
OEB File No. EB-2014-0226 (email only)
OEB File No. EB-2013-0339 (email only)