



EB-2017-0258

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

AND IN THE MATTER OF an appeal under section 7 of the *Ontario Energy Board Act, 1998* of the order of the Registrar dated May 25, 2017 dismissing Sagatay's application for leave to construct a transmission line (EB-2016-0017)

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

September 1, 2017

On June 9, 2017, Sagatay Transmission LP (Sagatay) filed a Notice of Appeal pursuant to section 7 of the *Ontario Energy Board Act, 1998* (the Act). Sagatay appeals the May 25, 2017 order of the Registrar of the Ontario Energy Board (OEB) dismissing Sagatay's application for leave to construct an electricity transmission line to Pickle Lake (EB-2016-0017). The Registrar's authority to make the order was delegated to the Registrar under section 6 of the Act. Section 7 provides for an appeal to the OEB of a decision under delegated authority.

In this appeal, Sagatay seeks an order cancelling the Registrar's order and allowing Sagatay's application to proceed, and, "if necessary," an order staying the Registrar's order.

Sagatay requests that the appeal be heard in writing. The OEB has determined that a written hearing is appropriate.

Subsection 7(3) of the Act provides that the parties to an appeal are:

1. The appellant.
2. The applicant, if the order is made in a proceeding commenced by an application.
3. The employee who made the order.
4. Any other person added as a party by the Board.

In this case, the parties will be Sagatay (the appellant/applicant), the Registrar (the employee who made the order), and OEB staff (who in previous section 7 appeals have been added as a party).

Sagatay also asks to file affidavit evidence in support of its appeal. Normally a section 7 appeal proceeds as an appeal based on the record that was before the employee who made the order, rather than a hearing *de novo*. Sagatay's Notice of Appeal does not indicate what type of evidence it wishes to file and why the evidence should be accepted (including why it is relevant). The OEB will invite submissions in that regard, in accordance with the schedule set out below.

Following its determination on whether to accept the fresh evidence, the OEB will issue further procedural directions concerning the written hearing of the appeal.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Sagatay shall file with the OEB written submissions in support of its request to file affidavit evidence, and serve a copy on the other parties, on or before **September 14, 2017**.
2. Any other party shall file any responding submissions, and serve a copy on all other parties, on or before **September 20, 2017**.
3. Sagatay shall file with the OEB a reply to the submissions of the other parties, if necessary, and serve a copy on all other parties, on or before **September 25, 2017**.

All filings to the OEB must quote file number EB-2017-0258 and be made electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/> in searchable/unrestricted PDF format. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document

submission standards outlined in the RESS Document Guideline found at <http://www.OEB/Industry> . 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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Lesychyn at Michael.Lesychyn@oeb.ca and OEB Counsel, Ian Richler at Ian.Richler@oeb.ca. The Registrar may be served by e-mail to Registrar@oeb.ca.

ADDRESS

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ISSUED at Toronto, September 1, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary