



EB-2012-0082

IN THE MATTER 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 an Order granting leave to
construct to upgrade existing transmission line
facilities.

PROCEDURAL ORDER NO. 4
September 18, 2012

Hydro One Networks Inc. ("Hydro One") filed an application with the Ontario Energy Board dated March 28, 2012 under section 92 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, Schedule B. Hydro One applied for an order of the Board granting leave to construct to upgrade 70 km of transmission line facilities between Lambton TS and Longwood TS (the "Project") in the west of London area.

Procedural Order No. 1 on May 25, 2012 granted intervenor and observer status to parties requesting it and provided a list of parties. It also established dates for interrogatories and responses, and submissions.

Board staff submitted interrogatories on June 6, 2012. Following a request of June 13, 2012 from the Chippewas of The Thames First Nation ("COTTFN") to convert its status from observer to intervenor with cost eligibility, the Board issued Procedural Order No. 2 on June 15, 2012, in which it allowed the request, and modified the dates for upcoming procedural steps. A revised List of Participants was attached. Interrogatories and responses to all parties' interrogatories were subsequently filed in accordance with the modified dates.

Board staff filed a submission on July 12, 2012. By letter to the Board dated July 13, 2012, COTTFN requested an extension to Friday July 20, 2012 to file its submission.

Procedural Order No. 3 provided for an extension as requested and for Hydro One's reply submission by July 27, 2012. Submissions were received as directed.

On August 20, 2012 a letter was received from the Haudenosaunee Development Institute ("HDI") indicating that it had just become aware of the application and that it should have been served, and wished to participate. On August 22, 2012 Hydro One wrote the Board that, even though there is only a minute likelihood that the project will adversely impact any pending treaty or Aboriginal rights claimed by HDI, and notwithstanding its position was that it has no duty to consult the Haudenosaunee Confederation Chiefs Council ("HCCC") it was prepared to share information and meet with the HCCC and HDI if requested. On August 30, 2012 the Board wrote HDI seeking clarification of HDI's relationship with HCCC and of the issues that it intended to raise. The Board received a response on September 10, 2012.

The Board has considered the materials filed by HDI and finds that HDI should have been served noticed of the application. As a result, the Board will grant HDI intervenor status. HDI will also be granted cost eligibility, but that eligibility will be restricted to matters directly within the scope of this proceeding. HDI is advised to review, in particular, Procedural Order 2, dated June 15, 2012, which identifies the limits of the Board's jurisdiction in applications of this type and the scope of the proceeding with respect to the issue of Aboriginal Consultation.

HDI has raised issues which are largely the same as Chippewas of the Thames First Nation (COTTFN), however, HDI has also stated that it has had insufficient time to fully consider its position. The Board will therefore allow time for HDI to review the evidence and file submissions.

All procedural orders, interrogatories and responses, and submissions of the parties in this matter are available on the OEB's Webdrawer at http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/search/rec&sm_udf10=eb-2012-0082&sortd1=rs_dateregistered&rows=200.

HDI is also advised to review the submissions of COTTFN. To the extent HDI's position is the same it may wish to adopt the submissions of COTTFN so as to avoid duplication. A revised list of intervenors is attached at Appendix A.

The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Haudenosaunee Development Institute may request information from Hydro One that is in addition to the material that is currently on the public record and that is relevant to the hearing, by means of written interrogatories filed with the Board and delivered to Hydro One on or before **September 26, 2012**. All interrogatories and responses must include a reference to the section of the application which identifies the specific evidence on which the interrogatory is based.
2. Hydro One shall file answers to the interrogatories with the Board and copy to all intervenors by **October 3, 2012**.
3. Haudenosaunee Development Institute may file with the Board and copy to all other intervenors its written submission on all matters within the limits of the Board's jurisdiction in applications of this type and the scope of the proceeding by **October 12, 2012**.
4. Hydro One shall file its reply submission with the Board and copy to all intervenors by **October 19, 2012**.

All filings to the Board must quote file number EB-2012-0082, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca.

If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, September 18, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Attachment:

Submission of the Chippewas of the Thames First Nation, dated July 20, 2012

APPENDIX A

TO

PROCEDURAL ORDER NO. 4

Applicant and List of Intervenors

Board File No: EB-2012-0082

September 18, 2012

**Hydro One Networks Inc.
EB-2012-0082**

APPLICANT & LIST OF INTERVENORS

September-19-12

APPLICANT

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INTERVENORS

Rep. and Address for Service

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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First Nation**

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Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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September-19-12

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