



EB-2017-0182
EB-2017-0194
EB-2017-0364

**Upper Canada Transmission Inc. (on behalf of
NextBridge Infrastructure)
Application for leave to construct an electricity
transmission line between Thunder Bay and Wawa, Ontario**

- and -

**Hydro One Networks Inc.
Application to upgrade existing transmission station facilities
in the Districts of Thunder Bay and Algoma, Ontario**

-and-

**Hydro One Networks Inc.
Application for leave to construct an electricity transmission line
between Thunder Bay and Wawa, Ontario**

PROCEDURAL ORDER NO. 4 on COMBINED HEARING

September 7, 2018

Upper Canada Transmission Inc. (NextBridge) and Hydro One Networks Inc. (Hydro One) filed applications with the Ontario Energy Board (OEB) on July 31, 2017 under section 92 of the *Ontario Energy Board Act, 1998* (OEB Act).

NextBridge's application seeks an order granting leave to construct a new electricity transmission line between Wawa and Thunder Bay (NextBridge-EWT Application).¹ Hydro One's application seeks an order granting leave to construct the facilities necessary to upgrade existing transmission stations associated with the NextBridge project (Hydro One-Station Upgrades Application).²

¹ The NextBridge-EWT Application has been assigned OEB File No. EB-2017-0182.

² The Hydro One-Station Upgrades Application has been assigned OEB File No. EB-2017-0194.

On February 15, 2018, Hydro One filed an application with the OEB seeking leave to construct a transmission line between the same two points as the NextBridge-EWT Application, which it refers to as the Lake Superior Link Project (Hydro One-LSL Application).³

On February 27, 2018, NextBridge filed a motion (NextBridge Motion) with the OEB asking that the Hydro One-LSL Application be dismissed, or in the alternative, not be processed because it is not complete or compliant with OEB Filing Requirements.

On June 4 and 5, 2018, an oral hearing of the NextBridge Motion took place before the OEB and on July 19, 2018, the OEB issued a decision dismissing the NextBridge Motion.

On August 9, 2018, the OEB issued a Notice of Hearing for the Hydro One-LSL Application. Among other things, the Notice set a September 4, 2018 deadline for parties to apply for intervenor status in the Hydro One-LSL Application.

On August 13, 2018, the OEB issued Procedural Order No. 1 on Combined Hearing, through which the OEB:

- combined the NextBridge-EWT Application, the Hydro One-Station Upgrades Application, and the Hydro One-LSL Application
- set out procedural steps for hearing the three Applications as a Combined Hearing
- accepted as intervenors in the Combined Hearing all intervenors in the NextBridge-EWT Application and the Hydro One-Station Upgrades Application, as well as intervenors in the hearing of the NextBridge Motion
- advised that all evidence filed to date in the three Applications forms part of the evidentiary record of the Combined Hearing

On August 27, 2018, the OEB issued Procedural Order No. 2 on Combined Hearing, which sets out further procedural steps related to the Combined Hearing including deadlines for posing written interrogatories to NextBridge.⁴

The OEB has received intervention requests from the following parties:

- David Morellato
- Long Lake #58 First Nation (LLFN)
- East Loon Lake Campers' Association (ELLCA)

³ The Hydro One-LSL Application has been assigned OEB File No. EB-2017-0364.

⁴ Procedural Order No. 3 on Combined Hearing (August 31, 2018) relates only to the OEB's review of NextBridge's development costs for the NextBridge-EWT Application. See that Procedural Order for the schedule of steps related to NextBridge's development costs for the NextBridge-EWT Application.

In his intervention request, David Morellato stated that he is a landowner whose land is on the proposed route. He also expressed concerns with respect to the need and the routing of the project.

LLFN, in its intervenor request, stated that the transmission line proposed by both NextBridge and Hydro One would run through its traditional territory and potentially impact its rights, culture, heritage and way of life. It further stated that LLFN has been contacted by both NextBridge and Hydro One with respect to NextBridge-EWT and Hydro One-LSL Applications and is scheduled to meet with both parties to discuss the projects. LLFN also proposed to provide the OEB with additional evidence regarding LLFN's history, its traditional territory and the relationship between LLFN, NextBridge and Hydro One. LLFN further advised that it will be seeking an award of costs for its participation in this proceeding.

ELLCA, in its intervenor request, stated that it consists of about 50 members from approximate 80 property owners on the east side of Loon Lake and that the ELLCA and its members have interests in land, which are directly impacted by the routing of NextBridge-EWT and Hydro One-LSL Applications near Loon Lake. ELLCA further advised that it will be seeking an award of costs for its participation in this proceeding.

No objections were received regarding the requests for intervenor status.

The OEB approves David Morellato, LLFN and ELLCA as intervenors. The list of parties to the Combined Hearing is attached as Schedule A to this Procedural Order.

The OEB has also determined that LLFN and ELLCA are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order, typically at the end of a proceeding.

Given certain issues raised in intervention requests of two intervenors, the OEB wants to remind parties as to the scope of this proceeding. As stated in the OEB Act, the OEB's mandate in this case is (i) the interests of consumers with respect to prices and the reliability and quality of electricity service, (ii) the promotion of the use of renewable energy sources in a manner consistent with the policies of the Government of Ontario, and (iii) the forms of agreement offered by the applicants to landowners affected by the route or location of the transmission line and station facilities. Moreover, given that the expansion or reinforcement of the electricity transmission network in the area between Wawa and Thunder Bay was declared by Order-in-Council 326/2016 to be needed as a priority project under section 96.1 of the OEB Act, the OEB is required to accept that the construction of the transmission line is needed when it considers the three issues listed

above. This proceeding does not include a review of environmental concerns or aesthetics (raised in the request of ELLCA) or potential alternate transmission lines to Manitoba (raised in the request of Mr. Morellato).

Given that it did not already file evidence as part of the NextBridge Motion, the OEB will also permit LLFN to file evidence that is relevant to issues that the OEB must decide in the Combined Hearing. Should any parties have questions regarding LLFN's evidence, the OEB will arrange for this evidence to be tested by means of a technical conference on a date and in a format to be determined.

The OEB will provide all parties with its hearing plan including the evidence on which it requires oral testimony closer to the hearing date.

The OEB reminds parties that the procedural steps set by Procedural Orders No. 1 and 2 on Combined Hearing remain in place, including the September 12, 2018 deadline for Mr. Morellato, LLFN and ELLCA to pose written interrogatories to Hydro One and NextBridge.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. David Morellato, Long Lake #58 First Nation and East Loon Lake Campers' Association are granted intervenor status in the Combined Hearing. The parties to the Combined Hearing are listed in Schedule A.
2. Long Lake #58 First Nation may file with the OEB intervenor evidence relevant to issues that the OEB must decide in the Combined Hearing and serve it on all parties by **September 14, 2018**.
3. Any party who has questions on the evidence filed by Long Lake #58 First Nation must write to the OEB by **September 18, 2018** requesting that the OEB schedule a technical conference on that evidence.

All filings to the OEB must quote the file numbers **EB-2017-0182/EB-2017-0194/EB-2017-0364**, be made in searchable /unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

<http://www.oeb.ca/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

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DATED at Toronto, September 7, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A

Procedural Order No. 4

Applicant and Intervenor Lists

EB-2017-0182

EB-2017-0194

EB-2017-0364

**Upper Canada Transmission Inc.
Hydro One Networks Inc.
EB-2017-0182, EB-2017-0194, EB-2017-0364
APPLICANT & LIST OF INTERVENORS**

September 07, 2018

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