



**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. 3**

**May 15, 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 (Electricity Act) 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.

In accordance with Procedural Order No.2, a transcribed technical conference was held on April 22, 2015 during which Suncor and the County further clarified the record. On April 27, 2015, Suncor filed its argument-in-chief.

On April 30, 2015, the County sent a letter to the OEB requesting that the OEB defer from making any ruling until after a County Council meeting scheduled for June 3, 2015. In its letter, the County noted that on April 29, 2015 it had "come to terms [with Suncor] on the potential Road Use Agreement" (RUA), and further suggested that "any deal reached between parties is a better basis for future cooperation, collaboration and

interaction, than is an imposed decision from a third party". The County further pledged to inform the OEB and Suncor of the outcome of County Council deliberation no later than June 4, 2015.

On May 4, 2015, the OEB issued a letter suspending the dates for the filing of submissions and reply submissions as set out in Procedural Order No. 2. Suncor was invited to file a response to the County's deferral request.

On May 5, 2015, Suncor filed a response noting it "agrees that if County Committee approves the RUA on May 20, 2015, and County Council subsequently approves of the RUA on June 3, 2015, thereby agreeing to, among other things, the Locations, continuing with this Application will likely no longer be necessary." Suncor further submitted that in the event an agreement is not reached at the upcoming County Council meeting, this will be further proof of disagreement between Suncor and the County in the matter before the OEB. Suncor asked that the OEB resume this proceeding, and asked that a schedule for submissions and reply be reinstated.

The OEB's authority under section 41(9) is to determine what locations distribution facilities will occupy in a road allowance when there is disagreement between an applicant and the municipal owner of the road allowance. The OEB anticipates that granting the County's request will help determine whether a disagreement remains and if so establish the exact points of disagreement to settle the locations of the distribution facilities within the County's road allowances. The OEB considers that establishing whether a disagreement exists is essential to the appropriate disposition of this matter. For these reasons, the OEB grants the County's request to defer the proceeding, and asks that the County inform the OEB of any developments respecting this matter.

The OEB considers it necessary to make provision for the following matters related to this proceeding.

**IT IS THEREFORE ORDERED THAT:**

1. The County and OEB staff shall file any submissions with the OEB, and copy all parties, on or before **June 4, 2015**.
2. Suncor shall file any reply submission with the OEB and copy all parties on or before **June 11, 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 <https://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 <http://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](mailto: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](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free) Fax: 416-440-7656

**DATED** at Toronto, May 15, 2015

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary