



**EB-2016-0310**

**Henvey Inlet Wind GP Inc.**

**Application for leave to construct transmission facilities  
between Henvey Inlet First Nation Reserve No. 2 and  
Parry Sound, Ontario**

**DECISION AND PROCEDURAL ORDER NO. 2**

**March 20, 2017**

Henvey Inlet Wind GP Inc. (Henvey Inlet GP) on behalf of Henvey Inlet Wind LP (Applicant) filed an application with the Ontario Energy Board (OEB) under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (Act). The Applicant subsequently filed an amended application on November 30, 2016.

The Applicant is seeking an order granting leave to construct approximately 103 kilometers of single circuit overhead 230 kilovolt electricity transmission line and associated facilities to connect a proposed 300 megawatt Henvey Inlet Wind Energy Centre (HIWEC) wind project to an existing Hydro One Networks Inc.'s Parry Sound transmission station. The Applicant has also applied under section 97 of the Act for approval of the form of land use agreements and under section 101 of the Act authorizing the construction of portions of the proposed transmission facilities upon, under or over a highway, utility line or ditch.

The OEB issued a Notice of Hearing on January 11 and January 13, 2017 in two different newspapers. In response to the Notice of Hearing the OEB received two intervenor requests, from Richard and Anne Kaster (the Kastars) and Jeffrey Todd Hull (Mr. Hull).

On January 7, 2017 the Applicant's solicitor filed a letter responding to the intervenor requests indicating that, in the Applicant's view, it would not be appropriate for the OEB to grant intervenor status in either case because the Kastars and Mr. Hull do not appear to have raised any concerns that are relevant to the proceeding and have no interests in land that would be directly affected by the proposed transmission facilities.

The OEB issued Procedural Order (PO) No. 1 on February 16, 2017 in which it denied the requests from the Kastars and Mr. Hull for intervenor status for two reasons. First, neither the Kastars nor Mr. Hull raised issues related to price, reliability or quality of electricity service (these are among the matters to be considered by the OEB in applications of this kind). Second, because the proposed transmission line does not cross over, under or through the property of either the Kastars or Mr. Hull, they are not landowners that will be offered an agreement, the form of which the OEB will review as part of this proceeding. The OEB referenced correspondence from the Applicant's solicitor on February 7, 2017 in its decision on intervenor status.

On March 8, 2017, Mr. Hull, through his solicitor, filed a Notice of Motion (Motion) for an Order requesting that the OEB review PO No. 1 and allow Mr. Hull intervenor status in this proceeding. The grounds for the Motion include a statement that the route of the proposed transmission line crosses over, under or through the property of Mr. Hull, and therefore, he is an affected landowner. The Motion asserts that PO No. 1 is based on an error in fact.

On March 9, 2017, the Kastars filed an e-mail objecting to the denial of intervenor status in PO No. 1 stating:

...the map on page 61 of the application for a leave to construct, clearly indicates that our property is within the boundaries of the proposed transmission corridor. Our property is also shown within the orange section on the map as permanently affected lands.

On March 17, 2017, the OEB received a letter from counsel to the Applicant advising that "Based on recently obtained information and the analysis thereof, [the Applicant] has determined that Mr. Hull is an affected landowner in relation to the proposed transmission facilities...contrary to [the Applicant's] previous assertion that Mr. Hull was not a directly affected landowner. Consequently, Mr. Hull will be offered a land agreement in the standard form that Henvey has used for other affected landowners."

However, while the Applicant acknowledges that Mr. Hull is an affected landowner the Applicant does not agree that Mr. Hull should be granted intervenor status, for the reasons set out in its counsel's letter.

The OEB will address both Mr. Hull's Motion and the objection by the Kastars to the decision in PO No. 1 at this time. Having received the Applicant's acknowledgement that Mr. Hull is an affected landowner, the OEB has determined that it will not require further submissions on the Hull motion. The OEB has reviewed its decision on Intervenor status as it relates to Mr. Hull, and will vary that decision by granting Mr. Hull intervenor status and cost award eligibility.

The OEB will allow the Kastars the opportunity to file additional information in support of their request to be granted intervenor status. The OEB will allow the Applicant to respond to that additional information. The OEB is also requiring the Applicant to file specific information that illustrates clearly the location of the proposed transmission line in relation to the properties owned by Mr. Hull and the Kastars (Property Information), to assist the OEB. Mr. Hull and the Kastars will have the opportunity to comment on the additional Property Information filed by 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, and the form of agreement that the Applicant has offered or will offer to landowners affected by the approved route or location of the transmission line.

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 ONTARIO ENERGY BOARD ORDERS THAT:**

1. Mr. Hull shall request any information and material from the Applicant that is in addition to Applicant's pre-filed evidence with the OEB, and that is relevant to the hearing, by written interrogatories filed with the OEB and served on the Applicant on or before March 27, 2017.

2. The Kastars shall have until March 27, 2017 to file any new information supporting their request that the OEB's decision in PO No. 1 be reviewed and varied to grant them intervenor status in this proceeding.
3. The Applicant shall file with the OEB complete written responses to the Hull interrogatories on or before April 3, 2017, and shall have until April 3, 2017 to respond to information filed by the Kastars.
4. In addition, the OEB requires the Applicant to provide information, such as detailed signed drawings or land surveys, that illustrates clearly the location of the proposed transmission line in relation to the properties owned by Mr. Hull and the Kastars (Property Information). That information is to be filed by the Applicant on or before April 3, 2017.
5. The Kastars shall have until April 10, 2017 to file their reply, if any, to the Applicant's responding material referred to in paragraph 3, above.
6. Mr. Hull and the Kastars shall have until April 10, 2017 to file their comments, if any, on the Property Information filed by the Applicant.

All filings to the OEB must quote the file number, EB-2016-0310 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  
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, March 20, 2017

**ONTARIO ENERGY BOARD**

*Original Signed by*

Kirsten Walli  
Board Secretary

**Appendix 'A'**  
**To**  
**Procedural Order No. 2**  
**Henvey Inlet Wind GP Inc.**  
**EB-2016-0310**

**APPLICANT AND LIST OF PARTIES TO PROCEDURAL ORDER No. 2**

**March 20, 2017**

**APPLICANT**

**Rep. and Address for Service**

**Henvey Inlet Wind GP Inc.**

**Jody Law**  
Henvey Inlet Wind LP  
C/o Pattern Renewable Holdings Canada ULC  
355 Adelaide St. W., Suite 100  
Toronto, Ontario M5V 1S2  
Tel: 416-263-8029  
Fax: 416-979-8428.  
E-mail: [jody.law@patternenergy.com](mailto:jody.law@patternenergy.com)

**Applicant Counsel**

**Jonathan Myers**  
TORYS, LLP  
79 Wellington St. W., 30<sup>th</sup> Floor  
Box 270, TD South Tower  
Toronto, Ontario  
M5K-1N2  
  
Tel: 416-865-7532  
Fax: 416-865-7380  
E-mail: [jmyers@torys.com](mailto:jmyers@torys.com)

**INTERESTED PARTIES**

**Rep. and Address for Service**

**Mr. Jeffrey Todd Hull**

**Emilio Bisceglia**  
Bisceglia & Associates Professional Corporation  
Barristers-at-Law  
7941 Jane Street  
Suite 200  
Concord, Ontario  
L4K-4L6  
Tel: 905-695-5200  
Fax: 905-695-5201  
Email: [ebisceglia@lawtoronto.com](mailto:ebisceglia@lawtoronto.com)

**Richard and Anne Kaster**

