



Hydro One Networks Inc.

**Application for leave to construct a new electricity
transmission line between Lakeland Transmission
Station to Mackenzie Transmission Station and
Mackenzie Transmission Station to Dryden
Transmission Station**

PROCEDURAL ORDER NO. 4

February 2, 2024

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on July 31, 2023, under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to construct approximately 360 kilometres of electricity transmission line and associated facilities in the regions of Thunder Bay, Rainy River and Kenora, Ontario (Project). The proposed electricity transmission line would extend between the Lakehead Transformer Station and the Mackenzie Transformer Station, and between the Mackenzie Transformer Station and the Dryden Transformer Station. Hydro One states that the Project is required to increase long-term transmission capacity in northwest Ontario.

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. Interrogatory Responses

Larry Richard, an approved intervenor, sent an email to the OEB on January 10, 2024 arguing that Hydro One did not adequately respond to some of his interrogatories that relate to the cost of the Project.¹ Although Mr. Richard's request was not made as a formal Notice of Motion, the OEB decided to treat Mr. Richard's request as a motion, consistent with the intent of section 27.03 of the OEB's Rules of Practice and Procedure.²

In Procedural Order No. 3, issued on January 16, 2024, the OEB found that Hydro One did not provide complete answers to certain interrogatories filed by Mr. Richard. The

¹ Larry Richard Interrogatory 1(a), 2(a), and 3(a) to 3(g).

² OEB's [Rules of Practice and Procedure](#), Section 27.03.

OEB directed Hydro One to provide complete responses to these interrogatories and if Hydro One believed that any of these responses have no bearing on the price, reliability or quality of electricity service, Hydro One should explain why. Hydro One filed updated responses to Mr. Richard's Interrogatories 1(a), 2(a), and 3(a) to 3(g) on January 22, 2024.

Mr. Richard sent an email to the OEB on January 27, 2024, copying Hydro One and parties in the proceeding, arguing that Hydro One's responses were still inadequate.

On January 30, 2024, Hydro One filed a letter with the OEB responding to Mr. Richard's January 27, 2024 email. In the letter, Hydro One stated that it has already provided responses to Mr. Richard's previous email request and the initial interrogatories. Hydro One stated that it did not have any further information to share to address the concerns in Mr. Richard's January 27, 2024 email.

Neighbours on the Line (NOTL), another approved intervenor, filed a letter with the OEB on January 30, 2024 regarding Hydro One's interrogatory responses, raising further concerns and questions.

On February 1, 2024, Hydro One filed a letter with the OEB responding to NOTL's January 30, 2024 letter, citing evidence references and offering additional information regarding its interrogatory responses.

Findings

The OEB finds that Hydro One's supplementary responses to Mr. Richard's interrogatories,³ ordered by the OEB in Procedural Order No. 3 and filed by Hydro One on January 22, 2024, are adequate for the OEB's consideration of the application. The OEB finds that requesting Hydro One to provide additional supplementary responses to further interrogatories requested by Mr. Richard,⁴ adds little value to the OEB in its deliberations and could cause delays to the Project schedule and an unwarranted increase in Project cost. Accordingly, Mr. Richard's request is denied.

The OEB also finds that Hydro One's response to NOTL's January 30th letter satisfactory.

The OEB did not provide for a second round of interrogatories in Procedural Order No. 3, yet appreciates the efforts made by Hydro One to respond to the concerns raised by

³ Larry Richard Interrogatory 1(a), 2(a), and 3(a) to 3(g).

⁴ Larry Richard's email of January 27, 2024.

both Mr. Richard and NOTL. The OEB has added the referenced email and letter correspondence to the public record in this proceeding.

If Mr. Richard, NOTL, or any other party to this proceeding has further input to the OEB's decision in this regard, it can be articulated in final submissions which are due February 21, 2024, provided that these submissions fall within the scope of this proceeding as defined by the OEB in several documents.⁵

B. Intervenor Evidence

In Procedural Order No.1, the OEB noted that some intervenors (Larry Richard, Kurt Krause, and Métis Nation of Ontario) had indicated in their intervention requests that they wish to submit evidence in this proceeding.

In its letter dated November 16, 2023, NOTL requested an opportunity to file additional information.

Procedural Order No. 3 provided direction regarding the intervenors' requests to submit evidence. Procedural Order No. 3 stated that if any intervenor wished to file evidence in this proceeding, the intervenor shall file a letter with the OEB by January 25, 2024.

No intervenor requested to file evidence.

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

IT IS THEREFORE ORDERED THAT:

1. Hydro One shall file a written argument-in-chief with the OEB and serve it on all intervenors by **February 13, 2024**.
2. Any written submissions by OEB staff and intervenors shall be filed with the OEB and served on all other parties by **February 21, 2024**.
3. Any reply submissions by Hydro One, shall be filed with the OEB and served on all other parties by **March 6, 2024**.

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

⁵ [Procedural Order No. 1, page 5](#); [Procedural Order No. 3, page 3](#).

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-2023-0198** 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 [File documents online 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, Vithooshan Ganesanathan at Vithooshan.Ganesanathan@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **February 2, 2024**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar