

Kawartha Lakes decision could force expensive Ontario Energy Board Process

Mississauga -- A refusal by Kawartha Lakes Land Management Committee to enter into discussion on the placement of collector lines with wind project developer, wpd Canada, could force the company to ask the Ontario Energy Board (OEB) to settle the matter. wpd is looking to build a portion of their proposed electrical collector line underground on an un-assumed road near the project site. The OEB is the independent Crown Corporation tasked with regulating the province's electricity and natural gas sectors.

"We had hoped to work with the City of Kawartha Lakes on this issue in a cooperative setting, and it is unfortunate that it has come to this point," said Ian MacRae, President of wpd Canada. "If the City would reconsider, it would avoid the necessity of bringing the matter to the Ontario Energy Board. This can be a costly method to resolve the issue."

In response to a letter from the Land Management Committee, wpd's legal counsel stated "Simply put, the City cannot refuse to process wpd's permit application because Council is opposed to the Project. The City has a duty to process the application in good faith as it would any other permit application. The refusal to do so is also inconsistent with provincial law that provides wpd with a right to access Gray Road for the purpose of constructing a collector line for the Project."

Provincial legislation gives electricity distributors the ability to access any public street or highway to install infrastructure without requiring the approval of the municipality, but it is customary for municipalities and developers to agree upon the location. Should a disagreement on the location of the infrastructure arise, either party may apply to the OEB to have the location determined by the Board.

It is possible that the City of Kawartha Lakes could be responsible to cover wpd's costs for the OEB hearing, as well as their own. wpd's legal counsel referenced a disagreement over the placement of infrastructure between a wind developer and the municipality of Grey Highlands. An application was made to the OEB, who imposed the location of the turbines. In an appeal to the Divisional Court, Grey Highlands was ordered to pay the wind developer's costs.

wpd Canada, the developer of the Sumac Ridge Wind Farm in the former Township of Manvers, has proposed to install part of the collector lines for the project -- lines which link the turbines and carry electricity produced by the turbines to the project's transformer substation -- under portions of Gray Road. As part of the pre-construction planning, wpd has begun the permitting process for the work to proceed should the project be granted approval by the Ministry of the Environment. A letter dated April 22, 2013 from the City of Kawartha Lakes Planning Department denies wpd's request, due to Council's opposition to the project.

“If our REA application is granted, we intend to move forward with the construction phase of the project,” added MacRae. “We still want, and hope to work with the City to obtain the permits we need, but we need to consider all of our options to move our project forward.”

wpd has requested that the matter be brought before Council at its next meeting, and that Council direct staff to process wpd’s application.

wpd Canada is based in Mississauga and employs a growing number of Canadian professionals active in wind energy project development in Ontario, British Columbia and other Canadian provinces. wpd Canada is a wholly owned subsidiary of wpd Europe, a green energy company active in 20 countries around the globe and Germany’s market leader in wind energy. wpd worldwide employs over 860 professionals and has installed more than 1,500 wind turbines totalling a capacity of over 2.5 GW.

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