



EB-2013-0233

NOTICE OF APPLICATION AND HEARING

**APPLICATION FOR DETERMINATION OF LOCATION OF
DISTRIBUTION FACILITIES WITHIN ROAD ALLOWANCES
OWNED BY THE MUNICIPALITY OF WEST GREY**

The Application

East Durham Wind, Inc., ("East Durham") filed an application dated June 14, 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 the Municipality of West Grey (the "Municipality").

East Durham is a wholly owned subsidiary of NextEra Energy Canada, ULC ("NextEra"). East Durham is the corporate entity that will own and operate the generation and distribution assets of the East Durham Wind Energy Centre, a windfarm located in the Municipality of West Grey in Grey County, Ontario.

The East Durham Wind Energy Centre is planned to include up to 16 wind turbines and generate up to 23 megawatts (MW) of electricity. The application states that this windfarm is being developed pursuant to a contract with the Ontario Power Authority under the feed-in-tariff program.

In order to convey the electricity generated from the East Durham Wind Energy Centre to the local distribution system and the IESO-controlled grid, the applicant requires the construction and operation of certain distribution facilities. Distribution facilities include: a transformer substation, approximately 28.3 km of underground 34.5 kV distribution

lines running from the wind turbines to the transformer substation, and an overhead 44 kV distribution line connecting to Hydro One Networks Inc.'s distribution system (collectively "the Distribution System").

The application states that East Durham proposes to locate a portion of its Distribution System, approximately 9.1 km within certain road allowances owned by the Municipality of West Grey.

East Durham has not been able to reach an agreement with the Municipality with respect to the location of a portion of the Distribution System within municipal right-of-ways, and has therefore requested, pursuant to section 41(9) of the *Electricity Act*, that the Board issue an order determining the location of the Distribution System within municipal road allowances.

This application is in reference to the public lands within the authority of the Municipality of West Grey only. A map of potentially affected road allowances is appended to this Notice.

The Board has assigned File No. EB-2013-0233 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 Municipality. The consideration of any aspect of the proposed wind generation facilities 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-2013-0233 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.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

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-2013-0233 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-2013-0233 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

The Board

P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail:
boardsec@ontarioenergyboard.ca
E-filings:
www.pes.ontarioenergyboard.ca/eservice
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

The Applicant

Ms. Nicole Geneau
East Durham Wind Inc.
390 Bay Street, Suite 1720
Toronto ON M5H 2Y2

Tel: 647-789-5650
Fax: 416-364-2533
Email: Nicole.geneau@nee.com

Applicant's Counsel

Mr. Tyson Dyck
Torys LLP
Suite 3000
79 Wellington St. W.
Box 270, TD Centre
Toronto ON M5K 1N2

Tel: 416-865-8136
Fax: 416-865-7380
Email: tdyck@torys.com

DATED at Toronto, July 9, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

MAP OF PROPOSED DISTRIBUTION FACILITIES IN THE MUNICIPALITY OF WEST GREY

