

Introduction

The OEB's legislative authority with respect to applications seeking leave to construct electricity transmission lines is set out in sections 92 and 96 of the *Ontario Energy Board Act, 1998* (OEB Act). The OEB also has authority over the form of landowner agreements that have been or will be offered to owners of land associated with the project under section 97 of the OEB Act. The OEB has developed [Filing Requirements For Electricity Transmission Applications](#) (Filing Requirements) to assist applicants when preparing electricity transmission applications filed under section 92.

Section 96 (1) of the OEB Act states that the OEB will grant leave to construct if it is of the opinion that the proposed electricity transmission project is in the public interest. When determining whether the proposed project is in the public interest, section 96 (2) of the OEB Act specifies that the OEB shall only consider the following:

1. The interests of consumers with respect to prices and the reliability and quality of electricity service.

In hearing an application for leave to construct an electricity transmission line, the OEB will only consider matters that fall within its legislative authority. Accordingly, parties to a proceeding are required to limit their participation to areas that fall within the OEB's legislative mandate. For example, environmental issues, or issues related to the government's duty to consult indigenous people, are not in scope of the OEB's review unless there is a direct impact on price and the reliability and quality of electricity service.

The standard Issues List below has been developed based on the above-referenced sections of the OEB Act and the OEB's Filing Requirements. The OEB recognizes that some cases can raise unique issues, and the OEB's process recognizes that in some circumstances, submissions on the issues list may be needed. The OEB anticipates that the standard Issues List will be sufficient for most electricity transmission infrastructure applications. There may be circumstances where certain of these issues do not apply to an application.

Section 92 Leave to Construct Issues List

1.0: Prices: Need for the Project

- 1.1:** Has the applicant demonstrated that the project is needed or would be beneficial in the case of discretionary projects? What factor(s) are driving the need – e.g. new customer demand, increased system capacity requirement, reliability, sustainment, system resilience, etc.?
- 1.2:** Is the project consistent with any relevant power system plan (e.g., regional plan)?

2.0: Prices: Project Alternatives

- 2.1:** Has the applicant demonstrated that the proposed project is the preferred option to address the need, as opposed to implementing a different transmission solution, a distribution solution, a non-wires solution, or some other solution?

3.0: Prices: Project Cost

- 3.1:** Has the applicant provided sufficient information to demonstrate that the estimates of the project cost are reasonable? Are comparable projects selected by the applicant (as required by the filing requirements) sufficient and appropriate proxies for the proposed project?
- 3.2:** Has the applicant adequately identified and described any risks associated with the proposed project? Is the proposed contingency budget appropriate and consistent with these identified risks?
- 3.3:** If the applicant has requested that deferral accounts be established, has the applicant adequately demonstrated that the eligibility criteria of Causation, Materiality, and Prudence have been met?

4.0: Prices: Customer Impacts

- 4.1:** Has the applicant correctly determined the need for and the amount of any capital contributions that are required for the project?
- 4.2:** Are the projected transmission rate impacts that will result from the project reasonable given the need(s) it satisfies and the benefit(s) it provides?

5.0: Reliability and Quality of Electricity Service

- 5.1:** Has the applicant established that the project will maintain or improve reliability?
- 5.2:** Has the applicant provided a final System Impact Assessment (SIA)? Does the final SIA conclude that the project will not have a material adverse impact on the reliability of the integrated power system?

5.3: Has the applicant provided a final Customer Impact Assessment (CIA)?
Does the final CIA conclude that the project will not have an adverse impact on customers, with respect to reliability and quality of electricity service?

6.0: Route Map and Form of Landowner Agreements

6.1: Are any proposed forms of landowner agreements under section 97 of the OEB Act appropriate and consistent with OEB requirements?

6.2: Does the route map provided pursuant to section 94 of the OEB Act show the general location of the proposed project and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed project is to pass.

7.0: Conditions of Approval

7.1: The OEB's standard conditions of approval are attached as Schedule 1. If the OEB approves the proposed project, what additional or revised conditions, if any, are appropriate?

Schedule 1:
Standard Conditions of Approval for Electricity Leave to Construct Applications

1. [The Applicant] shall fulfill any requirements of the SIA and the CIA, and shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the project.
2. Unless otherwise ordered by the OEB, authorization for leave to construct shall terminate 12 months from the date of the Decision and Order, unless construction has commenced prior to that date.
3. [The Applicant] shall advise the OEB of any proposed material change in the project, including but not limited to changes in: the proposed route, construction schedule, necessary environmental assessment approvals, and all other approvals, permits, licences, certificates and rights required to construct the project.
4. [The Applicant] shall submit to the OEB written confirmation of the completion of the project construction. This written confirmation shall be provided within one month of the completion of construction.
5. [The Applicant] shall designate one of their employees as project manager who will be the point of contact for these conditions, and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.