



**Ontario Energy Board  
Commission de l'énergie de l'Ontario**

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**VARY ORDER**

**EB-2016-0046**

**WPD WHITE PINES WIND INCORPORATED**

**Order Varying the Decision and Order issued on March 19, 2015**

**BEFORE: Christine Long**  
Presiding Member

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**March 17, 2016**

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## INTRODUCTION AND SUMMARY

On March 19, 2015, the OEB issued a Decision and Order granting wpd White Pines Wind Incorporated (White Pines) leave to construct certain transmission facilities in Prince Edward County. The purpose of the transmission facilities is to connect a proposed wind farm to the IESO controlled grid. The Decision and Order was issued with certain conditions of approval, including a requirement that White Pines commence construction of the transmission facilities prior to March 19, 2016.

On February 19, 2016, White Pines filed a letter requesting that the OEB extend the construction-commence deadline to March 19, 2017.

On March 1, 2016, the OEB received one letter of comment.

As described in this Vary Order, the OEB approves a six-month extension.

## THE PROCESS

The OEB has decided, pursuant to section 21 (4)(b) of the *Ontario Energy Board Act, 1998* (the Act), to review and vary the Decision and Order, without a hearing. The OEB has determined that no person will be adversely impacted by the outcome of this proceeding. The OEB will not be re-hearing the merits of the case as those have already been decided.

## THE APPLICATION

On March 19, 2015, the OEB granted White Pines leave to construct transmission facilities in Prince Edward County. The Decision and Order provided, in part, as follows:

Pursuant to section 92 of the Act, the OEB grants White Pines leave to construct the Transmission Project in accordance with the OEB's decision in this proceeding. The granting of this leave to construct is conditional on the existence of an executed FIT contract between White Pines and the IESO, the fulfillment of the requirements of the SIA Documents, the fulfillment of the requirements of the CIA, and White Pines commencing construction within 12 months of the date of the OEB's decision. (Emphasis added).

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On February 19, 2016, White Pines requested that an extension of the construction-commence deadline be granted to March 19, 2017. White Pines advised that it had submitted its Renewable Energy Approval (REA) application for the wind farm (which does not fall under OEB jurisdiction) to the Environmental Review Tribunal (ERT) on September 14, 2012 and received REA approval on July 15, 2015. Shortly thereafter, appeals of the REA were filed with the ERT and White Pines expected that the final decision regarding the REA appeals to be issued by February 26, 2016. White Pines submitted that although REA approval is not technical tied to the transmission facilities, it is their belief that it is prudent to commence construction of the transmission facilities after the REA approval process, including appeals, is complete.

## **OEB FINDINGS**

The OEB is aware that the appeal of the REA has been successful. It is possible that this will result in changes to the wind farm, and it is possible that this in turn would require changes to the transmission facilities that were approved by the OEB. The OEB's approval was based on the application that was filed. To the extent that there are significant changes to the project as described in the application which would result in changes to the System Impact Assessment and Customer Impact Assessment and consequently changes to the transmission line, the OEB would have the ability to undertake a review of its decision. There are no such changes at this time.

The OEB is varying the construction-commence deadline by six months. The OEB notes that should White Pines need further time, it will need to apply for a further extension.

## **THE BOARD ORDERS THAT:**

1. The Decision and Order in EB-2013-0339, issued March 19, 2015, is varied such that White Pines' leave to construct is conditional upon White Pines commencing construction within six months of March 19, 2016.

**DATED** at Toronto March 17, 2016

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary