

BY E-MAIL

July 29, 2019

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
BoardSec@oeb.ca

Dear Ms. Walli:

**Re: Upper Canada Transmission Inc. operating as NextBridge Infrastructure,
LP (NextBridge) – East West Tie Project Expropriation Application
OEB File No. EB-2019-0127
OEB Staff Interrogatories to Applicant**

In accordance with Procedural Order No. 1, please find attached the OEB staff interrogatories for the above proceeding. These interrogatories have been sent to NextBridge. There are no intervenors in this proceeding.

NextBridge is reminded that its response to the interrogatories are due by August 6, 2019.

Yours truly,

Original signed by

Zora Crnojacki
Project Advisor

**Upper Canada Transmission Inc. operating as
NextBridge Infrastructure, LP (NextBridge)**

**EAST WEST TIE PROJECT– EXPROPRIATION APPLICATION
EB-2019-0127**

OEB STAFF INTERROGATORIES

Interrogatory 1

Ref.: Letter from NextBridge to the OEB, dated July 16, 2019, Amended, Exhibit A, Tab 2, Schedule 1, Appendix F: “Property Descriptions”, F-4.

Preamble

In a letter dated July 16, 2019, NextBridge updated the OEB regarding the status of service of the notice of its application. Only one of the 7 registered landowners has not been served. This landowner owns a property identified as F-4 in the Amended Expropriation Application. NextBridge requires Temporary Road Easement over an area of approximately 5,692 m² on this property. According to NextBridge’s letter this property will be liable to be forfeited and vested in the Crown on December 1, 2019.

NextBridge also stated that it has been engaged in ongoing negotiations with all of the affected landowners and that it “...is hopeful that continued engagement will allow the parties to reach agreements”.

Questions

- a) How does NextBridge intend to acquire a Temporary Road Easement for the property F-4?
- b) Please provide an update on negotiations with the 6 registered landowners owning 12 properties, who were served with the notice of application. For each of the affected properties please include a complete description of communication and negotiations between NextBridge’s land agents and the landowners from the start, including a record of communication dates and form (i.e. phone call, personal visit, e mail), a brief description of the nature and content of the information exchanges with the landowners, outcomes of communication and planned follow ups.

Interrogatory 2

Ref.: Exhibit A, Tab 1, Schedule 1, paragraph 6, page 6

Preamble

NextBridge indicated that it planned to start the construction of the East West Tie (EWT) Project in June 2019 and requires access to the subject lands by December 2019. NextBridge requested the OEB's decision by no later than September 13, 2019.

Questions

- a) Please confirm that construction of the EWT Project has begun. If it has not begun, please provide an update on the date construction is planned to begin.
- b) How will NextBridge manage the project activities and timelines in the event that a decision in the current proceeding is not issued by September 13, 2019?

Interrogatory 3

Ref.: Exhibit A, Tab 2, Schedule 1, paragraphs 8-9, page 3

Preamble

In the process of negotiating for land rights for the entire EWT Project, NextBridge provided to all the landowners a document entitled "Compensation Principles" which was filed in the EWT proceeding.¹ NextBridge stated it has presented all directly affected private property owners with an option agreement and offer of compensation consistent with the "Compensation Principles".

Questions

- a) Please confirm that NextBridge has offered or will offer to all of the registered landowners whose land is subject to this application the agreements in the form approved by the OEB in the East West Tie proceeding².

¹ Application by NextBridge, EB-2017-0182, Exhibit E, Tab 4, Schedule 1, Attachment 2

² Decision and Order, EB-2017-0182/EB-2017-0194/EB-2017-0364, February 11, 2019, page 9

- b) Please comment on the form of agreements that NextBridge offered to the registered landowners who are not private individuals, such as crown and government agencies.

