



**County of Lambton Interrogatories
To
Suncor Energy Products Inc.**

**Application to Determine the Location of
Distribution facilities within Road Allowances
Owned by the County of Lambton**

EB-2014-0355

Submitted: March 26, 2015

Response to Staff Interrogatory #1

- i. The topics of timing, construction, installation, operation, maintenance and future decommissioning were all addressed, to varying degrees, during the various negotiation sessions. These topics are each addressed, again to varying degrees, within the current proposed Road Use Agreement ("RUA").
- ii. Generally, the information received from Suncor is complete, save and except with the glaring omission of reliable answers arising from the proposed burial of collection lines. At time of writing, it remains the case that Suncor is either unwilling or unable to
- iii. County staff and Suncor representatives have arrived at the text of a potential RUA that is currently posted to the County of Lambton's website (www.lambtononline.ca) and subject to a public review period. After the public review is completed, and any possible changes suggested by either the public or elected officials are considered, the document will be put before County Council for its consideration and potential ratification. While the County has declared itself an unwilling host to industrial wind turbines, County staff are prepared to endorse the RUA for approval to County Council on the grounds that it generally provides a degree of operational certainty, and also clarifies roles and expectations of both parties.

For clarity, the County's concern regarding Suncor's failure to address its space and thereby safety requirements for buried electrical infrastructure was not a topic during RUA negotiations, as County staff failed to anticipate that this would ever be a problem. The issue was identified by a member of the public, and since it has been broached, Suncor has never been able to produce a satisfactory answer, which remains the case. The County is only applying reasonable expectations that it also applies, in its role as road authority, to other users of the road allowance, and is not singling Suncor out or applying a different standard to this Applicant.

Response to Staff Interrogatory #2

- i. The County has received copies of the documentation.
- ii. The list of affected road allowances is accurate.

- iii. The general concern comes from the anticipated requirement of County staff, contractors or third parties (generally other utility providers) and their respective future needs for infrastructure maintenance, repair and upgrades.

Suncor of course is not the only potential user of the municipal right-of-way in the affected road allowances identified in the documentation. By way of example, along Suncor's proposed use of Aberarder Line, there are multiple residences currently being served with electricity and water, meaning that there are already at least two other third party occupiers of the road allowance. What makes Suncor unique is its seeming incapacity to identify what will amount to a buffer zone around its proposed infrastructure, so as to avoid potentially fatal future construction activity.

Response to Staff Interrogatory #3

- i. The County does not consider the response at reference (c) to be sufficient, as it remains unclear how accurately Suncor can identify the vertical and horizontal placement of their *in-situ* lines. Further, Suncor still has not identified any safety requirements, including the size of any necessary buffer, for future excavation above or near their proposed infrastructure.

It is common knowledge that the County has plans to expand its highway known as Thomson Line in the near future which will necessarily involve significant construction activities and road widening. Further to this, even regular maintenance of the roadside ditches, which is an annual activity, will require knowledge by the County of buried infrastructure locations and potential setbacks from said infrastructure. Without Suncor's clarification through this design process of what those setbacks are, the County (and therefore also the OEB) has no way to assess the actual impact of the proposed location of this electrical infrastructure within the road allowance.

- ii. Please see our answer to question 3(iv) below.
- iii. The County's position is not that the proposed location for buried infrastructure is necessarily problematic, however lacking answer to our questions (now interrogatories), it is not possible to definitively state whether or not the proposed location is acceptable. As a road authority, the County makes effort to ensure that it provides a safe route for public transportation, and further that those third party utilities, such as Suncor, that wish to utilize the public road allowance for their own purposes do so in such a manner as not to interfere with or monopolize

the public right of way. Ultimately, it is the County's position that neither it nor the OEB should approve any construction that makes it impossible to determine what impacts the proposed infrastructure will have on other users of the road allowance, including the road authority itself.

The County requires Suncor to provide a detailed procedure of operations and limitations for locating their buried infrastructure within the road allowance. This procedure should clearly identify the method Suncor intends to utilize to identify its buried infrastructure when required under Ontario One Call. Specifically, the County would like a better and more detailed answer than "In addition, the collection lines themselves are physical objects that are detected by sensing equipment commonly used in the industry." To truly understand the impacts to the County's road network and other users of the road allowance, the County needs to further understand the accuracy of Suncor's field locations, as well as the personnel, timing and format of the report that would be produced by Suncor upon request. There is no information as to indicate what level of qualification or limitation that users, including the County, will be able to place on said location data. Suncor has been entirely silent on safe operating distances for heavy machinery or hand-digging around their buried electrical infrastructure.

In addition, the County requires procedures for safe excavation where the County or third parties will be required to operate near or in direct conflict with Suncor's proposed buried electrical infrastructure.

- iv. The County does not presume to propose locations for the facilities, as it lacks the requisite technical skill to do so. The County does not have an alternate proposed location for Suncor's distribution facilities. The current design locations were based on assumptions which Suncor needs to verify through answering the interrogatories of both the County and the OEB staff.

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