

IN THE MATTER OF sections 70 and 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

REPLY OF NORTHWATCH PHASE I OF PROCEEDING TO DESIGNATE TRANSMITTER FOR EAST-WEST TIE LINE

Northwatch has reviewed the submissions of the parties to this proceeding. Northwatch offers brief points in reply to specific submissions of the parties.

I. EXPERIENCE IN ONTARIO

Northwatch notes a broad divergence in the views expressed by the intervenors and applicants on the importance of the designated transmitter having experience in Ontario. TransCanada Power Transmission (Ontario) L.P. (TPT) states that the applicant's "*demonstrated commitment to investing in the Ontario energy sector*" should be given particular weight.¹ In contrast, AltaLink Ontario, L.P. (AltaLink) suggests that the Board should confirm that "*experience in Ontario will not be favoured over comparable experience in other jurisdictions*".² In general, Northwatch supports commitments to local (i.e. northern) procurement policies. Of equal or greater importance, in Northwatch's view, is a criterion that will be effective in evaluating an applicant's environmental competence, and in particular competency in the subject environmental terrain and conditions. Northwatch submits that Northwatch's proposed criterion of "ability of the applicant to mitigate environmental impacts" (as referred to in Northwatch's filed submission) would encompass this.

¹ TPT Submission at page 7.

² AltaLink Submission at page 7, item (iii).

II. ABORIGINAL AND COMMUNITY PARTNERSHIPS WITH TRANSMITTERS

Northwatch supports Métis Nation of Ontario's (MNO) inclusion of Aboriginal Participation and Aboriginal Consultation as separate sections within the Filing Requirements.³

Northwatch also strongly supports the submission of the Ojibways of Pic River First Nation (PRFN) to the extent that the Board should be guided by the Ministry of Natural Resources process of evaluating plans to develop waterpower sites in Ontario, the goal of which is to:⁴

contribute to the environmental, social and economic well being of the people of Ontario, including Aboriginal communities, through the provision of opportunities for waterpower development and the sustainable development of Ontario's Crown land, while recognizing the Ministry's mission of ecological sustainability.

Northwatch submits that the policy goal of the Ministry of Natural Resources above applies to the same extent to transmission development in northern Ontario, given the need for sustainable development of Ontario's Crown land. Northwatch submits that the policy goal above lends further support to Northwatch's request that the Board include the "ability of the applicant to mitigate environmental impacts" as an additional decision criterion and filing requirement as the environmental impacts posed by waterpower projects are considerably similar to those posed by transmission projects in northern Ontario.

III. EXPERIENCE AS DECISION CRITERION AND PART OF FILING REQUIREMENTS

Northwatch does not agree with Iccon Transmission, Inc.'s submission that applicants should not be required, as part of the filing requirements proposed by Board Staff, to submit detailed information regarding routing, schedule, consultation activities and environmental issues.⁵ Northwatch submits that such information can be generated by the applicants based on their experience as

³ MNO Submission at page 8.

⁴ PRFN Submission at page 7.

⁵ Iccon Transmission, Inc. Submission at page 4 and Iccon's proposed revisions to Board Staff's draft Filing Requirements at Iccon's Appendix A.

transmission proponents and that such information is essential, for the reasons articulated by Northwatch in its filed submissions, in evaluating the applicants for the purpose of designating a transmitter.

To the contrary, Northwatch supports the Power Workers' Union's (PWU) submission that experience of the applicants should be included as a decision criterion and as part of the filing requirements. Northwatch adopts PWU's reasoning as follows:⁶

Experience demonstrates an applicant's proven ability and is an important decision criterion. Filing requirements on experience should include 'relevant' Ontario and Canadian experience. Such relevant experience would imply firsthand familiarity with, and working knowledge of, provincial and federal regulatory requirements, applicable rules and processes, and an understanding of concerns of local landowners, and First Nation and Métis communities. While Appendix A includes filing requirements related to experience, experience as a decision criterion would take into account the significance of experience in the selection of the designated transmitter.

Northwatch recognizes that its proposed additional decision criteria, namely, "ability to mitigate environmental impacts" and "ability to mitigate socio-economic impacts to residents and communities" (as set out in Northwatch's filed submission) relate to the "experience" of the applicants. However, Northwatch submits that these proposed criteria take PWU's proposed criterion of "experience" one step further to specifically address the need to assess the experience of the applicants in mitigating environmental impacts and mitigating socio-economic impacts, respectively. Northwatch submits that such criteria are necessary for achieving a comprehensive evaluation of the applicants. Northwatch requests that the Board include "ability to mitigate environmental impacts", "ability to mitigate socio-economic impacts to residents and communities" and "experience" as decision criteria to achieve the most comprehensive evaluation of the applicants' experience possible.

⁶ PWU Submission at page 5.

IV. ACCOMMODATIONS FOR FUTURE ADD-ONS TO EAST-WEST TIE LINE

Northwatch submits that the applicants should address whether, as part of their development plans, they consider accommodating future facilitation of add-ons to the East-West Tie line (such as under-builds and step-down transformers) as suggested by the Northwestern Ontario Associated Chamber of Commerce and the Northwestern Ontario Municipal Association (NOACC-NOMA).⁷

Northwatch submits that add-ons can be integral to mitigating environmental impacts going forward by removing the need for excess and unnecessary corridor expansion for transmission or distribution lines. Northwatch requests that such an addition be made to the filing requirements.

V. TWO-TIERED ASSESSMENT OF DECISION CRITERIA

Without commenting on the specifics, Northwatch commends to the Board the two-tiered assessment framework presented by PWU:⁸

The first tier would be a pass/fail assessment. An applicant must pass all first tier filing requirement (sic) to satisfy a decision criterion. Where the first tier response gets a pass, there would be a second tier qualitative assessment for which the Board will need to establish weightings.

VI. CULLING OF INTERVENOR INTERROGATORIES

Northwatch shares concerns expressed by PWU⁹ and the Consumers Council of Canada¹⁰ about the proposal that Board Staff edit and combine interrogatories prior to forwarding to the applicants. At the same time, we appreciate that the number of applicants, the number of intervenors, and the range of issues under consideration could generate a very high volume of interrogatories with potential for duplication and repetition.

As an accommodation of both concerns, Northwatch proposes that the Board institute an interrogatory tracking system so that each intervenor may clearly and

⁷ NOACC-NOMA Submission at page 3, section 2.2.

⁸ PWU Submission at pages 8 and 9.

⁹ PWU Submission at page 16.

¹⁰ Consumers Council of Canada Submission at page 9.

efficiently track its own interrogatories and subsequent responses through the process.

All of which is respectfully submitted to the Board.

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