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BY EMAIL

June 11, 2025

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ritchie Murray:

**Re: Hydro One Networks Inc. (Hydro One)
Application for Expropriation Near City of Port Colborne
Ontario Energy Board (OEB) Staff Interrogatories
OEB File Number: EB-2024-0142**

In accordance with Procedural Order No. 1, please find attached the OEB staff interrogatories for the above proceeding. This document has been sent to Hydro One Networks Inc. and to all other registered parties to this proceeding.

Hydro One Networks Inc. is reminded that its responses to interrogatories are due by **June 25, 2025**. Responses to interrogatories, including supporting documentation, must 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.

Yours truly,

Muhammad Yunus
Advisor, Generation & Transmission

Encl.

**OEB Staff Interrogatories
Hydro One Networks Inc.
EB-2024-0142**

Staff – 1

Ref: Exhibit A, Tab 1, Schedule 1, pp. 3

Exhibit A, Tab 1, Schedule 1, pp. 7

Appendix 2C

Preamble:

Hydro One states that the 115 kilovolt transmission lines and facilities known as the C2P and A6C transmission lines (Existing Transmission Lines) were constructed and placed into operation by predecessors of Hydro One many decades ago in compliance with the then existing legislative scheme that governed the construction of transmission infrastructure in Ontario. Hydro One further provided an Order-in-Council issued on August 25, 1976, to describe the authority under which the Existing Transmission Lines were constructed. Additionally, Hydro One states that the expropriation of the lands by the St. Lawrence Seaway Authority occurred in the 1960s.

Section 99(1) of the *Ontario Energy Board Act, 1998* (OEB Act) states that: “The following persons may apply to the Board for authority to expropriate land for a work: 1. Any person who has leave under the Part [i.e. Part VI of the OEB Act] or a predecessor to this Part. [...]”

Questions:

- a) Please clarify when the Existing Transmission Lines were originally constructed and put into service in their current location.
- b) Please confirm whether the agreements entered into in 1969 and 1976 with the St. Lawrence Seaway Authority apply to the Existing Transmission Lines, and whether the Existing Transmission Lines are the result of the relocation of Ontario Hydro facilities required by the St. Lawrence Seaway Authority.
- c) The agreements contemplated payment from the St. Lawrence Seaway Authority to Ontario Hydro to cover the cost of relocating power transmission lines and electricity supply facilities. Did Ontario Hydro receive payment for the Existing Transmission Facilities?

- d) Is the 1976 Order-in-Council the “leave” that was granted under a predecessor to Part VI of the OEB Act in relation to the Existing Transmission Lines? If not, please provide further detail and any relevant documents.

Staff – 2

Ref: Exhibit A, Tab 1, Schedule 1, pp. 3-4

Preamble:

Hydro One states that the City of Port Colborne entered into an Agreement of Purchase and Sale with Nyon Oil Inc. and 1170367 Ontario Inc. (collectively Nyon and 117) in January 2006. The transaction closed in May 2015, and per Hydro One, neither the City of Port Colborne nor Nyon and 117 notified Hydro One of the transaction. A Notice to Pay or to Quit and a Notice to Remove were then received by Hydro One in September 2015.

Questions:

- a) Please clarify which aspect of the transaction Hydro One was unaware of, the initial Agreement of Purchase and Sale in 2006, or the closing of the transaction in 2015.
- b) Please clarify how Hydro One was made aware of the transaction.
- c) What actions, if any, did Hydro One take upon learning of the Agreement of Purchase and Sale closing?
- d) When did Hydro One learn that Nyon and 117 were asserting ownership of the portions of the Existing Transmission Lines that cross their lands?

Staff – 3

Ref: Exhibit A, Tab 1, Schedule 1, pp. 4

Appendix 4

Preamble:

Hydro One states that “In October 2015, through counsel, Hydro One and Nyon agreed to hold Nyon’s September 22, 2015 letters and notices “in abeyance” pending the resolution of the dispute.”

In Nyon and 117’s February 22, 2024, letter they refer to communication (Appendix FF) on October 2, 2015, between Ms. Batner (counsel for Hydro One) and Sean Gosnell (then counsel for Nyon and 117) regarding the agreement to hold the letters and notices “in abeyance”.

Questions:

- a) Please provide a copy of Appendix FF referred to in Nyon and 117’s February 22, 2024, letter from counsel describing the correspondence between Ms. Batner and Mr. Gosnell to hold letters and notices in abeyance (page 15 of Appendix 4).

Staff – 4

Ref: Exhibit A, Tab 1, Schedule 1, pp. 4-5

Preamble:

Hydro One notes that Nyon asserts an ownership right to the Existing Transmission Lines themselves, and requests that, to the extent Nyon maintains this ownership claim through this proceeding, that the OEB make a determination pursuant to section 19(1) of the OEB Act that the Existing Transmission Lines are in fact owned by Hydro One. In support of its argument that Hydro One owns the Existing Transmission Lines, Hydro One refers to section 44 of the *Electricity Act, 1998* (and predecessor statutes), and what it refers to as an acknowledgment of Hydro One's ownership from the St. Lawrence Seaway Authority.

Questions:

- a) Does Hydro One rely on any other legislation or documents in support of its position that it owns the Existing Transmission Lines?

Staff – 5

Ref: Exhibit A, Tab 1, Schedule 1, pp. 5

Preamble:

Hydro One states: “At all material times Hydro One has maintained ownership and control over the operations and maintenance of the Existing Transmission Lines.”

Questions:

- a) Has there ever been a time when the Existing Transmission Lines were operated or maintained by anyone other than Hydro One or its predecessor companies?
- b) Has Nyon and 117 ever denied Hydro One actual access to the lands in question to perform necessary maintenance work? Does Hydro One expect that this may occur?
- c) Are the Existing Transmission Lines part of Hydro One’s rate base? To the extent they are fully depreciated, were they ever part of Hydro One’s rate base?
- d) Are the Existing Transmission Lines covered by Hydro One’s Transmission Licence from the OEB?

Staff – 6

Ref: Exhibit A, Tab 1, Schedule 1, pp. 11

Preamble:

Hydro One states that they continue to be willing to negotiate with the registered property owners listed in Appendix 6 and will update the appendices over the course of the proceeding should negotiations ameliorate or proceed to completion.

Questions:

- a) Please provide an update on the status of any negotiations that are ongoing or have occurred with the registered property owners listed in Appendix 6.

Staff – 7

Ref: Exhibit A, Tab 1, Schedule 1, pp. 11

Preamble:

Hydro One states that it requires the expropriation to “safely operate and maintain the Existing Transmission Lines and provide service to an estimated 37,0000 customers served by these lines, which includes the entire City of Port Colborne.”

Additionally, Hydro One states that, “The Existing Transmission Lines are needed to maintain a safe, reliable and adequate supply of electricity in the Province. The rights in the lands requested herein are integral to the continued uninterrupted use of the Existing Transmission Lines and therefore are necessarily in the public interest.”

Questions:

- a) Please confirm the estimated number of customers served by these lines: is it 37,000 or 370,000?
- b) Please describe the effect on the customers served by these lines should Hydro One not obtain the rights to the lands requested in this application.