



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2021-0107

HYDRO ONE NETWORKS INC.

Application for leave to construct: upgrade of high voltage electricity transmission line in the townships of Iroquois Falls, Black River-Matheson and Kirkland Lake

BEFORE: **Robert Dodds**
 Presiding Commissioner

David Sword
 Commissioner

January 4, 2022

OVERVIEW

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to a Hydro One Networks Inc. (Hydro One) proceeding.

Hydro One applied to the OEB on August 25, 2021 for leave to upgrade approximately 180 kilometres of electricity transmission circuits between the Ansonville Transformer Station and the Kirkland Lake Transformer Station in the townships of Iroquois Falls, Black River-Matheson and Kirkland Lake. 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.

The OEB granted Environmental Defence and Pollution Probe intervenor status and cost award eligibility.

On December 2, 2021, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for Hydro One to raise any objections to the claims and for intervenors to respond to any objections raised by Hydro One.

The OEB received cost claims from Environmental Defence and Pollution Probe. No objections were received from Hydro One.

Findings

The OEB has reviewed the claims filed to ensure that they are compliant with the OEB's Practice Direction on Cost Awards. The OEB finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding, albeit with a caution.

The OEB values the intervenor process and appreciates the concerns and perspectives that the respective parties bring to the proceeding process. However, the OEB cautions that interrogatories must be relevant and material to the matter being decided by the OEB. Interrogatories that are out of scope of the proceeding are inefficient and do not assist the Commissioners in reaching a finding. Intervenors that contravene this requirement run the risk of a commensurate reduction of fees.

An example of an interrogatory that was not pertinent in this proceeding is the request by Environmental Defence for the names and titles of the primary Hydro One and IESO engineers that were involved in the development of this project¹ to which Hydro One

¹ EB-2021-0136, Environmental Defence interrogatory 3, questions c) and d)

correctly responds that such requests are not pertinent and are out of scope of this proceeding².

The OEB concludes that while this interrogatory was out of scope, it did not materially affect the costs claimed by Environmental Defence, and therefore no reduction to the claim has been made in this proceeding.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall immediately pay the following amounts to the intervenors for their costs:

- | | |
|-------------------------|------------|
| • Environmental Defence | \$1,826.08 |
| • Pollution Probe | \$4,847.70 |

DATED at Toronto January 4, 2022

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar

² EB-2021-0136 EB-2021-0136, Exhibit I, Tab 2, Schedule 3, page 2