



EB-2017-0182
EB-2017-0194

**Upper Canada Transmission Inc. (on behalf of
NextBridge Infrastructure) and Hydro One Networks Inc.**

**Application for leave to construct an electricity
transmission line between Thunder Bay and Wawa, Ontario
- and -**

**Application to upgrade existing transmission station facilities in the Districts of
Thunder Bay and Algoma, Ontario**

PROCEDURAL ORDER NO. 1
November 29, 2017

Upper Canada Transmission Inc. (NextBridge) and Hydro One Networks Inc. (Hydro One) filed applications with the Ontario Energy Board (OEB) on July 31, 2017 under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (Act).

In its application, NextBridge seeks an order granting leave to construct approximately 450 kilometres of new double circuit 230 kilovolt (kV) overhead electricity transmission line on a new right of way between the Lakehead Transmission Station (TS) in Thunder Bay and the Wawa TS in the District of Algoma (East-West Tie Line Project). NextBridge's application has been assigned File No. EB-2017-0182 (NextBridge Application). NextBridge has also applied under section 97 of the Act for approval of the form of land use agreements and under section 101 of the Act authorizing the construction of portions of the proposed transmission facilities upon, under or over a highway, utility line or ditch.

In its application, Hydro One seeks an order granting leave to construct the facilities necessary to upgrade existing TS facilities associated with the East-West Tie Line Project. Hydro One's application has been assigned File No. EB-2017-0194 (Hydro One

Application). The OEB has decided to hear the two applications together in one proceeding.

In 2012, the OEB undertook a competitive designation process to select a transmitter to carry out development work for a transmission line to connect Northeast and Northwest Ontario. In August 2013, the OEB designated Upper Canada Transmission Inc. operating as NextBridge as the electricity transmitter to complete development work for the project. Pursuant to section 96.1 of the Act, an Order in Council effective March 4, 2016 was issued, declaring that this transmission line to connect Northeast and Northwest Ontario is needed as a priority project.

The OEB issued a combined Notice of Hearing for the NextBridge Application and Hydro One Application on October 17, 2017.

In response to the Notice of Hearing, the OEB received intervenor requests from:

- Consumers Council of Canada (CCC)
- Dorion Township
- Hydro One (for the NextBridge Application)
- Independent Electricity System Operator (IESO)
- Scot Kyle
- Metis Nation of Ontario (MNO)
- NextBridge (for the Hydro One Application)
- School Energy Coalition (SEC)

CCC, MNO and SEC also applied for cost eligibility.

One objection was filed in respect of the above intervenor requests. By letter to the OEB dated November 13, 2017, NextBridge requested that Hydro One's participation in the NextBridge Application be restricted to matters relating to how the proposed transmission line will interconnect to Hydro One's TS facilities. This request to limit Hydro One's participation arose following the disclosure of Hydro One's intention to file a competing leave to construct application for the East-West Tie Line Project. NextBridge argued that Hydro One intends to use, and potentially disrupt, slow, and undermine this proceeding for the purpose of assisting Hydro One in its competing leave to construct application.

In its letter, NextBridge also raised further concerns and issues about Hydro One's participation in this proceeding. These included:

- requesting the OEB vet Hydro One's requests for information
- asking the OEB to issue guidance on the elements that a competing leave to construct application must contain
- requesting that future NextBridge information of a competitive nature be provided only to Hydro One's counsel on the understanding that it not be shared with others at Hydro One
- requesting that the OEB direct Hydro One to destroy non-public information that NextBridge provided to Hydro One related to the East-West Tie Line Project
- directing Hydro One to enact internal confidentiality screens relating to its competing leave to construction application

In response to these concerns, the OEB states that the participation of all intervenors, including Hydro One, is restricted to matters relevant to the proceeding and no intervenor is permitted to disrupt, slow or undermine the proceeding. The OEB expects all parties to comply with the timelines required by the OEB and participate in this proceeding in a responsible manner.

It is important to note that intervenors are restricted to asking interrogatories for matters relevant to the proceeding. The OEB's *Rules of Practice and Procedure* provide the method for an applicant to respond to requests that are beyond the scope of the proceeding.¹ As a result, there is no need for the OEB to vet Hydro One's requests for information.

It is premature and unnecessary to address how future confidential filings of NextBridge will be treated. The OEB's existing *Practice Direction on Confidential Filings* sets out uniform procedures for the filing of confidential materials at the OEB.

Finally, the OEB makes no ruling or order (i) relating to documentation previously provided to Hydro One, (ii) to create a confidentiality screen at Hydro One, or (iii) as to the appropriate filing requirements for any competing application to the extent, if any, that they may differ from the existing requirements set out in Chapter 4 of the Filing Requirements for Electricity Transmission Applications.

Hydro One has written to the OEB advising that it intends to respond to NextBridge's letter of November 13, 2017. This Procedural Order provides for the filing of Hydro One's response and an opportunity for NextBridge to file a reply to Hydro One. The

¹ Ontario Energy Board *Rules of Practice and Procedure*, Rule 27.02(a).

OEB may consider the issues once it has received these submissions should it determine that the issues are within the OEB's jurisdiction to address.

CCC, Dorion Township, Hydro One (for the NextBridge Application), IESO, MNO, NextBridge (for the Hydro One Application), Scot Kyle, and SEC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. The OEB has also determined that CCC, MNO and SEC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order, typically at the end of a proceeding.

Given certain issues raised in intervention requests of two intervenors, the OEB wants to remind parties as to the scope of this proceeding. As stated in the Act, the OEB's mandate in this case is to consider three issues: (i) the interests of consumers with respect to prices and the reliability and quality of electricity service, (ii) the promotion of the use of renewable resources in the manner consistent with the policies of the Government of Ontario and (iii) the forms of agreement offered by the applicants to landowners affected by the route or location of the transmission line and station facilities. This proceeding does not include a review of environmental and health concerns (raised in the request of Mr. Kyle) or financial compensation arrangements with landowners and municipalities (raised in the request of Dorion Township).

Dorion Township requested that the OEB proceed by way of an oral hearing. The OEB will decide at a later date if it will proceed by written or oral hearing.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Hydro One shall file its response to NextBridge's letter of November 13, 2017 by **December 6, 2017**.
2. NextBridge may file a reply to Hydro One's response in paragraph 1 of this Procedural Order by **December 11, 2017**.
3. OEB staff and intervenors shall request any relevant information and material from NextBridge that is in addition to evidence already filed in the NextBridge

Application, by written interrogatories filed with the OEB and served on all parties by **December 21, 2017**.

4. OEB staff and intervenors shall request any relevant information and material from Hydro One that is in addition to the evidence already filed in the Hydro One Application, by written interrogatories filed with the OEB and served on all parties by **December 21, 2017**.
5. Hydro One and NextBridge shall file with the OEB complete written responses to their respective interrogatories and serve them on all parties by **January 25, 2017**.

All filings to the OEB must quote the file numbers, EB-2017-0182/EB-2017-0194 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. 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.ontarioenergyboard.ca/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, Zora Crnojacki at Zora.Crnjacki@oeb.ca and OEB Counsel, Lawren Murray, at Lawren.Murray@oeb.ca.

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DATED at Toronto, November 29, 2017

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

Schedule A

Procedural Order No. 1

Applicant and Intervenor Lists

EB-2017-0182

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Upper Canada Transmission, Inc.
EB-2017-0182

APPLICANT & LIST OF INTERVENORS

November 29, 2017

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