



EB-2013-0366

NOTICE OF APPLICATION AND WRITTEN HEARING

**APPLICATION FOR DETERMINATION OF LOCATION OF
DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES OWNED
BY GREY COUNTY**

The Application

East Durham Wind, Inc., ("East Durham") filed an application dated October 15, 2013 with the Board, under subsection 41(9) of the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A, as amended (the "*Electricity Act*") for an order or orders of the Board establishing the location of East Durham's proposed distribution facilities within certain public streets, highways and right-of-ways owned by Grey County (the "County").

East Durham is in the process of developing a 23 megawatt wind farm, called the East Durham Wind Energy Centre ("the Project"), in the Municipality of West Grey in the County. The Project is being developed pursuant to a contract with the Ontario Power Authority under the feed-in-tariff program.

As part of the Project, East Durham is proposing to construct a distribution system that will convey the electricity generated at the wind turbines to the local distribution system for delivery to the IESO-controlled grid.

East Durham's proposed distribution system (the "Distribution System") comprises approximately 28.3 km of underground 34.5 kV lines which will convey electricity from the wind turbines to a transformer substation, from which an overhead 44 kV line will convey the electricity to Hydro One Networks Inc.'s local distribution system. The Distribution System will be constructed on public and private lands.

Pursuant to Sections 41(1) and 41(5) of the *Electricity Act*, East Durham has chosen to locate approximately 4 kilometers of the Distribution System within road allowances owned by the County. The specific segments of the Distribution System are noted in the application at Exhibit B/Tab 6/Schedule 1/Appendix A.

East Durham states that it has not been able to reach an agreement with the County with respect to the location of the Distribution System. Accordingly and pursuant to section 41(9) of the *Electricity Act*, East Durham requests that the Board issue an order determining the location of the Distribution System within road allowances owned by the County. East Durham is also requesting an order of the Board to locate the Distribution System lines approximately 1-3 meters from abutting property lines.

This application is in reference to the location of the Distribution System on public lands within the authority of the County. A map of potentially affected road allowances is appended to this Notice.

The Board has assigned File No. EB-2013-0366 to this application.

Scope Of This Proceeding

The scope of this proceeding is strictly limited to determining the location of the Distribution System within the road allowances owned by the County. The consideration of any other aspect of the Project is not within the Board's jurisdiction.

The Board's power in this proceeding arises from section 41 of the *Electricity Act*. Subsections 41(1), 41(5) and 41(9) read as follows:

41. (1) A transmitter or distributor may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines.

41. (5) The exercise of powers under subsections (1), (2) and (3) does not require the consent of the owner of or any other person having an interest in the street or highway.

41. (9) The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the Board.

How to See the Application

To see a copy of the application, go to the Consumer page of the Board's website and enter the case number EB-2013-0366 in the "Find an Application" box. A copy can also be seen at the Board's office and at the applicant's office at the addresses indicated below, or on the applicant's website www.nexteraenergycanada.ca.

How to Participate

Comment

If you wish to give your opinion on the proceeding to the Board Members hearing the application, you are invited to send a written letter of comment to the Board no later than 30 days after the publication or service date of this notice. A complete copy of your letter of comment, including your name, contact information, and the content of the letter, will be provided to the applicant and the Hearing Panel.

Observe

If you do not wish to actively participate in the proceeding but you do wish to receive documents issued by the Board, you may request observer status. Your written request must be received by the Board no later than 10 days from the publication or service date of this notice.

Personal Information in Letters of Comment and Observer Requests

All letters of comment or letters requesting observer status will be placed on the public record, which means that the letters can be seen at the Board's offices and will be available on the Board's website. Before placing the letters on the public record, the Board will remove any personal (i.e. not business) contact information from the letters (i.e. the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the letter will become part of the public record. Please address your letter to the Board Secretary at the address below, and reference file number EB-2013-0366 at the top of your letter.

Intervene

If you wish to actively participate in the proceeding (e.g., submit questions, file argument), you may request intervenor status from the Board no later than 10 days after the publication or service date of this notice. Instructions for requesting intervenor status are available on the Board's website at www.ontarioenergyboard.ca/participate.

Everything an intervenor files with the Board, including the intervenor's name and contact information, will be placed on the public record, which can be seen at the Board's offices and will be available on the Board's website.

If you do not have internet access, please call 1-877-632-2727 to receive information about this proceeding and how to participate.

How to Contact Us

In responding to this notice, please reference Board file number EB-2013-0366 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

IMPORTANT

IF YOU DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

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The Board

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DATED at Toronto October 25, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX A
LOCATION MAP

BOARD FILE NUMBER EB-2013-0366

October 25, 2013

East Durham Wind Energy Center Project Location

Legend

-  Turbine
-  Distribution Line
-  Proposed Location of Distribution Line Within Road Allowances
-  Proposed Substation

0 0.5 1

 Kilometers


