



EB-2013-0442

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.

PROCEDURAL ORDER NO. 4

March 16, 2015

wpd Sumac Ridge Incorporated (Sumac) filed an application dated December 20, 2013 with the Ontario Energy Board (OEB), under subsection 41(9) of the *Electricity Act, 1998*, c.15, Schedule A (the Act) for an order or orders establishing a location of certain distribution facilities to run above a portion of Gray Road and to cross beneath Wild Turkey Road, as described in Exhibit C, Tab 1, Schedule 1 of the application.

Dr. Salmon, an intervenor in this proceeding, has submitted that section 41 of the Act does not apply to the “unopened” and “unassumed” road allowances of Gray Road and Wild Turkey Road. Sumac has submitted detailed arguments to the contrary.

The issue of whether section 41 applies to the road allowances covered by the application is fundamental to determining whether the OEB has jurisdiction to hear this application under subsection 41(9). The OEB will therefore give the parties a further opportunity to file written submissions on the issue of whether the “unopened” or “unassumed” road allowances covered by the application are “public street[s] or highway[s]” as contemplated by section 41 of the Act. The OEB also requests the

parties to submit their views on what portion of the road allowances covered by the application are “unopened” or “unassumed”. Although the City of Kawartha Lakes (Kawartha) has declined to request intervenor status, the OEB invites Kawartha to make submissions on these issues, and will accept Kawartha as an intervenor for the purpose of making these submissions.

THE OEB THEREFORE ORDERS THAT:

1. Dr. Salmon, Kawartha and OEB staff shall file their submissions on the two issues described above and deliver them to the other parties, on or before **April 2, 2015**.
2. If Sumac wishes to respond to any of the submissions, it must file its response and deliver it to the other parties on or before **April 13, 2015**.

All filings to the OEB must quote the file number, EB-2013-0442, be made through the Board’s web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender’s name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the address below.

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.

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, March 16, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary