

**FALLIS
FALLIS &
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BARRISTERS, SOLICITORS & NOTARIES

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MAY - 7 2007

195 LAMBTON STREET EAST
DURHAM, ONTARIO
CANADA, N0G 1R0

ONTARIO ENERGY BOARD

May 3, 2007

VIA REGISTERED MAIL

VIA FAX: 1-416-440-7656

Ontario Energy Board

P.O. Box 2319

2300 Young Street

TORONTO, ON, M4P 1E4

Attention: Ms. Kirsten Walli - Board Secretary

-and-

Hydro One Networks Inc.

8th Floor, South Tower

433 Bay Street

TORONTO, Ontario.

M5G 2P5

Attention: Mr. Glen MacDonald - Senior Advisor

VIA FAX: 1-416-345-5866

EB-2007-0050

OEB BOARD SECRETARY	
File No:	Sub File 4
Panel	PN, CC, BR
Licensing	NH, ZC, KS, DR
Other	RC, N McKay
00/04	AB

Dear Sir & Madam:

Re: LETTER OF INTERVENTION

Please find enclosed, at this time, the Letter of Intervention which is served upon you by the following

**INTERVENERS: ORLAND MAGWOOD
GLORIA MAGWOOD
1063755 ONTARIO LTD.
JAMES MAGWOOD, IN TRUST,
ANDREW MAGWOOD, IN TRUST**

An original copy is being sent to you by Registered mail today to which is attached an 8 1/2 x 14 coloured photo-map showing the locations of the three (3) transmission lines,

230 KV existing, 500 KV existing, and 500 KV proposed.

Please acknowledge receipt by return fax or e-mail.

Yours truly,

FALLIS FALLIS & McMILLAN



Peter T. Fallis

PTF:mh
Encls.

\\Peter1\storage (d)\A.COMMERCIAL\07 COM\HYDRO ONE TRANSMISSION LINES 07\LETTER of INTERVENTION to Ont Energy Bd. & Hydro One Networks (03May07).wpd

ONTARIO ENERGY BOARD

IN THE MATTER OF *THE ONTARIO ENERGY BOARD ACT*,
1998

And in the matter of an APPLICATION BY HYDRO ONE NETWORKS INC. for an Order or Orders granting leave to construct a new 500 kV transmission line in southwestern Ontario and the Greater Toronto Area, from the Bruce Power Complex on Lake Huron to the town of Milton (the "Bruce to Milton Transmission Reinforcement Project" or the "Project").

DATE: MAY 2ND, 2007

by the following

INTERVENERS: **ORLAND MAGWOOD**
GLORIA MAGWOOD
1063755 ONTARIO LTD.
JAMES MAGWOOD, IN TRUST,
ANDREW MAGWOOD, IN TRUST

LETTER OF INTERVENTION

This Letter of Intervention is made in the above proceedings for reasons including the following:

1. The Intervenors own the following lands, (the "Lands"):

ORLAND MAGWOOD

Part of Lot 11 & 12, Concession 2, N.D.R., Municipality of West Grey (Bentinck), County of Grey

GLORIA MAGWOOD

Part of Lot 11 & 12, Concession 2, N.D.R., Municipality of West Grey (Bentinck), County of Grey

1063755 ONTARIO LTD.

Lots 14 & 15, Concession 2, N.D.R., Municipality of West Grey (Bentinck), County of Grey

JAMES MAGWOOD, IN TRUST,

*Part of Lot 13, Concession 2, N.D.R., Municipality of West Grey (Bentinck),
County of Grey*

ANDREW MAGWOOD, IN TRUST

*Part of Lot 16 & 17, Concession 2, N.D.R., Municipality of West Grey
(Bentinck), County of Grey*

