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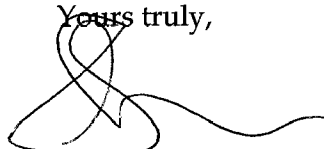
Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Yonge-Eglinton Centre  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto ON  
M4P 1E4

Dear Ms. Walli:

**Re: wpd White Pines Wind Inc. (the "Applicant")  
EB-2013-0339**

Enclosed please find the Applicant's Objection to the Cost Claims of the  
Intervenors with respect to the above-noted matter.

Yours truly,



Ingrid Minott

IM/dl

TORONTO

MONTREAL

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VANCOUVER

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SYDNEY

1           **IN THE MATTER** of the *Ontario Energy Board Act*, 1998, S.O.  
2           1998, c. 15, Schedule B, (the “**OEB Act**”);

3           **AND IN THE MATTER** of an Application by wpd White  
4           Pines Wind Incorporated for an Order or Orders granting  
5           Leave to Construct a new 69 kV transmission line and  
          Associated facilities in Prince Edward County, Ontario.

**APPLICANT’S OBJECTION TO THE COST CLAIMS OF THE INTERVENORS**

6   **INTRODUCTION**

7   wpd White Pines Wind Incorporated (“**wpd White Pines**” or the “**Applicant**”) filed an  
8   application with the Ontario Energy Board (the “**Board**”) on September 18, 2013 under  
9   sections 92 and 96 of the OEB Act (the “**Application**”) for leave to construct electricity  
10   transmission facilities including an underground 69 kV transmission line with a length of 28  
11   km. Pursuant to its Decision and Order in this proceeding dated March 19, 2015 (the “**White**  
12   **Pines Decision and Order**”), the Board granted the Applicant leave to construct the  
13   transmission facilities described in the Application.

14   On March 26, 2015, as directed by the Board in the White Pines Decision and Order, the  
15   Alliance to Protect Prince Edward County (“**APPEC**”), Al S. Warunkiwi and Gordon  
16   Gibbons (each an **Intervenor** and collectively, the “**Intervenors**”) each submitted cost claims  
17   in respect of the proceedings. APPEC submitted a claim of \$16,572.58, inclusive of taxes and  
18   disbursements, for legal/consultant/other fees. Mr. Warunkiwi’s claim consists of  
19   legal/consultant/other fees in the amount of \$2,458.88, inclusive of taxes and  
20   disbursements. Finally, Mr. Gibbon’s claim comprises legal/consultant/other fees of  
21   \$3,792.28, inclusive of taxes and disbursements.

22   These brief submissions are prepared by the Applicant, in accordance with the White Pines  
23   Decision and Order, in response to the cost claims filed by the Intervenors. For the reasons

that follow, the Applicant asserts that the costs claimed for each of APPEC, Mr. Warunkiw and Mr. Gibbons should be reduced by fifty percent (50%).

### **SUBMISSIONS**

#### **The Intervenors' Filing of Irrelevant Interrogatories**

The Applicant submits that a significant portion of the fees claimed by the Intervenors relate to matters that were outside the scope of the Board's jurisdiction in the proceedings. In Procedural Order No. 1 dated March 6, 2014, the Board clearly laid out the scope of its jurisdiction on an application for leave to construct transmission facilities under section 96(2) of the OEB Act. In particular, the Board stated that its jurisdiction was limited to a consideration of: 1) the interests of consumers as it relates to the prices, reliability and quality of electricity services; and 2) the promotion of the use of renewable energy sources.<sup>1</sup> Further, the Board expressly stated that it did not have jurisdiction to address issues relating to the Applicant's wind generation facility itself, nor to environmental issues.<sup>2</sup> Notwithstanding the Board's clear statement of its jurisdiction under section 96(2), the vast majority of the interrogatories filed by each of the Intervenors pursuant to Procedural Order No. 1 were outside the scope of the Board's jurisdiction. In particular,

- Of the 42 interrogatories filed by APPEC, 26 were outside the scope of the Board's jurisdiction;
- Of the 27 interrogatories filed by Mr. Warunkiw, 26 were outside the scope of the Board's jurisdiction; and
- Of 20 interrogatories filed by Mr. Gibbons, 11 were outside the scope of the Board's jurisdiction.

