



**EB-2005-0230**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S. O. 1998, c.15, Schedule B;

**AND IN THE MATTER OF** an application by Erie Shores  
Wind Farm Limited Partnership for an Order granting leave  
to construct transmission facilities to connect a wind farm to  
the transmission facilities of Hydro One Network Inc.

**BEFORE:** Gordon Kaiser  
Presiding Member and Vice Chair

Bob Betts  
Member

Paul Vlahos  
Member

## **ORDER**

Erie Shores Wind Farm Limited Partnership (the "Applicant") filed an Application, dated February 18, 2005, with the Ontario Energy Board (the "Board") under section 92(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B, seeking an Order of the Board granting leave to construct electricity transmission facilities. The Application was assigned Board File No. EB-2005-0230.

The Applicant is constructing a wind farm along the north shore of Lake Erie, in the Townships of Bayham, Malahide and Norfolk County (the "Wind Farm"). The purpose of the Application was to obtain leave from the Board to construct electricity transmission facilities that would connect the Wind Farm to the transmission facilities of Hydro One Network Inc. ("Hydro One"). This would involve the construction of:

1. A new transformer station ("Port Burwell TS") to be located north of Port Burwell, Ontario that consists of one 34.5/115 kilovolt ("kV") transformer, a capacitor bank, switchgear, and space for a future additional transformer (the "Port Burwell TS");
2. A 30 km 115 kV transmission line from the Port Burwell TS to Hydro One's WT1T circuit on its Cranberry Junction to Tillsonburg supply line, approximately 1.5 km east of Hydro One's Tillsonburg TS; and
3. A switching station at the connection point with Hydro One's WT1T circuit (the "Tillsonburg Junction").

The Applicant proposed to construct approximately 27 km of the proposed 30 km 115 kV transmission line within the existing Otter Valley utility corridor that runs from the Port Burwell TS to the southern boundary of the Town of Tillsonburg. The Applicant proposed to run the remaining 3 km of the 115 kV transmission line along an active Canadian Pacific Rail corridor and on private lands located just south of the Tillsonburg Junction.

The Board issued a Notice of Application and Written Hearing on March 16, 2005. In the Notice of Application and Written Hearing, the Board indicated that it intended to proceed by way of a written hearing unless a party satisfied the Board that there was a good reason for not proceeding by way of a written hearing. The Applicant served and published the Notice as directed by the Board.

Nine interventions were received including Hydro One, the Independent Electricity System Operator and 7 landowners. Two parties also indicated that they wished to be kept informed. Certain Intervenors requested that the matter proceed by way of oral hearing. The Board considered that an oral hearing would expedite completion of this proceeding and issued Procedural Order No. 1 on May 16, 2005, making provision for interrogatories an oral hearing.

Interrogatories were submitted and a response was received to the

interrogatories, and the hearing took place on June 20, 2005. Appearing at the hearing were the Applicant, Board Counsel, Hydro One, the Independent Electricity System Operator and Mr. Bryan Gilvesy, representing George and Margaret Gilvesy. The Hearing concluded the same day and the Panel rendered its Decision granting the Application for Leave to Construct. The transcript of the hearing is in the public record.

The Board considers it necessary to make provision for the following items related to the Application.

**THE BOARD ORDERS THAT:**

1. Leave to construct electricity transmission facilities is hereby granted to Erie Shores Wind Farm Limited Partnership, subject to the Conditions of Approval attached as Appendix "A" to this order. The facilities consist of: a new transmission station, "Port Burwell TS", consisting of a 34.5/115 kV transformer, a capacitor bank, switchgear, and a space for a future transformer; a 30 km 115 kV transmission line from the Port Burwell transmission station to Hydro One's circuits at Cranberry Junction near Tillsonburg; and a switching station "Tillsonburg Junction", for the purpose of connecting to the Hydro One line.
2. Erie Shores shall pay the Board's costs for these proceedings immediately upon receipt of the Board's invoice.

