

# FALLIS FALLIS & McMILLAN

BARRISTERS, SOLICITORS &amp; NOTARIES

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DURHAM, ONTARIO  
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May 8th, 2007

VIA FAX: 1-416-440-7656 (ONLY)

**Ontario Energy Board**

P.O. Box 2319

2300 Young Street

TORONTO, ON, M4P 1E4

Attention: Ms. Kirsten Walli - Board Secretary

-and-

VIA FAX: 1-416-345-5866 (ONLY)

**Hydro One Networks Inc.**8<sup>th</sup> Floor, South Tower

433 Bay Street

TORONTO, Ontario.

M5G 2P5

Attention: Mr. Glen MacDonald - Senior Advisor

Dear Sir &amp; Madam:

**Re: LETTER OF INTERVENTION****Re: OEB FILE NO. EB-2007-0050**

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

**DAVID JOHN MILNE**  
**MARY JOAN MILNE**

Please acknowledge receipt by return fax or e-mail.

OEB BOARD SECRETARY	
File No:	Sub File:
Panel	
Licensing	
Other	
00/04	

Ontario Energy Board &  
Hydro One Networks Inc.

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May 8<sup>TH</sup> 2007

Yours truly,

FALLIS FALLIS & MCMILLAN



Peter T. Fallis

PTF:  
Encls.

\\Peter\\storage (d)\\A\\COMMERCIAL\\07 COM\\HYDRO ONE TRANSMISSION LINES 07\\MOUNTAIN LANDS\\LETTER to OEB and Hydro One Networks Inc.wpd

File: EB-2007-0050

## 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 8<sup>th</sup>, 2007

by the following  
INTERVENERS:

DAVID JOHN MILNE  
MARY JOAN MILNE

## LETTER OF INTERVENTION

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

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

DAVID JOHN MILNE

- *Part of Lot 6, Concession 3, Municipality of West Grey, (Former Township of Normanby), County of Grey*

MARY JOAN MILNE

- *Part of Lot 6, Concession 3, Municipality of West Grey, (Former Township of Normanby), County of Grey*

2. All of the Interveners reside upon and/or carry on farming operations on all of the Lands describe in Clause 1 above.

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3. The proposed 500 KV transmission line of the Project will cross over all of the Lands described in Clause 1 above,").
4. The Notice of Application, as given by the Ontario Energy Board, (the "Board"), to which was attached the Application by Hydro One Networks Inc., (the "Applicant"), fails to provide sufficient locational information to allow any one of these Interveners, to properly inform himself/herself of the intended location of the proposed transmission towers, the proposed transmission lines and associated set backs within the Project Corridor, in order to properly comprehend and fully understand the ground location of the intended taking by the Applicant for the Project.
5. The additional material, as set out in Clause '7' below, first ought to have been provided to each effected land owner within the Project Corridor by the Applicant, and so insisted upon by the Board, as a condition precedent to the service of such Notice of Application of the Board, upon the Interveners, before these proceedings should be allowed to continue.
6. The Interveners now request that Board make an Order to stay the proceedings until such time as the following materials, as set out in Clause '7' below, are first provided by the Applicant to each effected land owner within the Project Corridor Route selected by the Applicant.
7. The Interveners submit that the Board has acted in a precipitous and unlawful manner, and contrary to the rules of natural justice, by requiring each of the Intervener parties and all owners within the Project Corridor Route as selected by the Applicant, to make an informed decision as to whether or not to intervene in these proceedings before the Board, in the absence of being first provided by Board and/or the Applicant with the following necessary information which would be needed by any such Intervener Party, namely:
  - a. A photo-base map of a sufficiently enlarged scale to allow each of the Interveners to fully understand and comprehend the intended location of the outside limits on the ground of the intended Project Corridor Route selected by the Applicant, and, also showing the location of the entire land holdings of each Intervener and the location of the adjacent 500KV and 230KV transmission lines and the outside limits of the existing easement holdings.
  - b. A copy of the scaled particulars of estimated distances of any buildings or other constructed improvements for any of the lands of any one of the Interveners from both within and outside of the proposed Project Corridor Route.
8. Only with the information and documents first in hand, as outlined in Clause '7' above, could each of the Interveners make an informed decision on reasonable notice of at least 21 days, as to whether or not any one of the Interveners may wish to persist in any formal intervention before the Board in respect to the Project, whether to intervene in writing or by an oral

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hearing, and whether any Intervener may require the assistance of professional experts capable of giving expert evidence to support any submissions or opinions that may warrant an adjustment of the location of the Corridor Route within or outside of the lands of any one of the Interveners.

