

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15. Schedule B, as amended (the “**Act**”);

IN THE MATTER OF an Application by Hydro One Networks Inc. (“**Hydro One**”) pursuant to sections 92, 96.1, and 97 of the Act for an Order or Orders granting leave to construct approximately 64 kilometres of electricity transmission line and associated facilities from Lambton Transformer Station, connecting Wallaceburg Transformer Station, and terminating at Chatham Switching Station in the West of London area.

AND IN THE MATTER OF an Application by Hydro One Networks Inc. for approval of the form of land-use agreements offered or to be offered to affected landowners:

WRITTEN INTERROGATORIES FROM SISKINDS LLP

Pursuant to the Ontario Energy Board’s Procedural Order No. 1 dated July 31, 2024, Siskinds LLP submits the following interrogatories:

PROJECT ALTERNATIVES

1. Assessment of Project Alternatives

Reference: EB-2024-0155 – Hydro One Networks Inc. (“Hydro One”) Leave to Construct Application – Lambton to Chatham Transmission Line Project, EXHIBIT B, TAB 5, SCHEDULE 1.

- a. We ask for a detailed review, analysis and comparison of any alternative solutions that were considered, including series capacitor alternatives, distribution solutions, or other transmission solutions. Provide an explanation as to why the proposed project selected as the preferred option? What, if any, distinctions were noted by Hydro One and identified between the various alternatives in terms of their ability to meet the capacity needs of the proposed project?
- b. Was the route selected by Hydro One the least expensive alternative?
 - i. Did the Class EA findings confirm that the preferred route?
 1. What factors were taken into consideration by Hydro One to reconcile the increased cost to ratepayers with the socio-

economic considerations and potential socio-economic impacts?

2. What factors were taken into consideration by Hydro One to reconcile the increased cost to ratepayers with the impacts to the natural environment?
- c. In terms of consideration of the various alternatives, Hydro One indicates that the selected route utilizes approximately 80% of the existing transmission corridor lands to minimize impacts to the natural and socio-economic environments, is the selection of the preferred route as opposed to the least expensive alternative based on the findings set out in the Class Environmental Assessment?
 - i. If yes, how does Hydro One reconcile the increased cost to ratepayers with the socio impact considerations?
 - ii. What steps are taken by Hydro One to minimize and/or mitigate the impacts to the socio-economic environment?

PROJECT COST

2. Compensation Payments

Reference: EB-2024-0155 – Hydro One Networks Inc. Leave to Construct Application – Lambton to Chatham Transmission Line Hydro One

- a. Hydro One has updated the Compensation and Incentive Agreements for both Easement and Fee Simple circumstances, has consideration been given by Hydro One for an annual payment to the landowner, similar to natural gas pipelines and transmission towers, for the continued and ongoing impacts associated with Hydro One's use of the land?
- b. Hydro One indicates that all agricultural lands taken out of production and crops lost arising from the project's construction activities will be compensated in accordance with Hydro One's crop loss / crop lands out of production policies. Have similar policies been adopted for any continuing and ongoing payments arising for those agricultural lands taken out of agricultural production due to the project?

LANDOWNER AGREEMENTS

3. Easement Language and Other Business Ventures:

Reference: EB-2024-0155 – Hydro One Networks Inc., Leave to Construct Application –

Lambton to Chatham Transmission Line Project, Exhibit E, Tab 1, Schedule 1, Form and Transfer of Grant of Easement

