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**Commission de l'énergie  
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**BY MAIL**

November 9, 2015

Ms. Elizabeth Bellavance  
On behalf of Santo Giorno  
and WAIT-PW  
c/o WAIT-PW  
P.O. Box 219  
Plympton-Wyoming, Ontario  
NON 1E0

Dear Ms. Bellavance:

**Re: OEB Decision on EB-2015-0129 - Suncor Energy Products Inc. application  
to transfer the leave to construct approval**

We apologize for the delay in responding to your letter dated July 7, 2015 in which you raise some concerns regarding the OEB's procedures for the EB-2015-0129 proceeding.

In February 2015, the OEB granted leave to Suncor Energy Products Inc. (Suncor) to construct 15 kilometers of 115 kilovolt electricity transmission line and associated facilities to connect Suncor's Cedar Point II Wind Energy Project to the provincial electricity grid. This proceeding (EB-2014-0022) was an open and transparent process involving extensive procedural steps including interrogatories, submissions and an oral hearing.

The decision in EB-2015-0129 relates to an application made by Suncor under section 18(1) of the *Ontario Energy Board Act, 1998* (Act) seeking approval of the OEB to transfer the leave to construct to Cedar Point II Limited Partnership (Partnership). In reaching its decision to approve the transfer, the OEB reviewed not only the application but also the letters of comment filed by Mr. Giorno and yourself, both of which opposed Suncor's request for determination of this matter without a public hearing.

In the decision the OEB found that the evidence in the application indicated that the outcome of this proceeding will not affect the existence, location or operation of the transmission facilities, or the generation facility connected to the transmission line. The OEB found that no person will be adversely affected in a material way by the outcome of this application, which merely transfers the authority already granted.

In your letter you raise five points of concern, each of which is addressed below.

1. The Decision and Order makes no reference to the fact the John Pickernell issued letters to both parties seeking to participate stating that a public hearing would occur and that the public relied on this decision in its correspondence.

In the normal course, letters of comment are only filed after a Notice of a proceeding has been issued. By issuing the Notice the OEB is notifying parties that there will be a public hearing. Acknowledgement letters are then sent to those that file letters of comment as an administrative matter.

In this case, your letter of comment was filed without the issuance of a Notice. Sending the standard templated acknowledgement letter was an administrative error.

2. The matter was transferred from the Applications Division to the Industry Operations and Performance Division for unknown reasons.

The application was not transferred from the Applications Division to the Industry Operations and Performance Division. The Applications Division was responsible for the administrative matters related to both this application and the previous leave to construct proceeding.

3. The decision was rendered “by delegation” before Peter Fraser on June 25 2015, with no reasons given for this departure from what we the public understand to be OEB standard operating procedure.

The application was under section 18 of Act. Decisions under this section of the Act have been delegated to an employee of the Board as permitted by section 6 of the Act as follows.

**Delegation of Board’s powers and duties**

6. (1) The Board’s management committee may in writing delegate any power or duty of the Board to an employee of the Board. 2003, c. 3, s. 13.

**No hearing**

(4) An employee of the Board may exercise powers and duties that are delegated under this section without holding a hearing. 2003, c. 3, s. 13.

On that basis, the decision for EB-2015-0129 followed normal operating procedures.

4. Interested members of the public were not invited to participate in the “delegation meeting”.

There is no “delegation meeting”. As set out above, delegation to an employee of the OEB is provided for in the Act and decisions can be made without holding a hearing.

5. The Decision and Order provides no details of the delegation meeting itself – who instigated it, who was present, when it occurred, what documents were exchanged, what arguments were raised, whether the public was represented by Board Staff.

As permitted by section 6 of the Act, the matter was related to a transfer of a previously approved leave to construct and was determined without a hearing.

I hope the above answers your questions and I thank you for bringing these issues to our attention.

Yours truly,

Original Filed By

Lynne Anderson  
Vice President  
Applications