



EB-2014-0355

Suncor Energy Products Inc.

**Application to determine the location of electricity
distribution facilities within road allowances owned by
the County of Lambton.**

PROCEDURAL ORDER NO. 1

February 26, 2015

Suncor Energy Products Inc. (Suncor) filed an application with the Ontario Energy Board (OEB) on November 25, 2014, under subsection 41(9) of the *Electricity Act*, 1998, S.O. 1998, c. 15, Schedule A, as amended for an order or orders establishing the location of Suncor's proposed distribution facilities within certain road allowances owned by the County of Lambton (County) because Suncor and the County have not been able to agree on the location of these distribution facilities.

The OEB issued a Revised Notice of Application and Hearing (Revised Notice) and Letter of Direction to Suncor on February 11, 2015. Suncor submitted an affidavit confirming service of the Revised Notice on February 18, 2015.

Intervention and Form of Hearing

On February 23, 2015, the County applied for intervenor status. I grant the County intervenor status.

In its intervention request, the County also requested, pursuant to Rules 25 and 26 of the OEB's Rules and Procedures that an interrogatory conference or technical conference be held prior to the consideration of Suncor's application.

I have established a process for the filing of further evidence by Suncor and of evidence by the County, followed by written interrogatories to allow for clarification of that evidence. The OEB may order further procedural steps, including a technical conference, should it be necessary once interrogatory responses have been filed in accordance with the order below.

Suncor has requested a written hearing. The OEB will decide whether to hold an oral or written hearing once the interrogatory process outlined in this Order is complete.

Scope of the Proceeding

This application relates only to the location of distribution facilities within certain road allowances. The relevant statutory sections are provided below:

41(1) A transmitter or distributor may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines.

41(9) The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the OEB.

The OEB's jurisdiction in this matter is strictly limited to determining the location of the distribution facilities within the road allowances where there is disagreement. The question for this case is therefore not whether Suncor may locate its distribution facilities within the road allowances, but rather, where specifically within the road allowances the distribution facilities will be located.

The OEB will not consider:

- (a) whether the distribution facilities should be built at all;
- (b) the construction, maintenance or decommissioning of the distribution facilities;
- (c) any potential environmental impacts of the distribution facilities; or
- (d) any aspect of Suncor's generation facilities, including prior, pending or required approvals related to the generation facilities.

I consider it necessary to make provision for the following matters related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. Any further evidence of Suncor and the evidence of the County related to the location of the distribution facilities within the road allowances shall be filed with the OEB and served on all parties by **March 6, 2015**.
2. If the County or OEB staff wish information from Suncor that is in addition to the evidence filed with the OEB and that is relevant to the hearing, they shall request the information by means of written interrogatories filed with the OEB and delivered to all parties by **March 16, 2015**. All interrogatories and responses must include a specific reference to the evidence on which the interrogatory is based.
3. If Suncor or OEB staff wish information that relates to any evidence filed by the County that is in addition to the evidence filed with the OEB and that is relevant to the hearing, it shall request the information by means of written interrogatories filed with the OEB and delivered to all parties by **March 16, 2015**. All interrogatories and responses must include a specific reference to the evidence on which the interrogatory is based.
4. Suncor shall file with the OEB and deliver to the County and OEB staff, a complete response to each of the interrogatories on its evidence by **March 26, 2015**.
5. The County shall file with the OEB and deliver to Suncor and OEB staff, a complete response to each of the interrogatories by **March 26, 2015**.

All filings to the OEB must quote the file number, EB-2014-0355 and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at www.pes.ontarioenergyboard.ca/eservice/. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF

format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Leïla Azaïez at leila.azaiez@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free) Fax: 416-440-7656

DATED at Toronto, February 26, 2015

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

Appendix “A”

Applicant and List of Intervenor

Suncor Energy Products Inc.

OEB File No: EB-2014-0355

February 26, 2015

**Suncor Energy Products Inc.
EB-2014-0355**

APPLICANT & LIST OF INTERVENORS

February 26, 2015

APPLICANT

Rep. and Address for Service

Suncor Energy Products Inc.

Chris Brett

Suncor Energy Products Inc.
P.O. Box 38
112-4th Avenue S. W.
Calgary AB T2P 2V5
Tel: 403-296-7125
Fax: 403-724-3626
chbrett@suncor.com

APPLICANT COUNSEL

Albert Engel

Fogler, Rubinoff LLP
77 King Street West
Suite 3000
P.O. Box 95, TD Centre
Toronto ON M5K 1G8
Tel: 416-864-7602
Fax: 416-941-8852
aengel@foglers.com

INTERVENORS

Rep. and Address for Service

**The Corporation of the
County of Lambton**

David Cribbs

County Solicitor
The Corporation of the County of Lambton
789 Broadway Street
Box 3000
Wyoming ON N0N 1T0
Tel: 519-845-5402
Fax: 519-845-0818
david.cribbs@county-lambton.on.ca