**ISSUED** at Toronto on June 27, 2005

ONTARIO ENERGY BOARD

*Original signed by*

Peter H. O'Dell  
Assistant Board Secretary

**APPENDIX A**  
**Conditions of Approval**  
**Erie Shores Wind Farm Limited Partnership.**  
**EB-2005-0230**

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**1 General Requirements**

- 1.1 Erie Shores Wind Farm Limited Partnership. (“Erie Shores”) shall construct the facilities and restore the land in accordance with its application, evidence and undertakings, except as modified by this Order and these Conditions of Approval.
- 1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate December 31, 2006, unless construction has commenced prior to that date.
- 1.3 Erie Shores shall advise the Board's designated representative of any proposed material change in the project, including changes in: the proposed route; construction techniques; construction schedule; restoration procedures; or any other impacts of construction. Erie Shores shall not make a material change without prior approval of the Board or its designated representative.

**2 Project and Communications Requirements**

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Licensing and Facilities.
- 2.2 Erie Shores shall designate a person as project engineer and shall provide the name of the individual to the Board's designated representative. The project engineer will be responsible for the fulfillment of the Conditions of Approval on the construction site. Erie Shores shall provide a copy of the Order and Conditions of Approval to the project engineer, within seven days of the Board's Order being issued.
- 2.3 Erie Shores shall give the Board's designated representative ten days written notice in advance of the commencement of construction.
- 2.4 Erie Shores shall furnish the Board's designated representative with all reasonable assistance for ascertaining whether the work is being or has been performed in accordance with the Board's Order.
- 2.5 Erie Shores shall develop as soon as possible and prior to start of construction, a detailed construction plan. The detailed construction plan shall cover all activities and associated outages and also include proposed outage management plans. These plans should be discussed with affected transmission customers before being finalized. Upon completion of the detailed plans, Erie Shores shall provide 5 copies to the Board's designated representative.

- 2.6 Erie Shores shall furnish the Board's designated representative with five copies of written confirmation of the completion of construction. This written confirmation shall be provided within one month of the completion of construction.

### **3 Monitoring and Reporting Requirements**

- 3.1 Both during and after construction, Erie Shores shall monitor the impacts of construction, and shall file five copies of a monitoring report with the Board within fifteen months of the completion of construction. Erie Shores shall attach to the monitoring report a log of all complaints related to construction that have been received. The log shall record the person making the complaint, the times of all complaints received, the substance of each complaint, the actions taken in response, and the reasons underlying such actions.
- 3.2 The monitoring report shall confirm Erie Shores' adherence to Condition 1.1 and shall include a description of the impacts noted during construction and the actions taken or to be taken to prevent or mitigate the long-term effects of the impacts of construction. This report shall describe any outstanding concerns identified during construction and the condition of the rehabilitated land and the effectiveness of the mitigation measures undertaken. The results of the monitoring programs and analysis shall be included and recommendations made as appropriate. Any deficiency in compliance with any of the Conditions of Approval shall be explained.

### **4 System Impact Assessment**

- 4.1 Erie Shores shall implement all the recommendations of the Independent Electricity System Operator ("IESO"), as set out in the System Impact Assessment dated April 20, 2005.

### **5 Customer Impact Assessment**

- 5.1 Erie Shores shall as soon as possible and prior to start of construction, obtain and submit to the Board the final official Customer Impact Assessment, dated June 20, 2005 issued and signed off by Hydro One.

### **6 Easement Agreements**

- 6.1 Erie Shores shall offer the form of agreement approved by the Board to each landowner, as may be required, along the route of the proposed work.
- 6.2 Erie Shores shall obtain all necessary easement rights, authorizations and licences prior to commencement of construction.

### **7 Ontario Energy Board Licences**

- 7.1 Erie Shores shall obtain a Generator licence prior to construction of the transmission facilities. Notwithstanding the foregoing, Erie Shores may commence site preparation prior to obtaining a Generator licence.

## **8 Other Approvals**

- 8.1 Erie Shores shall obtain, prior to commencement of construction, all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project.