



EB-2009-0104

IN THE MATTER OF section 99(1) of the *Ontario Energy Board Act 1998*, S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF an application by Hydro One Networks Inc. for authority to expropriate interest in certain lands for the purpose of constructing transmission facilities in the Woodstock area.

PROCEDURAL ORDER NO. 1

Hydro One Networks Inc. ("Hydro One") has filed an application (dated April 2, 2009 and revised April 17, 2009) with the Ontario Energy Board (the "Board") under section 99 of the Ontario Energy Board Act 1998, S.O. 1998, c. 15 (Schedule B) (the "Act") for authority to expropriate lands for the purpose of constructing electricity transmission facilities in the Woodstock area. The proposed transmission facilities consist of approximately 14 kilometers of double circuit, 230 kilovolt ("kV") transmission line and a new 230-115 kV transformer station referred to as Karn Transformer Station (collectively, the "Project").

On April 23, 2009, the Board issued a Notice of Application for this proceeding. Hydro One served the Notice on all parties identified as having an interest in the lands directly affected by the expropriation application, as directed by the Board.

I-ON-X Acres Inc., the owner of one of the properties that is the subject of the expropriation application has been granted intervenor status in this proceeding, as indicated in Appendix A to this Order. In its letter of intervention, I-ON-X Acres Inc. requested an oral hearing for this proceeding.

Scope of the Expropriation Proceeding

The Board derives its authority to deal with matters of expropriation under section 99 of the *Act*. Sub-section 99 (5) provides that if after the hearing, the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. As indicated in the Notice of Application, the Board does not have the authority to determine the amount of compensation payable. Compensation amounts are determined through a separate process under the *Expropriations Act*.

It should be noted that the need for the Project and the routing and siting of the Project were expressly addressed as part of the Board's Leave to Construct process (EB-2007-0027). The environmental and health impacts of the Project were addressed under the appropriate environmental assessment processes which are outside of the Board's purview. None of these issues are therefore in scope for the present expropriation proceeding and as such, they will not be considered.

Intervenors should therefore be aware that regardless of their cost eligibility status, cost claims for evidence, interrogatories, argument or other submissions made with respect to issues of compensation, the routing or siting of the Project, the environmental or health impacts of the Project or any other factors outside the scope of this proceeding will not be eligible for recovery under the Board's Practice Direction on Cost Awards.

The Board has decided to proceed with this case by way of an oral hearing.

The Board considers it necessary to make provision for the following procedural matters. Please be aware that further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Intervenors and Board staff who wish information from Hydro One that is in addition to the evidence filed with the Board, and that is relevant to and within the scope of the hearing, shall request it by written interrogatories filed with the Board and delivered to Hydro One and the other intervenors on or before **Friday, June 12, 2009**.

2. Hydro One shall file with the Board complete responses to the interrogatories and deliver them to the Intervenor on or before **Monday, June 22, 2009**.
3. Intervenor who wish to present evidence shall file that evidence with the Board, with a copy to all other parties, on or before **Monday, June 29, 2009**.
4. The Board will hold an oral hearing at 2300 Yonge Street, Toronto on the 25th floor in the West Hearing Room on **Monday, July 6, 2009** at 9:30 a.m.

All filings to the Board must quote file number EB-2009-0104, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca. Filings must clearly state the sender's name, postal address and telephone number and, if available, a fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found on the "e-Filing Services" webpage of the Board's website at www.oeb.gov.on.ca. If the web portal is not available you may email your document to BoardSec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format. Those who cannot provide an electronic version of their filing are required to file 7 paper copies.

All filings should be directed to the attention of the Board Secretary, and be received no later than **4:45 p.m.** on the required date. Parties must also include the Case Manager, Robert Caputo at robert.caputo@oeb.gov.on.ca and Board Counsel, Kristi Sebalj at kristi.sebalj@oeb.gov.on.ca on all electronic correspondence related to this case.

DATED at Toronto, June 3, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX "A"

TO PROCEDURAL ORDER NO. 1

BOARD FILE NO. EB-2009-0104

DATED: June 3, 2009

INTERVENTION LIST

HYDRO ONE NETWORKS INC.
Authority to Expropriate Interest in Certain Lands
Leave to Construct
EB-2009-0104

June 3, 2009

Applicant

Hydro One Networks Inc.

Rep. And Address for Service

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Intervenors

1. **X-ON-X Acres Inc.**

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