

Ms Kristi Sebalj, Registrar, Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th floor
Toronto M4P 1E4

August 23, 2017

Dear Ms Sibalj,

Re: EB-2016-0268

**Why the Ontario Energy Board (“OEB”) should not accommodate wpd
White Pines Wind Inc.’s (“wpd”) reduced Project of nine turbines**

We are aware of wpd’s letter to you of August 1, 2017 in response to the OEB’s letter to wpd’s counsel of July 31, 2017. Although wpd was unable at that time to “provide a meaningful update,” just one week later, on August 8, 2017, the company sent to the Municipality of Prince Edward a Notice of Commencement of Work with a September 10, 2017 start date and advising that there would be a change from a buried Interconnection Line to above-ground transmission lines with a lower line voltage carried on poles (among other changes).

We are writing to inform the OEB that there are factual and ethical reasons why it is not in the public interest for the OEB to make any accommodations that would permit wpd to realize, at this late point in time, a reduced project (nine of the original twenty-nine turbines) using a different form of transmission line.

1. No public consultation with respect to lines on poles

Wpd held only one public meeting for the interconnection line, and this was on April 29, 2013, with only a draft of the heritage impact assessment (“HIA”) available for the public’s reference. All wpd’s communications with the public about the interconnection line and transmission lines explicitly stated that the lines would be buried (with just two exceptions where the line would run in a conduit along a bridge and a culvert). Wpd actively dissuaded the public from engaging in a consideration of the visual impact of poles at that time and currently has not yet revealed to the public (or presumably the County) the locations of the poles in relation to cultural heritage resources.

- The utter lack of public consultation with respect to above-ground lines is reason enough to withhold approval of wpd’s new proposal.

2. No visual impact analysis of poles

There has never been an analysis of the visual impact of poles on the cultural heritage resources identified within the Project Area (with the single exception of possible poles at a distance from Mount Tabor community centre in the village of Milford). When wpd’s heritage consultant Stantec produced the July 30, 2013 Interconnection Line HIA, it did not know where the poles would be located; therefore, it could not – and did not – assess the visual impact of pole(s) adjacent to a particular heritage building or a cultural heritage landscape. Yet, Regulation 359/06 requires that such an assessment be done of the impact

of this infrastructure on the specific heritage attributes of abutting Ontario Heritage Act-protected properties located along the route. Wpd's Interconnection Line HIA made only the following sweeping statement (emphasis added):

"In general, overhead transmission infrastructure is located within and around the Study Area and new infrastructure, if similar in composition to existing, will not detract from the character of the area. Views of Mount Tabor United Church from Scott's Mill are significant, but would not be obstructed if infrastructure is mounted on the [distant] bridge." (Section 7.1.2, p. 23).

The problem of this generalized approach was compounded when Stantec failed to note a section of the proposed line on Crowes Road that, in fact, has no existing poles, only long rows of trees hugging each side of the rural gravel road, creating a distinctive rural character into which the new infrastructure would intrude.

- The failure of the HIA to address the visual impact of poles on heritage attributes, as required by Regulation 359/09, is another reason to withhold approval of wpd's new proposal.

3. wpd cannot be trusted to act in good faith or in the public interest

Through the Renewable Energy Approval ("REA") process, wpd falsely claimed that the economic viability of its project would be at stake if it removed even one turbine to mitigate identified negative visual impacts caused by three turbines in the original project. Yet, it has continued to pursue the Project as multiple turbines have been removed, first by the Ministry of the Environment and Climate Change ("MOECC") (two turbines for cultural heritage reasons), then by the Environmental Review Tribunal in April 2017 (eighteen turbines for natural heritage reasons). Wpd's recent decision to pursue the Project after losing a total of twenty turbines throws into stark relief its bogus, bad-faith claim about economic viability to the MOECC, the Ministry of Tourism, Culture and Sport ("MTCS") and the public. It is unethical for a company to participate in a public REA process, especially one in which it will financially benefit from a contract that pays high rates from public funds, all the while misleading the government and the public about its financial capacity to execute the project.

- Wpd's self-serving reliance on an obviously false reason for no mitigation, and its bad faith representations to MOECC, MTCS and the public, should not be rewarded at this late stage by OEB approval of a proposed new line.

4. wpd may not have been transparent with the OEB

As Prince Edward County's solicitors observed in their letter to you of August 14, 2017, the County was not aware of wpd informing the OEB of the Notice of Commencement of Work on September 10, 2017. To our knowledge, neither has wpd informed the OEB of the ongoing legal proceeding with respect to our application for a judicial review of the cultural heritage impact assessment process. On August 14, 2017 we served a Notice of Motion for Leave to Appeal the June 29, 2017 decision of the Divisional Court, which if successful, may ultimately result in the removal of all of the remaining nine turbines.

- Transparency should be a bedrock requirement for any OEB approval.

We trust that the above information will assist the OEB in its responses to the wpd White Pines Inc. new proposal.

Sincerely,

Liz Driver and Edwin Rowse



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