2. All of the Interveners operate a farming business on all of the Lands describe in Clause 1 above
3. The proposed 500 KV of the Project line will cross over all of the Lands described in Clause 1 above.
4. All of the Lands described in Clause 1 above have had systematic drainage systems installed within all of these Lands at great financial expense.
5. The Project establishment of additional 500KV transmission towers on these Lands will ruin the systematic drainage system as presently installed.
6. Certain of the Interveners experienced a total destruction of the systematic drainage system on *Part lots 11 and 12, Concession 2, N.D.R., Municipality of West Grey (Bentinck), County of Grey*, ("Property"), in the early years following expropriation through the above Property and the construction in the late 1970's of the existing 500KV line through the above Property which required the entire replacement of the previously installed systematic drainage system therein at a cost in excess of \$75,000 without any subsequent compensation from Ontario Hydro.
7. During settlement negotiations with Ontario Hydro in the late 1970's, a then Officer of Ontario Hydro, Mr. Gordon Laschinger, made a verbal promise to Mr. Orland Magwood as the Owner of the Property being expropriated, and which promise was a major concession made by Ontario Hydro, upon which Mr. Magwood relied before accepting the settlement offer of Ontario Hydro, that at no time in the future would there ever be another construction of a major Hydro Transmission line across his lands, namely *Part lots 11 and 12, Concession 2, N.D.R., Municipality of West Grey (Bentinck), County of Grey*.
8. Mr. Laschinger indicated that Ontario Hydro would never build a third major hydro transmission line in the future, that would detour into Hanover, but any such future line, if so constructed would be a straight line construction to the north of County Road 28 and

Concession 2-3 , to a point east of the present quarrying operations within Lot 28, Concession 2 N.D.R. of Bentinck Township, (now the Municipality of West Grey).

9. Mr. Gordon Laschinger admitted to the Intervener, Orland Magwood, that there was never any need by Ontario Hydro to detour the original 500KV line constructed in the late 1970's to parallel the pre-existing 230KV line constructed in the early 1960's which was detoured into Hanover to a sub-transformer station at the north limits of Hanover in order to discharge some of the electrical power for distribution from that Hanover sub-station, which it still continues to do.
10. The original 500KV line, as constructed in the late 1970's, was never intended to discharge any power at Hanover, and was built with the expressed intention that all power produced at the Bruce Nuclear Facility of Ontario Hydro would be delivered to Milton, less any electrical losses that would otherwise naturally occurred in that distance.
11. These Interveners request the Ontario Energy Board make an Order to require the Applicant to bring an amended application before the Board with a proposal to construct the proposed 500KV line of the Project in a continuous straight line from opposite the point of the "Corner Tower" constructed on the existing 500KV line within the 6th Concession of Brant Township (now the Municipality of Brockton), in the County of Bruce, direct south-easterly in a straight line to a location opposite the "Corner Tower" constructed on the 500KV line within Lot 28, Concession 2 N.D.R. of former Bentinck Township, (now the Municipality of West Grey), in the County of Grey, (the "Two Point Corridor")
12. There are numerous economic reasons why such change to a straight line transmission route, between the Two Point Corridor, as proposed by the Interveners, should be required :
 - a. There will a shorter construction distance of the straight line transmission route between the Two Point Corridor rather than the longer, additional, combined distance of the other two sides of the proposed deviation detour into the Town of Hanover, resulting in a substantial costs saving to the Applicant.
 - b. It is obvious from the limited sketch material provided with the Notice, that the "Dotted Line" locational markings of the 500 KV Line on the sketch, as prepared by the Applicant, have driven the Application without any specific regard for ground construction efficiencies and cost savings that the Applicant may otherwise achieve for the benefit of the electrical consumers of the Province of Ontario.
 - c. The Applicant will also save the substantial additional cost of constructing three (3) 'Corner Towers' which are far more costly than straight line towers
 - d. The proposed straight line transmission route within the Two Point Corridor, as proposed by the Interveners, would continue across interior rural lands with only small impact on residential development below or near that straight line routing, rather than much greater impact on residential, agricultural and commercial

development of the Applicant's proposed detoured route. If Ordered by the Board there will be a substantial savings achieved by the Applicant for the benefit of the electrical consumers of the Province of Ontario