- a. What is the purpose of the broad language and scope of the statutory easement language proposed by Hydro One. We seek clarification with respect to the specific rights Hydro One intends to exercise under this easement, specifically relating to:
 - i. Access rights for maintenance, repair, and emergency purposes;
 - ii. Restrictions on landowners' use of the land within the easement area;
 - iii. Removal, relocation, and reconstruction;
 - iv. Provisions for compensation for any business or property loss resulting from Hydro One's use of the easement.
- b. The easement language proposed by Hydro One has been broadly drafted to grant Hydro One broad rights to replace, enlarge, move, relocated the proposed project creating uncertainty with the landowners relating to the current and future impacts on the property. Is this overly broad scope in the grant of the easement required or necessary for the project approval being applied for?
- c. Can Hydro One confirm its position that if there is further work required on the easement lands that either require regulatory approval or result in further impacts to the easement lands that there will be no further compensation paid to the landowners? Has consideration been given by Hydro One to future potential payments to the landowners for those impacts associated with any future work undertaken on the lands by Hydro One?
- d. The Transfer and Grant of Easement provides Hydro One or alternatively "a related business venture" the right to use the lands for telecommunications systems appears to grant a use of the lands to Hydro One that is not currently being proposed, contemplated or subject to review.
 - i. What business ventures are being contemplated by Hydro One, or alternatively permitted through the Transfer and Grant of Easement language being proposed by Hydro One?
 - ii. What economic modelling has been completed, if any, for those related business ventures, including potential revenue, operational costs? Specifically, what types of related business ventures are being contemplated and/or permitted?

- iii. Please provide details of the authority that Hydro One is relying upon to request that the OEB grant approval for the additional and unrelated activities being considered with the construction contemplated by the Applicant.
- iv. Under what circumstances will the landowners receive compensation from the construction of any related business ventures undertaken by Hydro One?
- v. What regulatory authority is Hydro One relying upon to expand its use impacting the landowner's use and enjoyment of their land without providing any additional compensation to the landowner for the additional impacts resulting from any other business ventures or unrelated activities conducted on the property by Hydro One?
- vi. Are there any circumstances under which Hydro One would agree to limit or place conditions on its easement rights?

IMPACT ON AGRICULTURAL OPERATIONS

4. Agricultural Operations

Reference: EB-2024-0155 – Hydro One Networks Inc. Leave to Construct Application – Lambton to Chatham Transmission Line Project, EXHIBIT E, TAB 2, SCHEDULE 1.

- a. Several of the affected properties are currently used for viable agricultural production, what if any steps, are being taken by Hydro One to minimize and mitigate any disruption to the existing agricultural operations during the construction activities, operational period, and decommissioning stages of the project?
- b. Has Hydro One given any consideration to compensating landowners on an annual basis for the ongoing and continued loss of agricultural production, and/or increased and continuing operational losses, and/or any other impacts arising from the project?

ENVIRONMENTAL AND COMMUNITY IMPACT

5. Environmental Assessment and Mitigation Measures

Reference: EB-2024-0155 – Hydro One Networks Inc. Leave to Construct Application – Lambton to Chatham Transmission Line Project, Environmental Study Report (ESR), EXHIBIT F, TAB 1, SCHEDULE 1.

- a. Hydro One has completed an Environmental Assessment (EA) for the project.

Please provide an overview of the findings of the EA as it relates to the effects identified on the agricultural resources including impacts on the agricultural operations and future maintenance effects to farmland, movement of farm machinery and agricultural building removal within the easement / right-of-way.

- b. Has Hydro One prepared any operational policies, plans, or guiding documents either adopted or proposed relating to the replacement or removal of any Hydro One infrastructure when it is no longer required.
- c. What policies have been implemented by Hydro One to ensure that the mixing of soil and movement of soil will not detrimentally impact existing agricultural lands?
- d. What, if any, measures are being proposed by Hydro One with respect to ensuring that any impediments to farm vehicle maneuverability will be mitigated and minimized?
- e. During what periods is Hydro One proposing to conduct its construction activities to avoid any sensitive times of year with respect to agricultural operations? What specific circumstances are deemed by Hydro One not to be feasible to avoid construction and maintenance activities at sensitive times of the year?
- f. For those areas identified by Hydro One as requiring larger areas, beyond the individual tower footings, what specific mitigation measures are being proposed to minimize the impacts and retain as much land as possible in agricultural production?

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