

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

**AND IN THE MATTER OF** an application by wpd Sumac Ridge Incorporated for an Order or Orders pursuant to section 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A establishing a location for the Applicant's distribution facilities on public road allowances owned by the Municipality of Kawartha Lakes, Ontario, as set out in this application.

**SUPPLEMENTAL INTEROGATORIES OF THE INTERVENOR, E. SALMON**

1. Procedural Order No. 3, dated Friday December 19<sup>th</sup>, 2014 indicates:

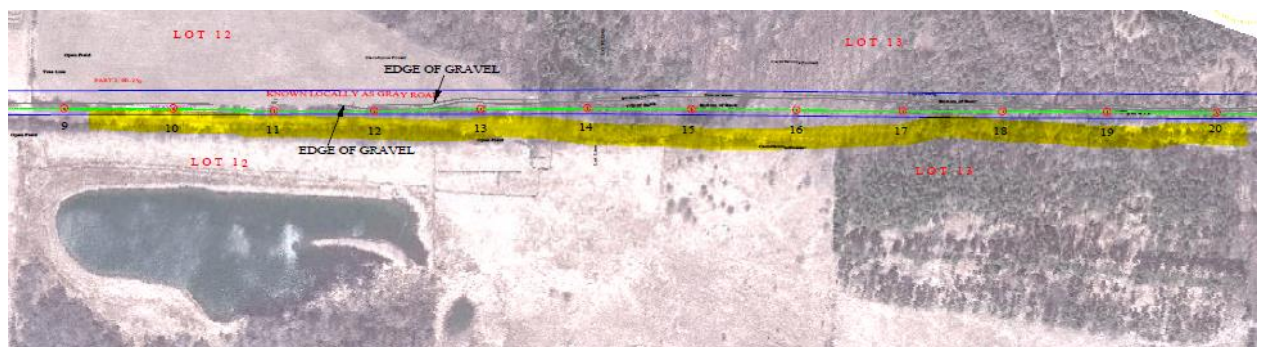
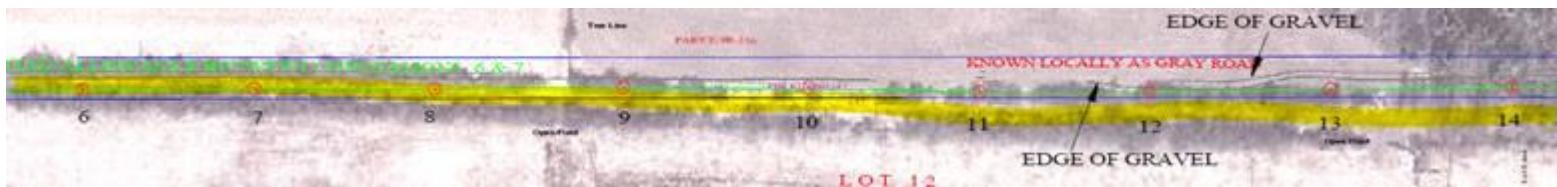
*“If the intervenor or Board staff requires clarification on any matters arising from the Location Drawings they shall file written supplemental interrogatories with the Board, and copy them to the Applicant, on or before **January 12, 2015.**”*

2. wpd Sumac Ridge Incorporated ( the “Applicant”) supplied three pages, two containing location drawings on December 5, 2014 in response to Board Staff Interrogatories dated Monday September 8, 2014. The Applicant asked for, and was granted two extensions in responding; one request dated October 7, the other November 28, 2014.
3. There are inaccuracies in the Location Drawings. There is also much missing information. The Intervenor, therefore, seeks clarification regarding matters arising from the Location Drawings provided by the Applicant on December 5, 2014.

**The Colour Map –Plan View of a 44Kv Collector Line – Dated November 13, 2014**

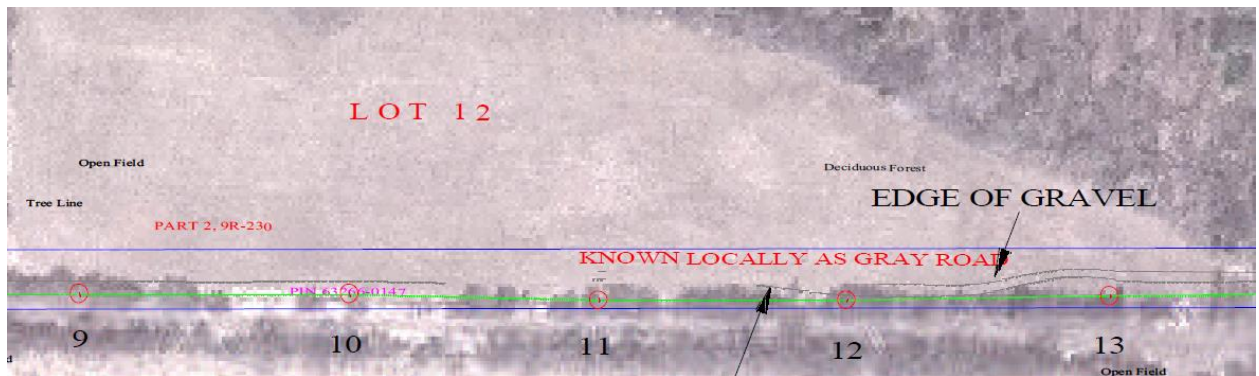
4. It is not established how the Applicant determined the width and location of the road allowance along Gray Road in the colour map. **Please clarify by what process the Applicant made these determinations.**

