



Hydro One Networks Inc.

**Application for approval to expropriate certain lands in
municipalities in northwestern Ontario**

**PROCEDURAL ORDER NO. 2 AND DECISION ON ISSUES LIST
February 21, 2025**

On November 8, 2024, Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) under section 99 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (OEB Act), for an order granting approval to expropriate interests in certain lands in the Municipality of Shuniah and the Town of Atikokan that are needed to facilitate the first phase of an electricity transmission project (Project).

On January 29, 2025, the OEB issued Procedural Order No. 1¹ (PO1) which, among other things, acknowledged a request by Kurt Krause for intervention status and directed him to provide information regarding whether he is an owner of a property that is one of the parcels that Hydro One is seeking to expropriate for the Project and if so, whether he has signed an agreement with Hydro One or whether he is in negotiations with Hydro One.

On February 4, 2025, Kurt Krause confirmed he is a property owner directly affected by the Project, that no agreement has been signed with Hydro One and that his legal representative is engaged in negotiations with Hydro One's legal counsel.

The OEB is satisfied that Kurt Krause is a property owner that is directly affected by the Project and, as such, has a substantial interest in this proceeding within the meaning of Rule 22.02 of the OEB's Rules of Practice and Procedure. Kurt Krause is approved as an intervenor on issues that are within the scope of this proceeding. Kurt Krause is also eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. The OEB notes that being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Individuals that represent their own interests should carefully review the OEB's [Practice Direction on Cost Awards](#) for information about the types of costs and disbursements that an individual may claim. For example, while wage or salary losses incurred as a

¹ EB-2024-0319 [Procedural Order No. 1](#)

result of participating in an OEB hearing may be claimed, fees are not generally permitted to be claimed by individuals under the OEB's Cost Award Tariff.

Kurt Krause shall accept the record of proceeding to this point.

Issues List

OEB staff filed a proposed issues list on February 14, 2025, and advised that OEB Staff, Kurt Krause, and Hydro One had agreed on it.

The requested expropriation relates to land required for Phase 1 of the Waasigan Transmission Project for which Hydro One was granted leave to construct by the OEB in a decision dated April 16, 2024.² In its application for expropriation, Hydro One stated that it has not been able to acquire the land rights for 25 of the 154 properties required for Phase 1, and seeks the right to expropriate so that it can complete construction in time to meet the required in-service date for Phase 1. The OEB has reviewed the proposed issues list filed with the application by Hydro One and has adjusted it to focus on the issues to be decided. A copy of the approved issues list is attached as Schedule A.

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

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Kurt Krause is approved as an intervenor and is eligible for an award of costs.
2. The issues list attached as Schedule A is approved.

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-2024-0319** 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.

² EB-2023-0198, Decision and Order

- 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, Jeffrey Sauer at Jeffrey.Sauer@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 21, 2025**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A

ISSUES LIST

PROCEDURAL ORDER NO. 2

HYDRO ONE NETWORKS, INC.

EB-2024-0319

DATED: February 21, 2025

Hydro One Networks, Inc.

EB-2024-0319

ISSUES LIST

1. *Is the proposed expropriation in the public interest?*
2. *Has Hydro One requested expropriation of the minimum amount of land needed for the project, and the minimum legal interest required for that land?*
3. *What conditions, if any, should be attached to the OEB's Order in this proceeding?*