

February 9, 2021

VIA EMAIL

Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4

Attention: Rudra Mukherji, Manager Adjudicative Process, Office of the Registrar

Dear Mr. Mukherji:

**Re: OIAA Intervention Request - EB-2020-0265 Hydro One Networks Inc. -  
Procedural Order No. 1 S.92 Hawthorne to Merivale**

Further to your recent communications with members of the OIAA's team in relation to the above noted matter, we have reviewed the OEB Practice Direction on Costs in order to clarify the Authority's eligibility for costs related to the Order.

OIAA is a not-for-profit corporation mandated to manage, operate and develop the Ottawa International Airport "in a safe, secure, efficient, cost effective and financially viable manner with reasonable user charges"<sup>1</sup> pursuant to a lease with the Federal Minister of Transport. The OIAA is managed by a community Board comprised of nominees from certain selecting bodies such as community organizations, tourism associations, federal, municipal and provincial governments. Although all three levels of government have a nominee on the Board, once elected, such nominees owe their fiduciary duty to the OIAA and do not owe any further duties to their nominating entities once elected. Of the 14 member Board, 2 members are nominated by the Federal Minister of Transport, 1 member is nominated by the Province of Ontario, 1 member is nominated by the City of Ottawa and 1 member is nominated by the City of Gatineau. Consequently, there is no government control over the OIAA by any level of government, as contemplated by 3.05(k) of the Practice Direction.

OIAA does not receive funding from any level of government and must self-fund in order to manage its operation through rents and user fees. In fact, the OIAA pays rent to the Federal Government under its Ground Lease based on 10% of annual revenues. The OIAA also pays municipal taxes to the City of Ottawa (approximately \$5 million in 2020). Any costs borne by the OIAA must be recuperated through increased fees or rent to users of the facility.

In reviewing the Practice Direction, OIAA is of the view that there are costs contemplated in that document, such as legal and professional fees, costs of attending

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<sup>1</sup> OIAA Articles of Continuance under Canada Not-for-Profit Corporations Act

committees and costs due to operational impacts, which may be incurred by the OIAA in its intervention pursuant to the Order. Such fees would be extraordinary to the OIAA's normal operations and would be a burden to users of the facilities as they would be passed on to travelers, carriers, concessions etc. Especially due to the OIAA's financial position during the pandemic, with passenger traffic down more than 90%, any costs incurred in this process will create an undue burden on operational costs which would, in turn, increase the cost of flying to carriers and the travelling public.

If you require additional information or documentation (articles, by-laws, Ground Lease etc.), to further examine this matter, please advise.

Best regards,

A handwritten signature in black ink, appearing to read 'L. Hurteau', written in a cursive style.

Lisa Dwyer Hurteau  
Vice-President, Legal Affairs

