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Reply To: Thomas Brett  
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Our File No. 134380

**VIA EMAIL, RESS AND COURIER**

Ontario Energy Board  
27th Floor  
2300 Yonge Street  
Toronto, ON  
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Attention: Kirsten Walli,  
Board Secretary

Dear Ms. Walli:

**Re: Board File No. EB-2015-0129 - Reply to Letters of Giorno and Bellavance on  
Suncor's S.18(1) Application**

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I am writing on behalf of Suncor Energy Products Inc. ("Suncor"), in reply to the submissions of Mr. Giorno and Ms. Bellavance dated April 15, 2015 and April 17, 2015, respectively, on Suncor's application for leave to assign its Leave to Construct ("LTC") granted by the Board in EB-2014-0022, on February 22, 2015.

**Giorno Letter**

In Suncor's view, Mr. Giorno's submissions are totally without merit and would serve only to increase the cost to the Board and Suncor, and to introduce needless delay into this application that was filed on March 20, 2015, a month ago.

Suncor does not intend to respond in detail to Mr. Giorno's lengthy submission. However, it would note that:

- Mr. Giorno objects to Suncor's request that the matter be dealt by the Board without a hearing on the basis that no other parties would be affected by the transfer. His concern was that the difference in ownership would make it more difficult for parties to have their concerns addressed. This is not correct. As noted in our application, Suncor will remain responsible for the development and construction of the project, and its personnel will continue to deal with people's concerns.

- Suncor's application is for leave to assign the LTC the transmission facilities under subsection 18(1) of the Act. A similar application, filed by several subsidiaries of NextEra, was approved by the Board in less than six weeks, on May 30, 2014, without a hearing, on the basis that the Board found that NextEra had met the test in subsection 21(4)(b) and "determined that no person other than the applicant will be adversely affected in a material way by the outcome of the proceeding" (EB-2014-0173/EB-2014-0177/EB-2014-0178/EB-2014-0180);
- the precedent cited by Mr. Giorno, EB-2014-0167, does not deal with a section 18(1) application.

#### Bellavance Letter

The Bellavance comments are also without merit. The issues they raise are issues related to general government policy, including the FIT Program, and comments on issues that have been dealt with in the LTC proceeding itself, not to the substance of our application.

Our application notes that:

"The transfer of the assets does not affect the Cedar Point Project or the proposed transmission line for which the Board has granted Leave to Construct. In particular, the transmission line route, the land rights, the project contracts and permits all remain in place, and were accepted by the Partnership on an "as is" basis. Suncor, as transferor, undertook to obtain assignments of all outstanding authorities, approvals, and permits in a timely manner. Suncor continues to be responsible for the development and construction of the Project until its commercial operation date ("COD"), as defined in the Power Purchase Agreement (FIT Contract) with the IESO, and will be the project administrator for the life of the project. After commercial operation is achieved, NextEra will be responsible for the ongoing operations and maintenance of the Project and the transmission line".

In summary, Suncor reiterates the request in its application that the Board decide this application without a hearing.

Yours truly,

**FOGLER, RUBINOFF LLP**



Thomas Brett

TB/dd

cc: All Parties