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<sup>1</sup> Procedural Order No. 1 in EB-2013-0339 dated March 6, 2014, pp. 1-2

<sup>2</sup> Procedural Order No. 1, p. 2

1 Similarly, the evidence filed by the Mr. Warunkiw pursuant to Procedural Order No. 2  
2 dated May 9, 2014 contained largely irrelevant information for the purpose of the  
3 proceedings. Specifically, Mr. Warunkiw's evidence consisted of vague and unsupported  
4 material relating to construction vibration, tourist activity interruption and the perceived  
5 health effects of the proposed transmission facility. These are not matters that section 96(2)  
6 of the OEB Act permits the Board to consider on an application for leave to construct.

7 **APPEC's Submissions were Out of Scope**

8 In addition to filing numerous irrelevant interrogatories, in the Application's view, a large  
9 number of the issues raised by APPEC in its final submissions, filed pursuant to Procedural  
10 Order No. 4 dated July 18, 2014, were outside the scope of the proceedings and therefore  
11 support a reduction in the costs claimed by APPEC. In particular, APPEC's submissions  
12 pertaining to the following issues, among others, were outside the scope of the proceedings:

- 13 • Environmental concerns regarding the route of the transmission line and its impact  
14 on the Milford Black Creek Valley Provincially Significant ANSI (see paragraphs 7-  
15 8);
- 16 • Concerns regarding the protection of heritage properties and landmarks, including  
17 Maypul Layn (see paragraphs 15, 22(iii) - (iv), 24-25 and 28);
- 18 • Concerns regarding the lack of geological and hydrological studies (see paragraphs  
19 10(v) - (vi) and 22(i));
- 20 • Concerns about property damage and compensation to property owners (see  
21 paragraphs 24 and 25; and
- 22 • Concerns about the perceived lack of public consultation regarding the transmission  
23 line (see paragraphs 15-28 and 30).

1 The Applicant's submission that the matters identified above were outside the scope of the  
2 Board's jurisdiction is consistent with the Board's finding in the White Pines Decision and  
3 Order, where the Board stated that "the matters raised by APPEC are beyond the scope of  
4 the legislation pertaining to this application."<sup>3</sup> In light of the Board findings, it is the  
5 Applicant's position that the Board should reduce the costs claimed by APPEC to account  
6 for the fact that a considerable amount of time was spent by APPEC to prepare submissions  
7 about matters that APPEC was well aware were outside the scope of the proceedings.

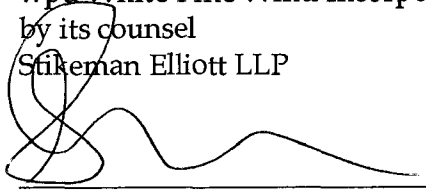
8 **CONCLUSION**

9 In circumstances where the Intervenor raised matters that were outside the scope of the  
10 proceedings, despite being notified at the outset of the Board's limited jurisdiction on an  
11 application for leave to construct transmission facilities pursuant to section 96(2) of the OEB  
12 Act, the Applicant submits that such blatant disregard for the proceedings warrant a  
13 reduction in the amount of costs claimed by each Intervenor. Given that it is impossible to  
14 assess the time spent on relevant matters as compared to the time spent on irrelevant  
15 matters, the Applicant submits that the costs claimed by each Intervenor should be reduced  
16 by fifty percent.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

DATED at Toronto, Ontario, this 2nd day of April, 2015

**wpd White Pine Wind Incorporated**  
by its counsel  
Stikeman Elliott LLP

  
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Patrick Duffy  
Ingrid Minott

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<sup>3</sup> Decision and Order in EB-2013-0339 dated March 19, 2015, p. 7