5. There is no indication that the City of Kawartha Lakes was consulted as to its location and specific dimensions. **Please clarify that this consultation in fact took place.**
6. The location of the road allowance along Gray Road marked by the Applicant in blue lines on the colour map is inaccurate. The yellow highlighted area is where the road unopened road allowance known as Gray Road is actually located. It is located south of the road allowance marked in blue lines.



7. The unopened road allowance Gray Road is identifiable in the aerial view by the dark shapes of the hedgerows and woodlands that run along its length on the north and south side.
8. In one section of the road allowance in the colour map provided by the Applicant, the unopened road allowance is shown to be located on private property marked as Lot 12 with the 'edge of gravel' marked where there is a private trail on private lands. The road allowance Gray Road is located south of the blue lines. It can be seen as the light area

between the two dark shapes that define the hedgerows on either side of the Gray Road allowance.



9. The location drawing superimposed over what appears to be a Google earth map does not match the actual landscape on the ground. The Applicant does not identify the source of the aerial map. **Please identify the source of the aerial map.**
10. The colour map also describes two areas as being ‘carniferous forests’. There are no such known vegetative communities. **Please clarify what was meant by ‘carniferous forests’.**
11. As can be seen, the colour map is vague and missing relevant information. **The Intervenor requests that the Applicant clarify and correct the mapping errors contained in the colour map.**
12. **The Intervenor also requests that clarification and correction of the information missing on the colour map listed as follows be provided by the Applicant:**
  - a. The aerial source map is not identified. There is no legend or scale in the colour map. There are no distances marked on the colour map. The distance of the overhead distribution line along Gray Road is not marked. The length of the distribution system segment that is proposed to be constructed below Wild Turkey Road is not recorded on the map. Wild Turkey Road, which is also subject to this

Application before the Board, does not appear on the colour map. **Please clarify and correct these omissions.**

- b. The Applicant marks several areas in the colour map as being “top of bank” and “bottom of bank”. There are no elevation levels or widths between the top of bottom of banks marked. There are no distances of how long each bank extends in any direction marked. **Please clarify and correct these omissions.**
  - c. There are several water features adjacent to and that cross the Gray Road road allowance that are not marked on the colour map. Culverts, drainage areas and/or ditches might be required since the water table is at ground level for a section of Gray Road (*See attached photos*). There is no indication of such features in the colour map. **Please clarify and correct these omissions.**
  - d. The route of the distribution line is marked in the wrong location being to the north of the actual location of the road allowance Gray Road. The marked top and bottom of banks are located on private property and have nothing to do with the proposed route. There are banks of different height, width and length along portions of the Gray Road allowance. They are not marked on the colour map. (*See attached photos*) **Please clarify and correct these omissions.**
13. The Applicant did not provide topographic information. The subject area is dominated by the Peterborough Drumlins and the Oak Ridges Moraine. There are significant changes in elevation in the subject area. **Please clarify how the Applicant will handle significant changes in topography and elevation when constructing the distribution line along the Gray Road allowance.**

14. The Applicant has not provided justification for the number of hydro poles (22) planned to be constructed along the unopened, unmaintained road allowance known as Gray Road. The colour map contains the first documentation of the hydro poles and the number planned to be strung along the local heritage trail. The colour map supplied by the Applicant does not indicate the distances between the poles. **Please clarify and correct these omissions.**
15. There are two trail or other access routes to private properties along this road allowance. It appears that at least one hydro pole might be positioned in the middle of one of the access routes to private property. **Please clarify the locations of the poles as they relate to all access points along the route.**
16. The Applicant did not provide the distances from the existing property lines to the poles on the map or an explanation as to why such a distance is derived. Infrastructure such as telephone lines or other infrastructure that might be within Wild Turkey and Gray Road allowances is not marked on the maps provided by the Applicant. **Please clarify and correct these omissions.**
17. The colour map does not provide the width of the road allowance along Gray Road or the width sections of Gray Road which vary along its length. **Please clarify and correct this omission.**
18. The Applicant has not provided any mapping regarding the collector line crossing below ground at Gray Road. **Please clarify this omission and provide this information.**

**The Black and White Cross Section Drawing for 44 Kv Collector Distribution Line Dated November 20, 2014**

19. The Intervenor seeks clarification of missing, erroneous and/or incomplete information contained in the two cross section drawings provided by the Applicant as follows:

- a. There is no indication what specific part of the road allowance Gray Road the smaller cross section diagram refers to. There is great variation in the environmental communities along the length of the unopened road allowance.