- e. The relocation of the proposed 500 KV Line by the Applicant to the straight line transmission route within the Two Point Corridor, as proposed by the Interveners, would effectively move the proposed 500 KV line within the Two Point Corridor about 1 kilometre to the north along Bruce County Road 10, and would have less impact upon the need for growth for the future within the existing Town of Hanover, for the remainder of the 21st Century.
- f. There are fewer residential, agricultural and commercial properties affected by the proposed straight line transmission route within the Two Point Corridor rather than a deviation detour of the Applicant's proposed route into the Town of Hanover. That proposed deviation, detoured routing as now proposed by the Applicant will cause one commercial premises, up to 4 residential homes, and one barn and shed to be removed.
- g. Senior Project Manager of the Applicant, Mr. Vic Girard, and Assistant Project Manager, Mr. Larry Fawcett, of the Applicant, and who represented the Applicant in attendance at the information meeting conducted by the Applicant at Hanover, on May 1st, 2007, each admitted that "there is no 'electrical reason' why the transmission line has to come to Hanover at all". *As the first 500 KV line was so constructed to deviate into Hanover without the existence of any electrical reason for doing so, how many times must the mistake be replicated before the mistake is corrected ?*
- h. In the potential event of the future construction of a Fourth major power transmission line should there be increased production capacity generated at the Bruce Nuclear Facility in years to come the routing should remain away from the urban centre of Hanover rather than closer to
- g. Such other additional reasons and materials as the Interveners may submit and this Board may allow.

In summary the Interveners submit that the electrical consumers of Ontario should not have to foot the very substantial additional acquisition, construction and expropriation costs for a additional line length construction that could exceed an additional 15 % length increase through the detoured distance with the substantial added costs of 3 Corner Towers, when the straight line transmission route within the Two Point Corridor will cost the Applicant much less monies to construct, for the benefit of the electrical consumers of Ontario, particularly when the Applicant admits that "there is no electrical reason why the transmission line has to come to Hanover at all"

- A. The Interveners require an oral hearing for the following reasons;
- I) They wish to present planning evidence to be given by experts
 - ii) They wish to summon witnesses who reside in the vicinity to allow the Board to evaluate and measure the impacts.
 - iii) They wish the opportunity to cross examine witnesses for the Applicant as to the construction and acquisition costs of the proposed route of the Applicant, and the costs of acquisition and construction costs within the within Two Point Corridor , and the cost savings and additional costs incurred with each proposed transmission route,.
 - vi) They wish to present engineering evidence to demonstrate the cost savings to be achieved by their proposed straight line transmission route within Two Point Corridor , to be given by experts
- B. The Interveners seek recovery from the Applicant of their full legal and professional costs incurred and recoupment of all other expenses incurred in the conduct of this Intervention.
- C. As land owners effected by the proposed taking and construction under the Project, they claim entitlement to the recovery of all of their incurred costs and expenses, regardless of outcome.

DATED AT Durham, this 3rd day of May, 2007

FALLIS, FALLIS & McMILLAN

Barristers & Solicitors
195 Lambton Street East
DURHAM, Ontario
N0G 1R0

Peter T. Fallis, LSUC # 12371W

Phone: 1-519-369-2515

Fax: 1-519-369-2522

Solicitors for the Interveners

ORLAND MAGWOOD

GLORIA MAGWOOD

1063755 ONTARIO LTD.

JAMES MAGWOOD, IN TRUST,

ANDREW MAGWOOD, IN TRUST

TO: **ONTARIO ENERGY BOARD**
P.O. Box 2319
2300 Yonge Street
Toronto, ON, M4P 1E4

Attention: Ms. Kirsten Walli, - Board Secretary

AND TO: **HYDRO ONE NETWORKS INC.** ("Hydro One") - "Applicant"
8th Floor, South Tower
483 Bay Street
Toronto, ON, M 5G 2P5

Attention: Glen MacDonald - Senior Advisor

"CORMER TOWER"
6th con. (BRANT) BROCKTON



HYDRO ONE
TRANSFORMER
STATION

TOWN OF
HANOVER