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BY E-MAIL

July 22, 2014

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Suncor Energy Products Inc. ("Suncor")
Application for Leave to Construct Transmission Facilities
Board File No. EB-2014-0022**

Pursuant to Procedural Order No. 4 issued on July 15, 2014, please find attached Board staff's submission on the relevance of certain agreements submitted by Suncor in the above proceeding.

Yours truly,

Original Signed By

Leila Azaiez
Case Manager

c. All Parties



Board Staff Submission

**Application for Leave to Construct
Transmission Line and Associated Facilities
EB-2014-0022**

July 22, 2014

that these Agreements were not in place or not finalized then this would result in uncertainty that could directly affect the viability of this project.

Board staff notes that once the Board grants leave to construct, a grantee has a twelve-month period to start construction. In this particular case, essential infrastructure needed for the project lies outside of Suncor's control. Board staff requested evidence to ensure that all necessary authorizations, including government permits or commercial agreements where applicable, were in place. This not only ensures that the application filed is complete and that all necessary evidence is in front of the Board, but also that the application is not premature and that the route in front of the Board is the final one. Informing the record with regards to timeliness and route is appropriate as these issues could make an application moot if circumstances so warrant, and could in certain cases require an amended Notice of Application, a process that would be costly to all ratepayers.

Further, Rule 27.02 of the Board's Rules of Practice and Procedure provide that where a party contends that an interrogatory seeks information that is not relevant, the party can refuse to answer, setting out specific reasons in support of that contention. Board staff submits that Suncor did not object to production and saw no issue with respect to relevance otherwise it could have raised it. The Rules specifically contemplate such a scenario yet no objection was filed.

Lastly, Board staff submits that the Board has been interested in reviewing forms of option agreements in other proceedings. For example in Grand Renewable Wind LP EB-2011-0063 the Board stated at paragraph 68:

The Board notes that GRWLP indicated in its Argument in Chief that the terms of the ORC Option Agreements are currently being negotiated between the ORC and GRWLP's parent company, Samsung Renewable Energy Inc. ("SRE"). The Board also notes that all commercial terms have been agreed to between GRWLP and ORC, with the exception of a few real estate specific clauses, which are being negotiated in order to satisfy legal requirements for leasing land from the government.

Board staff submits that the Board has consistently allowed this type of information to form part of the public record in the past.