



**EB-2016-0008**

**SP Belle River Wind LP**

**Application for leave to construct transmission facilities  
in the Town of Lakeshore in the County of Essex,  
Ontario**

**PROCEDURAL ORDER NO. 2**

**August 25, 2016**

On January 7, 2016 SP Belle River Wind LP (the Applicant) applied to the Ontario Energy Board (the OEB) under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the Act) for an order or orders granting leave to construct facilities in the Town of Lakeshore in the County of Essex to connect up to a 100 MW renewable wind generation facility known as the Belle River Wind Project to the IESO-controlled grid.

The Applicant's facilities will consist of a 230/34.5 kV substation, 7 km of 230 kV overhead transmission line and a 230 kV switching station (collectively, the Transmission Facilities) at the connection point to Hydro One's transmission system. The Applicant has indicated that only two landowners are impacted.

The OEB issued a Notice of Hearing on February 3, 2016. The Independent Electricity System Operator (IESO) applied for intervenor status on February 18, 2016 and was granted intervenor status in this proceeding.

The OEB issued Procedural Order # 1 on March 24, 2016. Interrogatories from OEB staff were received on April 8, 2016 and the Applicant responses received on April 15, 2016.

On May 19, 2016 the Applicant filed a letter with the OEB indicating that it had decided to change the entire 7 km of transmission line from overhead to underground (Underground Option). The Applicant stated:

- the transmission route as proposed in the application will be unaffected;
- any cost variances will be wholly borne by the Applicant with no impact on ratepayers;
- adjacent landowners to the transmission line route have communicated a preference for the Underground Option;
- no new permits, land use agreements (temporary or permanent), nor amendments or changes to Town nor County road use agreements will be required, since the Underground Option is permitted by such;
- the Applicant's Renewable Energy Approval (REA) decision for the Project expressly permits burying the transmission line underground, and will continue to apply; and
- the Applicant has filed a revised System Impact Assessment (SIA) application with the IESO that reflects the underground option.

Subsequently on July 8, 2016, the Applicant filed an amended application in respect to the Underground Option. The Applicant states the only change to the original application is that the 7 km of transmission line will now be underground.

The Applicant submits that no further public notice is required as a Notice of Hearing was published on or around February 3, 2016 as required by the OEB's Letter of Direction because:

- the Notice of Hearing was not specific as to whether the transmission line was overhead or underground;
- the route of the line has not changed; and
- no members of the public nor those living adjacent or in proximity to the line requested intervention status.<sup>1</sup>

The Applicant's REA permits construction for above ground or underground transmission line.

The Applicant submitted a letter of support for the Underground Option signed by 17 of the 24 landowners whose homes are adjacent to, but not directly affected by, the transmission line. The remaining 7 landowners (7 Landowners) were not available to meet the Applicant because of work (farming) commitments, vacations or other reasons.

On August 19, 2016, the Applicant submitted a letter confirming:

- the form of option agreement and form of lease agreement which have been entered into with the affected landowners contains provisions which address each of the OEB essential considerations for land agreements required in the OEB Filing Requirements for Transmission and Distribution Application Filing

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<sup>1</sup> Refer to letter from Hickey Byrne dated March 21, 2016 indicating non-intervention status.

Requirements [Chapter 4: Applications under Section 92 of the Act](#) (Jul 31-14), Appendix A; and

- a resolution passed on August 10, 2016 by the Council for the County of Essex authorizing the execution of the Road Use Agreement between the County and the Applicant.

All parties are reminded that the OEB's jurisdiction in this proceeding is limited to the consideration of the interests of consumers with respect to prices and the reliability and quality of electricity service, as well as the promotion of the use of renewable energy sources consistent with the policies of the government of Ontario. The OEB therefore has no authority under the law to review, consider or adjudicate upon other issues such as issues related to the SP Belle River Wind Project, the government of Ontario's renewable energy policy or on any matters that might be broadly described as "environmental" in nature.

The list of parties in this proceeding is attached as Appendix A to this procedural order.

It is necessary to make provision for the following matters related to this proceeding.

The OEB may issue further procedural orders from time to time.

#### **THE BOARD ORDERS THAT:**

1. The Applicant shall file with the OEB evidence of the process that it has followed to contact the 7 Landowners that have not signed the letter of support for the Underground Option by August 31, 2016.
2. OEB staff and intervenors shall file final submissions with the OEB that is relevant to the hearing and served on the Applicant on or before September 8, 2016.
3. The Applicant shall file replies to the final submissions of OEB staff and Intervenor and its final submission related to the Application by September 12, 2016.

All filings to the OEB must quote the file number, EB-2016-0008 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, Michael Lesychyn at [Michael.Lesychyn@ontarioenergyboard.ca](mailto:Michael.Lesychyn@ontarioenergyboard.ca).

### **ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
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Toronto ON M4P 1E4  
Attention: Board Secretary

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Tel: 1-888-632-6273 (Toll free)  
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**DATED** at Toronto, August 25, 2016

### **ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**Appendix 'A'**

**To**

**Procedural Order No. 2**

**Belle River Wind**

**EB-2016-0008**

**Applicant and List of Intervenors**

**August 25, 2016**

**Belle River Wind  
EB-2016-0008  
APPLICANT & LIST OF INTERVENORS**

**August 25, 2016**

**APPLICANT**

**Rep. and Address for Service**

**SP Belle River Wind LP**  
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**INTERVENORS**

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System Operator (IESO)**

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