

**VARY ORDER
EB-2019-0127**

**UPPER CANADA TRANSMISSION, INC.
OPERATING AS NEXTBRIDGE
INFRASTRUCTURE, LP (NEXTBRIDGE)**

**Order Varying the Decision and Order issued on
September 12, 2019 and corrected on December 3, 2019
East West Tie Project Expropriation Application**

BEFORE: **Michael Janigan**
Presiding Member

Emad Elsayed
Member

Cathy Spoel
Member

January 30, 2020

INTRODUCTION AND SUMMARY

The Ontario Energy Board (OEB) has, on its own motion, pursuant to s.41 of the *OEB's Rules of Practice and Procedure* decided to review and vary its Decision and Order in this proceeding issued on September 12, 2019 and corrected on December 3, 2019 (Decision and Order).

On April 17, 2019, Upper Canada Transmission Inc., operating as NextBridge Infrastructure, LP (NextBridge) applied to the OEB under section 99 of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting authority to expropriate interests in 12 parcels of land to construct a 450 kilometre 230 kV transmission line in northwestern Ontario (East West Tie (EWT) Project).

In the Decision and Order, the OEB found that the requested expropriation is in the public interest and granted to NextBridge the authority to expropriate the interests in 12 parcels of land described in Schedule "A" of the Decision and Order.

On December 3, 2019, the OEB, pursuant to Rule 41.02 of the *OEB's Rules of Practice and Procedure*, issued a correction to its Decision and Order by revising its findings to clarify that it inadvertently omitted confirming that the four and seven year terms of the temporary easements are appropriate. The OEB at that time did not revise the legal descriptions in Schedule A to add the terms of the temporary easements on properties EWT 5190 (F-4), EWT 5521 (F-5) and EWT 8019 (F-11).

On December 10, 2019, NextBridge filed a letter with the OEB advising that the size of the temporary road required on parcel EWT 8019 (Appendix F-11) would be reduced. NextBridge attached a blacklined legal description of the interest to be expropriated in parcel EWT 8019 with its letter, indicating that the size of the temporary road required on this parcel would be reduced from approximately 6,596 m² to approximately 6,410 m².

On December 13, 2019, NextBridge filed a letter notifying the OEB that it had reached a negotiated settlement with Grant Lake Forest Resources Ltd. and Naveau Forest Resources Ltd., and that, as a result, expropriation would no longer be necessary for the following seven of 12 properties that are the subject of the Decision and Order: EWT 9003, 9524, 9013, 9522, 9004, 9305, 9005.

On January 28, 2020, NextBridge filed a letter notifying the OEB that it had reached a negotiated settlement with the landowner in F-3, and that, as a result, expropriation would no longer be necessary for the property EWT 2026 which was part of the Decision and Order.

The OEB determined, on its own motion, that it is necessary to vary the Decision and Order to reflect the changes indicated in the December 10, 2019, December 13, 2019 and January 28, 2020 letters from NextBridge.

THE PROCESS

The OEB has decided, pursuant to section 6(4) and 21(4) of the *Ontario Energy Board Act, 1998* (the Act) to review and vary the Decision and Order without a hearing as no person will be adversely impacted by the outcome of this proceeding.

OEB FINDINGS

The OEB finds that it is necessary to vary the Decision and Order, as well as Schedule A to the Decision and Order, to update the legal descriptions of the interests in properties that NextBridge is authorized to expropriate in order to construct and operate the EWT Project as follows:

- The descriptions of properties EWT 9003 (F-13), EWT 9004 (F-14), EWT 9005 (F-15), EWT 9013 (F-19), EWT 9305 (F-20) EWT 9522 (F-22), EWT 9524 (F-23), EWT2026 (F-3) are deleted from Schedule A as the expropriation of the interests in these properties is no longer required.
- The legal descriptions of the interests in properties EWT 5190 (F-4), EWT 5521 (F-5) and EWT 8019 (F-11) in Schedule A are amended to add the term of the temporary road easement that was inadvertently omitted from the Schedule A to the Decision and Order.
- The legal description of easement required over parcel EWT 8019 (Appendix F-11) in Schedule A is replaced with the legal description filed by NextBridge on December 10, 2019 as follows:

Temporary Road Easement: Land area of approximately ~~6596~~ **6410** m² size designated as Part 1 on the Proposed East-West Tie Transmission Corridor and Access Lands (~~EWT-8019 Expropriation Plans EWT2026_5190_5221_5247_8019~~ **pg. 5**) Plan dated ~~March 27, 2019~~ **October 8, 2019**, being part of PIN 62454-0005 (LT)

A revised Schedule A containing the required updates is attached to this Vary Order.

ORDER

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Decision and Order in EB-2019-0127, issued September 12, 2019 and corrected on December 3, 2019, is varied such that Schedule A, attached to this Vary Order, is updated to contain accurate legal description and plans for all five properties that are now subject to expropriation.

DATED at Toronto January 30, 2020

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar and Board Secretary