Interrogatory 4

Ref.: Exhibit A, Tab 1, Schedule 2, paragraph 10, pages 3-4

Exhibit A, Tab 2, Appendix B: Permanent Line Easement, Description of Rights Sought

Exhibit A, Tab 2, Appendix C: Permanent Road Easement, Description of Rights Sought

Exhibit A, Tab 2, Appendix D: Temporary Road Easement, Description of Rights Sought

Exhibit A, Tab 2, Appendix E: Short Term Lease, Description of Right Sought

Preamble

NextBridge seeks the authority to expropriate the following four types of property interests:

- i. Permanent Transmission Line Easements- required for construction and ongoing operation and maintenance of the EWT Project. The Right-of-Way (ROW) width is approximately 64 metres depending on location of structures, terrain, length of span and other external site factors.
- ii. Permanent Road Use Easements – required for access during construction and to maintain and operate the EWT Project.
- iii. Temporary Road Use Easements – required for temporary road use and access during construction of the EWT Project. The term of temporary rights sought is for either 4 or 7 years.
- iv. Short Term Lease-required during construction to store materials and equipment. This Short Term Lease is required for one property for a term of 7 years.

Questions

- a) Regarding the Permanent Transmission Line Easements, Permanent Road Use Easements, Temporary Road Use Easements and Short Term Lease area please describe the impact of the easements and lease on the landowners and tenants of the subject lands and what measures NextBridge will implement to minimize disruption for landowners and tenants.

- b) Please explain the criteria and standards that NextBridge applied to determine the size of the ROW, road use easements and short term lease area.
- c) The requested Temporary Road Use Easement terms are for either 4 or 7 years duration. What is the rationale for the longer terms that extend past the planned in-service date of the EWT Project? What is the reason for offering differing terms for Temporary Road Use Easements?
- d) The term for Short Term Leases is 7 years. What is the rationale for a term that extends past the planned in-service date for the EWT Project?
- e) Under normal operational circumstances, how frequently and for what specific purposes does NextBridge foresee that it will access the permanent and temporary easements after the EWT Project is constructed?

Interrogatory 5.

Ref.: Exhibit A, Tab 2, Schedule 1, paragraph 11, page 4

Preamble

NextBridge has stated that it has taken "...reasonable steps to minimize the impact of the proposed expropriation on the subject properties and it has taken appropriate steps to minimize the disruption to property owners and interest holders...".

Questions

Please specify and describe the "reasonable steps" and "appropriate steps" that NextBridge has taken or will take to minimize the impact of the proposed expropriations on the subject properties and disruption to property owners and interest holders. Please describe separately the actions that NextBridge has taken or will take during:

- i) construction
- ii) operation and maintenance

Interrogatory 6

Ref.: Exhibit A, Tab 2, Schedule 1

Preamble

NextBridge applied for an order granting it the authorization to expropriate certain rights for certain lands pursuant to section 99 of the OEB Act. The OEB Act permits the OEB, when making an order, to “impose such conditions as it considers proper.”⁴

Question

OEB staff has prepared the following draft Conditions of Approval. If NextBridge does not agree to any of the draft conditions of approval noted below, please identify the specific conditions that NextBridge disagrees with and explain why. For conditions in respect of which NextBridge would like to recommend changes, please provide the proposed changes and an explanation of the changes.

⁴ OEB Act, s. 23

**East West Tie Project– Expropriation Application
Section 99 Order Granting Authority to
Expropriate Interests in Certain Lands**

DRAFT CONDITIONS OF APPROVAL

1. NextBridge shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the settlement.
2. NextBridge shall use all reasonable efforts to provide oral and written notice to the landowners a minimum of 48 hours prior to entry onto the land.
3. Reasonable accommodation shall be made in NextBridge's schedule for landowner requests/concerns to ensure that transmission facilities' construction and associated activities do not interfere with landowner operations.
4. NextBridge or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, NextBridge shall ensure that gates / fences / entryways used by NextBridge personnel or its agents are left as found.
5. The landowners and tenants can be present to observe the transmission facilities' construction and associated activities subject to NextBridge's safety policies and procedures and the Occupational Health and Safety Act.
6. NextBridge shall keep records of the personnel attending and entering on lands, the time in which entry occurred and the locations entered.
7. NextBridge shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to the landowners and tenants as well clearly posted on the construction site. The project manager will be responsible for the fulfilment of the conditions of approval on the site.
8. NextBridge shall furnish the OEB's designated representative with all reasonable assistance for ascertaining whether NextBridge has complied with these conditions of approval.

The OEB's designated representative for the purpose of these Conditions of Approval shall be the OEB's Manager of Supply and Infrastructure (or the Manager of any OEB successor department that oversees leave to construct applications).