**Please clarify and correct this omission.**

- b. The cross section map indicates the gravel to gravel edge of the Gray Road allowance is 2.9 m. Much of the road allowance contains little if any gravel. The width of Gray Road varies along its length, as does its soil composition. The width of 2.9 metres will not allow for passage of construction vehicles required to erect 22 hydro poles. The road allowance is not a through passage. There is no diagram or mapping that indicates where a turnaround will be constructed to accommodate vehicular traffic. **Please clarify and correct this omission.**

- c. The cross section diagram does not account for water features found within and/or that cross Gray Road. The cross section diagram does not account for possible culverts and drainage areas or ditches that may be necessary since the water table is at ground level for a section of Gray Road (*See attached photos*). **Please clarify and correct these omissions.**

- d. The cross section diagram does not list soil conditions. Soil structure varies along the length of Gray Road from silt/gravel loam to sand loam to sand. **Please clarify and correct these omissions.**

- e. There is no information in the cross section diagram that addresses or considers banks found along the road allowance. **Please clarify and correct this omission.**
- f. The cross section diagram does not account for the location of other utilities or infrastructure found along the road allowance. **Please clarify and correct these omissions.**
- g. The cross section diagram indicates there is an un-described 6.8 m zone to the apparently north side of the gravel edge of the road allowance Gray Road. The diagram suggests the 6.8 m is a clear zone devoid of vegetation. The unopened road allowance Gray Road is heavily treed, including trees over 100 years old. Gray Road is host to numerous other vegetative communities including shrubs, native groundcover plants, grasses and vines. *(See attached photos)* **Please clarify and correct this omission.**
- h. The cross section diagram indicates there is a clear zone of 3 m on the south side of the road allowance Gray Road marking the existing line of vegetation to the south of the hydro pole in the diagram. This is inaccurate. The south side of Gray Road is heavily vegetated. *(See attached photos)* **Please clarify and correct this error.**
- i. Furthermore, the legend in the upper right hand corner of the diagram under Notes states: *“Trees within 3 meters to the centre of the distribution line will be brushed before line construction”*. The cross section diagram does not account for a 3 m clear zone on the south side of the hydro pole. **Please clarify and correct this omission.**

- j. The Applicant has not provided cross section diagrams regarding the collector line below ground crossing Gray Road or Wild Turkey Road allowances. **Please clarify and correct these omissions.**
- k. The second larger diagram which includes the unopened, unmaintained road allowance known as Wild Turkey Road does not provide specific information on the collector line planned to be constructed below and to cross this road allowance. **Please clarify and correct these omissions.**
- l. There is no indication of the vegetation that exists where the collector line is to cross the road allowance Wild Turkey Road. **Please clarify and correct this omission.**
- m. There are no distances marked that define the length of the collector line. **Please clarify and correct this omission.**
- n. This diagram shows an access road running parallel to the road allowance Wild Turkey Road. This access road is not in the Sumac Ridge application which received approval. There are no dimensions provided for this apparently new access road including length, width and composition. The diagram suggests the collector line will cross the new access road as well as the new access turn to Turbine # 5 as well as crossing Gray Road. The mapping information at this juncture supplied is confusing. This confusion is compounded by what appears to be the original access turn to Turbine # 5 from Wild Turkey Road originally planned as the access route also included in the diagram. **Please clarify and correct these issues.**



### **Additional Concerns – Location Drawings**

20. The September 8, 2014 Board Staff Interrogatory requested that colour photographs of the affected sections be provided including colour photographs of the proposed facilities to be located in and along the undeveloped, unopened road allowances known as Gray Road and Wild Turkey Road. There are no colour photographs provided in the December 5, 2014 response from the Applicant. **Please clarify and correct this omission.**
21. The Applicant did not provide answers to questions posed by the Board involving the Sumac Ridge Environmental Review Tribunal appeal. These issues included the impact on the location of the distribution facilities if the appeal is successful, outlining the risks and ramifications if construction of the proposed facilities is delayed, whether the Applicant proposes to commence construction of the facilities that are the subject of this application before it receives a decision on the REA appeal and if it is the Applicant's intention to commence construction prior to the decision on the appeal, to provide the reasons for such an approach. **Please clarify and correct these omissions.**
22. The Applicant also did not provide, as requested by the Board on September 8, 2014, the most up-to-date Construction Schedule for the complete project or identify the date when construction of the facilities (that are the subject of this application) are planned to commence. This has not been provided in the response of December 5, 2014. **Please clarify and correct this omission.**
23. Board Staff Interrogatories dated Monday September 8, 2014 also requested a response as to whether the Applicant reached an agreement with the city regarding the city's stated concerns and if an agreement has been reached, to indicate if the Applicant will be filing

a letter/document with the Board as has been requested by the city, or if the Applicant objects to the city's request, to provide reasons for the objection. The City of Kawartha Lakes did respond; the Applicant has not. **Please clarify and correct this omission.**

**Date:** January 12, 2015

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