



Hydro One Networks Inc.

**Application for leave to construct: construction of an
electricity transmission line between Chatham switching
station and Lakeshore transmission station.**

PROCEDURAL ORDER NO. 3

AND RESPONSE TO MOTION FILING AND RELATED SUBMISSION

August 30, 2022

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on May 9, 2022 under sections 92 and 97 of the *Ontario Energy Board Act* (OEB Act), 1998, S.O. 1998, c. 15, (Schedule B), for an order or orders granting leave to construct approximately 49 kilometres of 230 kilovolt double-circuit transmission line between Chatham Switching Station and Lakeshore Transformer Station and associated station facilities to connect the proposed new transmission line at the terminal stations (Project). 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.

On August 5, 2022 the OEB issued a [letter](#) instructing that intervenors who wished to file evidence in the proceeding were required to file a letter with the OEB by August 11, 2022 that included a description of the proposed evidence, an estimate of the cost of the evidence, and the proposed timing of the filing of the evidence. The OEB's August 5, 2022 letter also clarified that the scope of the OEB's review in the proceeding was limited to issues set out in section 96(2) of the OEB Act, and that the substance of intervenor evidence must relate to matters that fall within that scope. Specifically, the August 5, 2022 letter confirmed that the scope of the OEB's review was limited to a consideration of the interests of consumers with respect to prices and the reliability and quality of electricity service, and that the OEB would not make provision for the filing of evidence related to matters that fall outside of that scope.

On August 11, 2022, three cost-eligible intervenors responded to the OEB's direction with letters that provided an overview of their proposed evidence: Haudenosaunee Development Institute, The Ross Firm Group and Three Fires Group Inc.

Through Procedural Order No. 2, issued on August 23, 2022, the OEB responded to the intervenors' August 11, 2022 letters. Procedural Order No. 2 indicated that the OEB would not make provision for the filing of the evidence proposed by the three intervenors, on the grounds that, amongst other things, much of the evidence appeared to go beyond the scope of the proceeding. The OEB did, however, acknowledge that certain issues could benefit from additional discovery. Accordingly, to provide parties with an opportunity to explore these issues, Procedural Order No. 2 established a process for supplemental interrogatories.

On August 26, 2022, The Ross Firm Group filed a "Notice of Motion to Review and Vary Procedural Order No. 1 and Determinations on the Filing of Evidence and Form of the Hearing"¹. The motion requested, amongst other things, that: a) the OEB require Hydro One to lead evidence with respect to the preferred route and route alternatives as it relates to the interests of consumers with respect to prices and the reliability and quality of electricity service, b) that the OEB reverse its decision to hold a written hearing, and to hold an oral hearing instead.

On August 29, 2022, Pollution Probe filed a letter making requests related to Hydro One responses to supplementary interrogatories, as well as one previously filed interrogatory.

Determination Regarding Motion

The OEB has determined that it will defer any hearing of The Ross Firm Group's motion until after Hydro One files its responses to supplemental interrogatories. Procedural Order #2 has already provided a process for obtaining additional evidence from Hydro One. The OEB notes that The Ross Firm Group did not raise the issue of route selection and alternatives, the subject of the motion, during the first round of interrogatories. The OEB therefore encourages The Ross Firm Group to seek through supplemental interrogatories the information and/or evidence related to route and route alternatives it has requested through its motion, to the extent that the requested information is within the scope of the proceeding. Should The Ross Firm Group wish to pursue the motion after the process for supplemental interrogatories has concluded, it must inform the OEB with clear and specific reasons for why the motion should be heard.

As previously noted, the OEB will not require Hydro One to respond to interrogatories on matters that are outside the scope of this proceeding as reflected in the issues list

¹ The "Determinations on the Filing of Evidence and Form of the Hearing" reference in title of The Ross Firm Group's motion letter refers to the OEB letter dated August 5, 2022.

and clarified through its August 5, 2022 letter and Procedural Order No. 2. Parties are reminded that supplemental interrogatories should be limited to those that relate to a) the price impacts of Hydro One's Environmental Assessment costs and costs related to Indigenous consultation activities, b) price and reliability impacts related to route selection, and/or c) price or reliability impacts related to the choice of tower or conductor technologies.

At this time the OEB also emphasizes that the two end points of the transmission line (Chatham Switching Station and Lakeshore Transformer Station) as well as the capacity of the line (230 kV double circuit transmission line) are characteristics of the project which have been defined by an [Order in Council](#) issued by the Lieutenant Governor in Council. These parameters, based on the findings of an IESO bulk transmission system reinforcement study, are prescribed in the Order in Council and cannot be altered by the OEB. Further, it is a condition of Hydro One's electricity transmission licence to develop and seek approvals for a new Chatham to Lakeshore transmission line, and that development of the line accord with the project scope and timing recommended by the IESO.²

However, as set out in Procedural Order No. 2, matters related to the cost and reliability impacts of the proposed route (i.e., the selected preferred route between the two defined end points) can be reviewed in this proceeding, though the OEB notes that it does not intend to reproduce the Environmental Assessment process. Accordingly, should The Ross Firm Group (or other intervenors) wish to pursue matters related to the proposed route through supplemental interrogatories, it should ensure that its interrogatories are limited to the price and reliability impacts related to the selected route, as described in the preceding paragraph.

Pollution Probe Letter

On August 29, 2022, Pollution Probe filed a letter submitting that if the OEB denied The Ross Firm Group's motion, that the OEB direct Hydro One to provide detailed mitigation and cost estimate information as requested by Pollution Probe through its interrogatory #6. Pollution Probe also noted that Hydro One should provide sufficiently detailed responses to any interrogatories filed in accordance with Procedural Order No. 2.

The OEB has reviewed Pollution Probe interrogatory #6 as well as the corresponding response. While the OEB concurs that the matters addressed through it are generally within the scope of the proceeding, as defined by Procedural Order No. 2, it is unclear

² These conditions were added to Hydro One's licence by Decision and Order dated December 23, 2020 (EB-2020-0309) further to a Ministerial Directive received by the OEB on December 17, 2020

on how Pollution Probe deemed the response deficient. To ensure Pollution Probe obtains the expected level of detail through supplemental interrogatories, it should specify the exact information being sought. To aid Hydro One's response development, Pollution Probe may elect to identify the aspects of its original response that were believed to be deficient. The OEB recommends that Pollution Probe apply this same approach to all supplemental interrogatories.

The OEB has determined that the schedule for supplemental interrogatories established through Procedural Order No. 2 will be extended to ensure parties have sufficient time to prepare. 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 in relation to: a) the price impacts of Hydro One's Environmental Assessment costs and costs related to Indigenous consultation activities, b) price and reliability impacts related to route selection, and/or c) price or reliability impacts related to the choice of tower or conductor technologies, by written interrogatories filed with the OEB and served on all parties by **September 9, 2022**.
2. Hydro One shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **September 19, 2022**.
3. Hydro One shall file a written argument-in-chief with the OEB and serve it on all intervenors by **September 27, 2022**.
4. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by **October 5, 2022**.
5. Any written reply submissions from Hydro One shall be filed with the OEB and served on intervenors by **October 12, 2022**.

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-2022-0140** 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
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar 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 Bishop at Andrew.Bishop@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, **August 30, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar