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April 5, 2010

VIA EMAIL ([boardsec@oeb.gov.on.ca](mailto:boardsec@oeb.gov.on.ca))

Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
Attention: Kirsten Walli

VIA EMAIL ([regulatory@hydroone.com](mailto:regulatory@hydroone.com))

Hydro One Networks Inc.  
483 Bay Street  
8<sup>th</sup> Floor, South Tower  
Toronto, ON M5G 2P5  
Attention: Ms. Anne-Marie Reilly

VIA EMAIL ([gnettleton@osler.com](mailto:gnettleton@osler.com))

Osler, Hoskin and Harcourt LLP  
100 King Street West  
1 First Canadian Place  
Suite 6100, P. O. Box 50  
Toronto, ON M5X 1B8  
Attention: Gordon M. Nettleton

Dear Ms. Walli:

RE: HONI Expropriation – Group Intervenor Status  
Board file number EB-2010-0023

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We write further to our letter of March 17, 2010. The purpose of this letter is to seek intervenor status on behalf of our clients set out below.

**Intervenor List:**

1. Barrett, Dave & Martha
2. Bolton, Russell & Linda
3. Bomhof, Jeanette & Herman
4. Brak, Brian and Heather

**Barristers & Solicitors**

138 Courthouse Square ~ Goderich, Ontario ~ N7A 1M9  
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5. Brindley, Clifford
6. Campbell, Dennis & Patricia
7. Cullen, James
8. Ford, Terry and Bev
9. Frook, Heather & John
10. Hachman, Dwayne
11. Hackett, Doug
12. Hastings, Darren
13. Hodgkinson, Carman and Evelyn
14. Hutton, Lloyd and Greg
15. Kidd, Dennis/ Shannon McConnell
16. Magwood, James in Trust
17. Magwood, Andrew in Trust
18. Magwood, Orlando & Gloria
19. 1063755 Ontario Inc. (c/o James Magwood)
20. Maus, Jairus and Rebecca
21. Maus, James Douglas, in Trust (Jim and Kristina)
22. Maus, James (Jim) Douglas, in Trust and Kristina Birute Maus
23. McKenzie, Phyllis
24. Mills, Robert (Bob) & Mary (Betty)
25. Roppel, Gail as Estate Trustee for the Estate of Bruce Roppel
26. Roppel, Kenneth
27. Roppel, Thomas William
28. Roppel, Thomas William & Diane
29. Thoman, James & Nicola Neish
30. Thoman, James John, as Trustee & Nicola Neish, as Trustees
31. Threndyle, Elda
32. Wilson, Thomas/Barbara McLean
33. Wilson, Thomas Norman /Barbara Jeanette McLean
34. Younger, Robert
35. Zeinstra, Sybrandus Dirk (Brent) & Mary Lynn

Our firm has been formally retained by each of the above to represent them in this process. The group has been and shall continue to be known, for the purposes of hearings before the Ontario Energy Board, as; “The Ross Firm Group”.

**Intervenor Interest:**

Each individual listed above is directly affected by the proposed Bruce to Milton Transmission project. In each instance, Hydro One Networks Inc. (“HONI”) proposes a taking of their land in furtherance of the project.



**Nature and Scope of Participation:**

It is the Ross Firm Group's intention to attend at any hearing called by the Board. At that hearing we intend on testing the evidence in support of HONI's position that the project and resultant expropriation of land is in the public interest. It would appear that HONI relies on the Board's previous finding that the proposed project is in the public interest to support the notion that the expropriation of the land for the project is in the public interest. We intend on investigating through cross-examination of witnesses further independent evidence (aside from the Order granting leave to construct) in support of the claim that granting authority for the taking is in the public interest.

Further, with respect to specific client members of the group, we will present evidence as to the impact of HONI's expropriation applications. In one instance, we will be leading evidence with respect to the effect on a subject property and to the community at large as a result of that particular taking (HONI File No. SG11 & 12). In another instance a group of 4 abutting farms comprising approximately 1.3 km of the proposed transmission corridor have yet to receive an offer from HONI for the voluntary acquisition of rights across the subject properties (Magwood). All of these properties are owned and operated by members of a single extended family and are used in furtherance of a single business plan.

Our clients have instructed us to attend and test the evidence presented to ensure the intended regulatory framework is adhered to. Further, in limited instances we will be leading evidence to address our concerns set out above.

**Requirement for an Oral Hearing:**

Given the nature and complexity of this process we submit that oral evidence and the opportunity to question the witnesses providing that evidence is essential in allowing our group the occasion to test the merits of HONI's Application.



Further, and perhaps more importantly, an oral hearing would allow, depending on Board scheduling, for a faster process. Given the submissions in HONI's instant Application, it is clear that the Applicant also wishes to expedite this process as much as possible. From the landowner perspective, this matter has been going on for some years at no small cost in emotional energy and time spent by the group members. It has been made clear to this writer that our group is not only concerned with ensuring that HONI has met its regulatory requirements before moving to expropriation, but that the process move forward with as much certainty and speed as possible.

**Eligibility for Costs:**

The Ross Firm Group relies on paragraph 3.03(c) of the *Ontario Energy Board – Practice Direction on Cost Awards*. Our purpose of participation in this Application shall be to represent persons with an interest in land that is affected by the instant process. Clearly, the decision whether to grant authority to expropriate our clients' lands makes our group eligible not only for intervenor status but for costs awards as well.

**Language:**

We will not require the hearing to be conducted in the French language.

I trust the foregoing is satisfactory.

Yours very truly,

**The Ross Firm Professional Corporation**

Per:



Quinn M. Ross  
QMR/rmd

cc: Gary Schneider, HONI ([gary.schneider@HydroOne.com](mailto:gary.schneider@HydroOne.com))

