**Ontario Energy Board (OEB)
Registrar’s Office
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Filed through RESS and Email**

**Subject: Final Argument – Hydro One Networks Inc. Expropriation Application (EB-2024-0319)**

**Dear Registrar,**

I, Kurt Krause, an intervenor in the matter of Hydro One Networks Inc.’s (Hydro One) application for expropriation under EB-2024-0319, submit this final argument in opposition to the inclusion of my properties in the expropriation process. I respectfully argue that the requested expropriation authorization is neither justified nor in the public interest due to procedural irregularities, Hydro One’s failure to negotiate in good faith, and the unnecessary harm that would result from granting the application as currently framed.

**1. The Public Interest Standard is Not Met**

The fundamental question in this proceeding is whether Hydro One’s proposed expropriation is in the public interest. Hydro One has not demonstrated that it has exhausted reasonable efforts to secure land rights through voluntary agreements. Instead, it has engaged in a negotiation process characterized by delays, misinformation, and failure to provide complete contractual terms.

The OEB has previously stated that failure to achieve voluntary agreements does not, in itself, constitute a barrier to expropriation. However, the Board must still determine whether expropriation is necessary and reasonable under the circumstances. Given Hydro One’s negotiation failures and the lack of good faith engagement, the company has not met this threshold.

**2. Hydro One’s Procedural Failures Have Prejudiced My Rights**

Throughout this process, Hydro One has repeatedly failed to provide complete and accurate documentation required for voluntary settlement. My legal counsel has made multiple requests for finalized agreements with correct compensation details, yet Hydro One has not provided these materials in a timely or accurate manner. As a result, I have been deprived of a fair opportunity to voluntarily resolve this matter before expropriation proceedings commenced.

 As noted in Procedural Order No. 3, voluntary agreements are a preferred method for acquiring land rights. Hydro One’s failure to provide proper documentation has put me in a position where expropriation is proceeding despite my readiness to finalize an agreement. It is unfair and prejudicial to allow expropriation to proceed when the delay is due to Hydro One’s failure to provide complete

contracts.

**3. Hydro one Legal counsel alludes to request for clarity as being unsubstantiated**

Contrary to Hydro One’s characterization, my request is not based on unsubstantiated allegations but rather on verifiable interactions and communications between myself, Hydro One representatives, my legal counsel and Hydro One.

To support my position, I will be submitting into the OEB records, classified material including call logs and email correspondence, which will provide clear evidence of Hydro One’s handling of this matter. These records will demonstrate repeated and unresolved concerns regarding Hydro One’s conduct, including delays and a failure to engage in due diligence. Given this evidence, my request for relief is neither extraordinary nor unwarranted but a necessary safeguard against improper or unjustified expropriation actions.

**4. Good Faith Efforts to Settle Have Been Obstructed by Hydro One**

I have consistently demonstrated a willingness to engage in negotiations and finalize an agreement. However, Hydro One’s failure to provide accurate documentation has made it impossible to conclude a voluntary settlement. It is unjust to allow Hydro One to claim that voluntary settlement was not possible when it was their own actions that obstructed the process.

**5. Hydro One’s Own Conduct Created the Need for This Motion**

Hydro One has argued that my reaction to the OEB’s ruling strengthens their case for expropriation. However, the reality is that their failure to provide complete and accurate documentation is what has made voluntary settlement impossible—not any actions on my part. Their delays and errors, rather than my objections, are what prevent voluntary settlement from being achieved.

**6. Hydro One Misrepresents the Nature of Negotiations**

 While Hydro One claims my response strengthens their case for expropriation, the reality is that their refusal to finalize agreements in good faith has caused the impasse. I have made repeated efforts to settle, but Hydro One’s actions have undermined the voluntary agreement process. The fact that Hydro One has continued to fail to provide accurate agreements suggests that they have not been negotiating in good faith.

**7. Failure to Provide a Fair and Transparent Process Undermines Public Interest**

Hydro One argues that removing my property would jeopardize the project, but in reality, it is their refusal to engage fairly in negotiations that jeopardizes the legitimacy of the expropriation process. The OEB’s role is to ensure fairness, and allowing expropriation under these conditions would set a dangerous precedent. The public interest is not served by rewarding Hydro One for failing to engage in fair negotiations.

**8. Proposed Alternative Relief**

In light of the above, I respectfully request that the OEB:

1. **Remove my properties from the expropriation process** until Hydro One provides finalized, accurate agreements for review and negotiation.
2. **Require Hydro One to submit corrected agreements** and engage in a structured settlement process before allowing expropriation to proceed.
3. **Impose conditions on any expropriation approval**, including a requirement that Hydro One provide full and complete documentation to affected landowners before any expropriation takes effect.
4. **Extend any applicable deadlines** to allow for proper contract review and execution.

**Conclusion**

The expropriation process should not serve as a shortcut for Hydro One to bypass its obligations to negotiate in good faith. Given the company’s failure to properly engage in voluntary settlement discussions and the prejudice that would result from granting expropriation under the current conditions, I urge the OEB to deny the application as it pertains to my properties or, at a minimum, impose the conditions outlined above.

Thank you for your consideration of this matter. I appreciate the opportunity to present my final argument and request that the OEB take these concerns into account in its final decision.

**Best Regards,**
**Kurt Krause**
**Kamorganics**