



EB-2007-0051

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

AND IN THE MATTER OF an Application by Hydro One Networks Inc., pursuant to section 98 of the OEB Act, for an Interim Order granting entry onto land in connection with the Applicant’s request for leave to construct a new transmission line between the Bruce Power Facility and the Milton Switching Station.

AND IN THE MATTER OF an award of costs pursuant to section 30 of the OEB Act.

BEFORE: Pamela Nowina
Vice Chair and Presiding Member

Cynthia Chaplin
Member

Bill Rupert
Member

PARTIAL DECISION AND COST ORDER

The Proceeding

Hydro One Networks Inc. (Hydro One) filed an application with the Ontario Energy Board on March 30, 2007 for approval to access land in connection with Hydro One’s application to construct a new transmission line between the Bruce Power Facility and the Milton Switching Station. This Access to Land Application was given Board File No. EB-2007-0051.

A large number of landowners were registered as participants in the proceeding. Most of the landowner-participants were represented by counsel as follows: Powerline Connections group of about 150 landowners represented by Borden Ladner Gervais LLP; about 30 landowners represented by Fallis, Fallis & McMillan; three landowners represented by Kevin W. McMeeken; and nine landowners represented by the Ross Firm Group. Approximately 25 landowners were registered as individual participants.

The oral hearing took place on Monday, July 30, 2007 and on Tuesday, July 31, 2007 at Best Western Hotel and Suites in Orangeville, Ontario.

On August 20, 2007 the Board issued its Decision and Order approving the Hydro One's application subject to certain conditions. In the Decision and Order the Board directed eligible intervenors wishing to seek cost awards to file their cost submissions in accordance with the *Practice Direction on Cost Awards* with the Board Secretary and with Hydro One within 15 days of the date of the Decision and Order. Hydro One was permitted to make submissions regarding the cost claims within 30 days of the Decision and Order and any affected party could reply within 45 days of the Decision and Order.

On October 17, 2007 the Board issued its Partial Decision and Cost Order ("October 17th Decision") by which it approved cost claims by Ross Group, Fallis Group, Wellenreiter and Energy Probe.

In October 17th Decision the Board stated its understanding that Powerline Connections Group, represented by Frank Sperduti of Borden Ladner Gervais LLP still intended to file a costs claim and the Powerline Connections claim would be dealt with when filed.

Cost Award Claims and Submissions

On October 23, 2007, Mr. Frank Sperduti filed a cost claim with respect to the access to land hearing on behalf of his client Powerline Connections, a party eligible to apply for a cost award. On October 24, 2007, Mr. Sperduti amended the cost claim by submitting dockets for disbursements. Hydro One was copied on both costs submissions.

Powerline Connections claimed \$1,457.15 for disbursements and \$18,030.00 for legal fees totaling in \$ 19,487.15 and with 6% GST being a total cost claim of **\$ 20,656.38**.

On October 31, 2007, the Board set, by a way of letter, the timeline for submissions on this matter. Hydro One was given an opportunity to make submissions regarding the cost claim by Powerline Connections by Monday, November 5, 2007 and Powerline Connections was to reply by Friday, November 9, 2007.

Hydro One did not file any comments regarding the Powerline Connections cost claim.

Board Findings

The Board finds that the Powerline Connections is entitled to 100% of their reasonably incurred costs of participating in the proceeding.

The Board notes that Hydro One did not comment on this claim.

The Board directs Hydro One to pay the cost award upon receipt of the Board's Cost Order.

THE BOARD THEREFORE ORDERS THAT, pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall immediately pay:

- Powerline Connections Group represented by the Borden Ladner Gervais LLP sum of **\$ 20,656.38.**

DATED at Toronto, January 31, 2008

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary