



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

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**VARY ORDER**

**EB-2016-0268**

**WPD WHITE PINES WIND INCORPORATED**

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

**BEFORE: Christine Long**  
Vice Chair and Presiding Member

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**October 20, 2016**

## 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 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 17, 2016, the OEB issued a Vary Order approving a six-month extension. On September 9, 2016, White Pines filed a letter requesting that the OEB extend the construction-commence deadline to June 2017. On September 20, 2016, the OEB issued an Interim Order approving a one-month extension until White Pines filed additional information to support its request.

As described in this Vary Order, the OEB approves an extension to the construction-commence deadline to March 31, 2017.

## 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 original leave to construct application. That decision was determined in the March 19, 2015 Decision of the OEB. This application deals with the request to vary a condition of approval; that being an extension to the construction-commence date.

## 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 System Impact Assessment Documents, the fulfillment of the requirements of the Customer Impact Assessment, and White Pines commencing construction within 12 months of the date of the OEB's decision. (Emphasis added).

On February 19, 2016, White Pines requested that an extension of the construction-commence deadline be granted to March 19, 2017. On March 17, 2016, the OEB approved a six-month extension (EB-2016-0046).

On September 9, 2016, White Pines filed a letter along with its existing Renewal Energy Approval (REA). White Pines requested that the OEB grant an additional six-month extension from the end of 2016 to the construction-commence deadline due to the ongoing appeal of White Pines' REA at the Environmental Review Tribunal (ERT). On September 20, 2016, the OEB issued an interim order providing a one-month extension to the original construction-commence deadline and required that White Pines file the schedule of events anticipated in the ERT hearing process and any additional information to assist the OEB in making its determination on White Pines' request.

On September 22, 2016, White Pines filed supporting documentation containing the schedule in the ongoing ERT proceeding.

On September 29, 2016, the OEB received a letter of comment from Mr. Ray Ford. Mr. Ford noted that the original leave to construction application (EB-2013-0339), and the resulting OEB decision was based on information that is different from that currently being contemplated by White Pines. Mr. Ford noted that White Pine's approved project pursuant to the REA consists of 27 wind turbines as opposed to the 29 turbines as per White Pine's original leave to construct application. Mr. Ford also referred to the System Impact Assessment (SIA)<sup>1</sup>, completed by the Independent Electricity System Operator (IESO) from the EB-2013-0339 proceeding, and suggested that the current REA for 27 turbines application is not the same as the original application, therefore, the OEB should consider a hearing in this matter. Mr. Ford further suggested that the OEB stay its original decision and if White Pines is unable to fulfill the conditions of approval then the OEB can consider a new application at a future date based on an updated SIA prepared for the final REA project.

In response to this letter of comment, White Pines filed correspondence from the IESO confirming that despite the proposed changes to the number of turbines, the SIA is still valid. The IESO also stated that it had confirmed with Hydro One Networks Inc. that no

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<sup>1</sup> System impact assessment reports are completed by the Independent Electricity System Operator (IESO) and assesses whether an applicant's proposed connection with the IESO controlled grid would have an adverse impact on the reliability of the integrated power system and whether the IESO should issue a notice of conditional approval or disapproval of the proposed connection under Chapter 4, section 6 of the Market Rules.

changes needed to be made to the Customer Impact Assessment (CIA)<sup>2</sup> due to the change proposed. White Pines also filed circuit drawings.

On October 19, 2016, Mr. Ford filed an additional letter of comment noting that the circuit drawings submitted by White Pines are in draft form and therefore do not represent the final design of the facilities. Mr. Ford took the position that the material filed by White Pines should not be considered evidence and the OEB should view the material filed by White Pines as an incomplete submission.

## **OEB FINDINGS**

In this motion to vary, the OEB is not re-hearing the Leave to Construct application. The OEB relies on the confirmation from the IESO that the SIA is still valid, even though the original transmission facilities have been reduced from 29 wind turbines to 27 through the REA process. The OEB also notes that White Pines has filed evidence confirming that no change to the CIA is required.

The OEB is making a determination as to whether a condition of the original Leave to Construct decision should be modified. Should the construction-commence date be extended? White Pines relies on the ongoing ERT process with respect to White Pines' REA as the grounds for seeking an extension to the construction-commence date.

The OEB is satisfied that it is reasonable for White Pines to delay the construction-commence date pending the outcome of the ERT process. Based on the material filed by White Pines in respect of the timing of the ERT process, six months is a reasonable extension. The OEB will grant a six-month extension of the construction-commence deadline until March 31, 2017. White Pines has asked for an extension to June 2017. The material provided by White Pines does not address why a nine-month extension is required. Should White Pines require a further extension beyond the March 31, 2017 date, White Pines will be required to seek a further extension from the OEB providing reasons as to why a further extension is required and why construction cannot be commenced in the next six months.

The OEB reminds White Pines that to the extent there are material changes to the transmission facilities that were approved by the OEB in the EB-2013-0339 proceeding which would result in changes to the SIA and CIA and consequently changes to the transmission line, White Pines must advise the OEB on a timely basis.

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<sup>2</sup> Customer impact assessment reports are completed by Hydro One Networks Inc. and is intended to highlight significant impacts, if any, to affected transmission customers early in the project development process and allow an opportunity for these parties to bring forward any concerns that they may have.

**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 by **March 31, 2017**.
2. White Pines shall advise the OEB of any proposed material change in the transmission facilities, including but not limited to changes in: the proposed route, construction schedule or the necessary environmental assessment approvals, including the REA, and all other approvals, permits, licences, certificates and rights required to construct the transmission facilities.

**DATED** at Toronto October 20, 2016

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary