



Hydro One Networks Inc.

**Application for leave to construct: reconductoring of
electricity transmission lines in the cities of Toronto and
Mississauga.**

PROCEDURAL ORDER NO. 1

September 16, 2021

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on July 16, 2021 under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order or orders granting leave to reconductor four electricity transmission circuits between the Richview Transformer Station and the Trafalgar Transformer Station in the cities of Toronto and Mississauga and to perform related enabling work. Hydro One has also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of the project.

A Notice of Hearing was issued on August 6, 2021. Each of Association of Power Producers of Ontario (APPrO), Capital Power Corporation (Capital Power), Environmental Defence and the City of Mississauga applied for intervenor status. APPrO, Environmental Defence and the City of Mississauga also applied for cost eligibility.

No objection was received from Hydro One.

APPrO, Capital Power, Environmental Defence and the City of Mississauga are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

APPrO and Environmental Defence are approved for cost awards under the OEB's [Practice Direction on Cost Awards](#). Cost eligible intervenors should coordinate their participation on common issues to avoid duplication. The OEB expects APPrO and Environmental Defence will coordinate their participation on common issues, namely in the review of the IESO's report titled *Trafalgar TS X Richview TS 230 kV Line Upgrade: Need and Selection of the Preferred Plan* and related IESO letter.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

Cost eligibility request of the City of Mississauga

The City of Mississauga applied for cost eligibility noting that it “takes the position that an award of costs for its participation in this matter is just and appropriate since it will be incurring legal and other costs to defend its interests”.

The City of Mississauga’s cost eligibility request is denied. Section 3.05(i) of the OEB’s Practice Direction on Cost Awards provides that despite section 3.03, a municipality in Ontario, individually or in a group is not eligible for a cost award. The OEB notes that municipalities have been specifically excluded from eligibility for costs because they have access to a revenue stream from their own constituent taxpayers to whom they are responsible and should therefore not be funded by ratepayers.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

The OEB has established a standard issues list for transmission Leave to Construct applications. The standard issues list is intended to ensure that the OEB’s review is focused and aligned with its mandate. The types of issues that the OEB will consider in this hearing are listed in Schedule B to this Procedural Order.

Parties should consult sections 26 and 27 of the OEB’s [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Technical Conference

Environmental Defence requested that the OEB set a “placeholder” for a technical conference to clarify interrogatory responses. The OEB is setting a tentative date of **October 15, 2021** for a technical conference, if any. Any party requesting a technical conference shall file its request and list of interrogatories for which they require further clarification with the OEB by **October 12, 2021**.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors shall request any relevant information and documentation from Hydro One that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 24, 2021**.
2. Hydro One shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **October 8, 2021**.
3. The OEB is setting a tentative date of **October 15, 2021** for a transcribed technical conference to clarify interrogatory responses. The technical conference if held, will be a virtual event and will begin at 9:30 am. Any party requesting a technical conference shall file its request and list of the interrogatories that require clarification with the OEB by **October 12, 2021**.
4. If Hydro One wishes to file an argument-in-chief, it shall file its written argument-in-chief with the OEB and serve it on all intervenors by **October 22, 2021**.
5. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by **October 29, 2021**.
6. Any written reply submissions from Hydro One shall be filed with the OEB and served on intervenors by **November 12, 2021**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2021-0136** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website

- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 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, Andrew Pietrewicz at andrew.pietrewicz@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **September 16, 2021**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

SCHEDULE A
LIST OF APPLICANTS AND INTERVENORS
HYDRO ONE NETWORKS INC.
EB-2021-0136
SEPTEMBER 16, 2021

APPLICANT & LIST OF INTERVENORS

September 16, 2021

APPLICANT

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INTERVENORS

Rep. and Address for Service

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APPLICANT & LIST OF INTERVENORS

September 16, 2021

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APPLICANT & LIST OF INTERVENORS

September 16, 2021

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SCHEDULE B
STANDARD TRANSMISSION LEAVE TO CONSTRUCT
ISSUES LIST
HYDRO ONE NETWORKS INC.
EB-2021-0136
SEPTEMBER 16, 2021

**Schedule B:
Standard Transmission Leave to Construct Issues List**

1. Prices: Need for the Project

- 1.1. Has the applicant demonstrated that the project is needed or would be beneficial in the case of discretionary projects? What factor(s) are driving the need – e.g. new customer demand, increased system capacity requirement, reliability, sustainment, system resilience, etc.?
- 1.2. Is the project consistent with any relevant power system plan (e.g., regional plan)?

2. Prices: Project Alternatives

- 2.1. Has the applicant demonstrated that the proposed project is the preferred option to address the need, as opposed to implementing a different transmission solution, a distribution solution, a non-wires solution, or some other solution?

3. Prices: Project Cost

- 3.1. Has the applicant provided sufficient information to demonstrate that the estimates of the project cost are reasonable? Are comparable projects selected by the applicant (as required by the filing requirements) sufficient and appropriate proxies for the proposed project?
- 3.2. Has the applicant adequately identified and described any risks associated with the proposed project? Is the proposed contingency budget appropriate and consistent with these identified risks?
- 3.3. If the applicant has requested that deferral accounts be established, has the applicant adequately demonstrated that the eligibility criteria of Causation, Materiality, and Prudence have been met?

4. Prices: Customer Impacts

- 4.1. Has the applicant correctly determined the need for and the amount of any capital contributions that are required for the project?
- 4.2. Are the projected transmission rate impacts that will result from the project reasonable given the need(s) it satisfies and the benefit(s) it provides?

5. Reliability and Quality of Electricity Service

- 5.1. Has the applicant established that the project will maintain or improve reliability?
- 5.2. Has the applicant provided a final System Impact Assessment (SIA)? Does the final SIA conclude that the project will not have a material adverse impact on the reliability of the integrated power system?
- 5.3. Has the applicant provided a final Customer Impact Assessment (CIA)? Does the final CIA conclude that the project will not have an adverse impact on customers, with respect to reliability and quality of electricity service?

6. Route Map and Form of Landowner Agreements

- 6.1. Are any proposed forms of landowner agreements under section 97 of the OEB Act appropriate and consistent with OEB requirements?
- 6.2. Does the route map provided pursuant to section 94 of the OEB Act show the general location of the proposed project and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed project is to pass.

7. Conditions of Approval

- 7.1. The OEB's standard conditions of approval are attached as Attachment 1. If the OEB approves the proposed project, what additional or revised conditions, if any, are appropriate?

**Schedule B, Attachment 1:
Standard Conditions of Approval
for Electricity Leave to Construct Applications**

1. Hydro One shall fulfill any requirements of the SIA and the CIA, and shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the project.
2. Unless otherwise ordered by the OEB, authorization for leave to construct shall terminate 12 months from the date of the Decision and Order, unless construction has commenced prior to that date.
3. Hydro One shall advise the OEB of any proposed material change in the project, including but not limited to changes in: the proposed route, construction schedule, necessary environmental assessment approvals, and all other approvals, permits, licences, certificates and rights required to construct the project.
4. Hydro One shall submit to the OEB written confirmation of the completion of the project construction. This written confirmation shall be provided within one month of the completion of construction.
5. Hydro One shall designate one of their employees as project manager who will be the point of contact for these conditions, and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.