7. The Interveners submit that it is both unjust and unfair for the Board to limit the time frame of the right of each to intervene in these proceedings, to an abrupt and extremely abbreviated, 10 day time period following the receipt of the Letter dated April 17<sup>th</sup>, 2007, as sent by the Applicant containing a 20 sheet Notice package containing the information on the two applications EB-2007-0050 and EB-2007-0051 as filed with your Board, ( the "Package"), for the following reasons, amongst others:
  - a. To be able to properly inform himself/herself/itself as to whether an intervention ought to be made with the Board in this proceedings, each Intervener ought to have been provided with detailed photo-base mapping information, as described in Clause '7' above, in respect to the lands of each Intervener including information about the estimated distances of any buildings or other constructed improvements for any of the lands of any of the Interveners from both within and outside of the proposed Project Corridor Route selected by the Applicant.
  - b. The deadline of 10 days following receipt of such Package, as imposed by the Board, constitutes a denial of natural justice, by forcing any candidate landowner within the Project Corridor Route as selected by the Applicant, to submit a '*letter of intervention*' as a protective measure prior to being provided by the Board or the Applicant, with any of the prerequisite and needed material and information as described in Clause '7' that ought reasonably have been first so provided.
  - c. The provision only of an "*illustrator's sketch*",
    - not done to scale, and
    - without any ownership fabric being marked thereon, and
    - prepared only on a 8.5" x 11" piece of paper, on which is marked with a '*dotted line*' representing the intended location of the proposed Project Corridor Route running some 250 kilometers from the Bruce Power Facility to the Applicant's Switching Station at Milton, and
    - without any lot locational information for any candidate intervener to first review and, if thought necessary, to obtain legal and professional advice thereon, and accompanying a package contained with the Notice of Application that is void of content in respect to minimum prerequisite material required, as outlined in Clause '7' above,

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cannot be considered by this Board, as sufficient reason to allow these proceedings to be further continued, and not stayed.

- d. Such a denial of natural justice may have already served to force many of the multitude of underlying land owners within the Project Corridor Route to acquiesce and not intervene without the benefit of reasonable information that any Court might otherwise determine ought to have been so provided as a condition precedent with, or in advance of the delivery of the Package.
  - e. Such a denial of natural justice has forced this *Letter of Intervention* to be made by these Interveners, who have determined to cause a *Letter of Intervention* to now be filed with the Board in respect of the Project for the construction of a transmission line between the Bruce Power Facility, and the Switching Station of the Applicant, at Milton.
- A. Each of the Interveners seeks 'intervener status' in these proceedings,
  - B. The Interveners require an oral hearing for the following reasons;
    - i.) They wish to call and present planning, and engineering 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 of the intended taking.
    - iii They wish the opportunity to cross examine witnesses for the Applicant as to the locational choice selections for the Corridor Route, and the estimated construction and acquisition costs of the proposed Corridor Route of the Applicant.
  - B. The Interveners seek recovery from the Applicant of the full legal and professional costs incurred and recoupment of all other additional expenses incurred in the conduct of this Intervention.
  - C. As land owners effected by the proposed taking and construction under the Project, the Interveners claim entitlement to the recovery of all of their incurred costs and expenses, regardless of outcome.

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DATED AT Durham, this 8<sup>th</sup> 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

**DAVID JOHN MILNE**

**MARY JOAN MILNE**

**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"**

8<sup>th</sup> Floor, South Tower

483 Bay Street

Toronto, ON, M 5G 2P5

Attention: Glen MacDonald - Senior Advisor