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BY E-MAIL

January 29, 2015

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

Dear Ms. Walli:

**Re: Windlectric Inc.
Application for Leave to Construct Transmission Facilities
Board File No. EB-2014-0300**

Pursuant to Procedural Order No. 2 issued on January 8, 2015, please find attached Board staff interrogatories to the Association to Protect Amherst Island (APAI) in the above proceeding.

APAI filed additional evidence on January 29, 2015. Board staff's review excludes this supplemental information. Board may need to ask additional interrogatories upon review of the information.

Yours truly,

Original Signed By

Leila Azañez
Case Manager

c. All parties



**Application for Leave to Construct
Transmission Line and Associated facilities
EB-2014-0300**

January 29, 2015

Note 1:

Where the Association to Protect Amherst Island (APAI) is of the view that answers may contain information of confidential nature, such material may be filed in accordance with the Board's *Practice Direction on Confidential Filings*.

Board Staff Interrogatory 1: REA Matters, Ancillary Infrastructure Construction and Transmission Project Schedule Impacts

Reference:

- a. APAI Letter to the Board dated January 19, 2015
- b. APAI Intervenor Evidence, Island Dock Study Schedule
- c. APAI Intervenor Evidence, Letter to Brice Campbell dated January 12, 2015
- d. APAI Intervenor Evidence, Construction Windows
- e. APAI Intervenor Evidence, Official Report of Debates of February 18, 2014 (statement by MPP Laurie Scott)
- f. APAI Intervenor Evidence, Letter to MOECC dated October 24, 2014
- g. APAI Intervenor Evidence, Letter to MOECC dated December 16, 2014
- h. APAI Intervenor Evidence, Letter to MOECC dated January 6, 2015
- i. APAI Intervenor Evidence, Letter to MOECC dated January 15, 2015
- j. APAI Intervenor Evidence, Letter to MNR dated November 29, 2014
- k. APAI Intervenor Evidence, Letter to Transport Canada dated January 22, 2015

Preamble:

Reference (a) states in part:

We find that the Construction and the In-Service Schedule (Exhibit B, Tab 2, Schedule 1, p.6 of 9) lacks in important detail. In addition the Applicant does not include or address any matters, external, that could impact on these schedules. [...]

APAI believes that Windlectric's schedules do not take into account the realities of living on a very unique and small Island. We maintain that this fact has already resulted in delays to their schedule. **APAI submits that the schedules are not credible. [Emphasis added]**

Administrative issues and evidence include:

- construction of Windlectric's permanent dock is not included in the construction schedule

- dock construction could be further restricted by ice from mid January to the end of March and the arrival of the very small Loyalist ferry
- construction on the Amherst Island and Millhaven Ferry Terminals will begin this summer, this is not mentioned as a factor affecting the timeline in Windlectric's report

[...]

Windlectric's FIT contract could be at risk of being terminated by the OPA in the same way that the Horizon Wind Big Thunder Project FIT contract was terminated

[...]

APAI recognizes that issues related to the environment, heritage noise and health are not within the purview of the OEB however we maintain that the new information could result in further delays to the REA approval and the project schedule and it is APAI's position that the Board requires this information to make its decision.

[...]

- Amherst Island has 25 species at risk, including birds, reptiles (eg. the threatened Blandings Turtle) and fish. The schedule needs to include the construction windows required by the various agencies responsible for these permits. APAI asserts that taking these windows into consideration is critical to the public's understanding of the project and to approving the transmission project.
- The REA for the Windlectric wind energy project has not yet been issued and the MOECC's technical review of the Windlectric project is ongoing. The MOECC has made it clear that the review process is iterative and that all new information must be considered in its technical review.

[...]

APAI is aware that Windlectric has reviewed a draft of the REA approval and has information on the conditions of approval. [Emphasis added]

Reference (i) submits that Stantec's assessments are incomplete.

Question/Request:

- i. Windlectric has applied for a leave to construct. Please indicate whether the construction of a permanent dock is critical to the construction of the project, more particularly to the construction of the applied-for transmission infrastructure.
- ii. Please complete the table appended to reference (c) by highlighting APAI's concerns with each outstanding permit referenced, and highlight any projected delays.
- iii. Please restate how the draft approval conditions associated with the REA and referenced at (h) would aid the Board in its decision in this proceeding.
- iv. If feasible, please submit a credible schedule or schedules, and provide the underlying assumptions.
- v. Please indicate whether any awarded FIT contract for an on-going project has been cancelled for failure to meet the contractual in-service date.
- vi. If applicable, please update the Board on recent developments:
 - a. If and when available, please submit a copy of the Independent Electrical System Operator's response to the letter at reference (c).
 - b. If and when available, please submit a copy of the MOECC's responses to the letters at references (f), (g), (h) and (i).
 - c. If and when available, please submit a copy of the MNR's response to the letter at reference (j).
 - d. If and when available, please submit a copy of Transport Canada's response to the letter at reference (k).
- vii. If APAI is aware of any independent third party review of the source documentation contained in the studies, including portions of the studies that are part and parcel to this application please indicate so.
- viii. Does APAI have any concern with the accuracy of the studies or portion of the studies that are part and parcel to this application? If so, please indicate what the studies are and APAI's specific concerns.

- ix. At reference (a), APAI mentions changes to the transmission line noted in the applicant's Modification Report #1. To APAI's knowledge, have there been any changes to the transmission route since the filing of the application. If so, please file relevant evidence.

Board Staff Interrogatory 2: Financial Viability

Reference:

- a. APAI Letter to the Board dated January 19, 2015
- b. APAI Intervenor Evidence, Investor Slide dated November 25, 2014
- c. APAI Intervenor Evidence, Economic Risk Analysis p.7-10, Financial Analysis of the Amherst Island Project
- d. APAI Intervenor Evidence, Deborah Barrett's Letter dated January 22, 2015

Preamble:

At reference (a), APAI states in part:

...that the project has been designed as if no one lives on Amherst Island or ever did. \$260 M of construction on a very small Island presents significant challenges for the developer and untold disruption to Island way of life.

Further at reference (a), APAI notes:

Windlectric's plan for the transmission project is based solely on economics. They have pushed for the least expensive option for Windlectric and highest profits for the parent company Algonquin Power.

Elsewhere in the evidence, APAI suggests that Windlectric Inc. has not provided the necessary assurances regarding its financial capability.

Question/Request:

- i. Please confirm that the author of the slide at reference (b) is the parent's, Algonquin Power.

- ii. Please provide the source for the numbers used in the financial analysis at reference (c).
- iii. Please confirm whether APAI has concerns with Windlectric financial capability. If so, please specify what these concerns are.

Board Staff Interrogatory 3: Process

Reference:

- a. APAI Letter to the Board dated January 19, 2015
- b. APAI Intervenor Evidence, William Barrett's Letter dated January 2, 2015
- c. APAI Intervenor Evidence, Katherine Little's Letter dated January 5, 2015

Preamble:

At the reference, APAI states in part:

The public has had little to no opportunity for public consultation on either the original siting and the siting alternatives for the Transmission Project or on the project details within the REA process.

[...]

The Applicant suggests that the OEB application process provides the opportunity for public consultation on the transmission project. This is not a solution to the lack of consultation as only a limited number of issues would be addressed in the hearing.

Question/Request:

- i. Please confirm that APAI understands that the Board does not hold public consultations on any of the different aspects of the overall wind project, rather a public hearing on the application before it.
- ii. Please indicate whether Windlectric responded to any of the comments at references (b) and (c).

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