



**Hydro One Networks Inc.**

**Application for approval to expropriate certain lands  
near City of Port Colborne**

**PROCEDURAL ORDER NO. 2  
July 16, 2025**

On December 16, 2024, Hydro One Networks Inc. applied to the Ontario Energy Board (OEB) under section 99 of the *Ontario Energy Board Act, 1998*, (OEB Act), for an order granting approval to expropriate interests in certain lands (the Subject Lands) near the City of Port Colborne. Hydro One stated that the expropriation is needed so that it may continue to operate and maintain existing transmission lines that are located on the Subject Lands (Existing Transmission Lines). The Existing Transmission Lines were placed in their current location in the 1960s and form part of the Independent Electricity System Operator controlled transmission grid.

The application will be heard by commissioners: Patrick Moran (presiding), Robert Dodds, and Shahrzad Rahbar.

The OEB issued a Notice of Hearing on April 9, 2025.<sup>1</sup> In accordance with the OEB's Letter of Direction, Hydro One served the Notice on the current registered property owners and encumbrancers with lands or interest in the lands directly affected by the proposed expropriation application.

On May 15, 2025, Nyon Oil Inc. (Nyon) and 1170367 Ontario Inc. (117) (collectively Nyon and 117) applied for intervention status and cost eligibility. No objection was received from Hydro One. No other party applied for intervention status.

In Procedural Order No. 1, issued on May 28, 2025, the OEB approved Nyon and 117 as intervenors and granted them eligibility to apply for cost awards under the OEB's [Practice Direction on Cost Awards](#).

On June 4, 2025, Nyon and 117 filed a [Notice of Constitutional Question](#) with the OEB indicating that they intend to raise a question about the constitutional validity or

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<sup>1</sup> EB-2024-0142 [Notice of Hearing](#)

applicability of legislation as part of their intervention in this proceeding in accordance with Rule 36 of the OEB Rules of Practice and Procedure.

In line with Procedural Order No. 1, Nyon and 117 filed evidence with the OEB on June 6, 2025, with amended evidence filed on June 9, 2025. Hydro One submitted responses to interrogatories on June 25, 2025, and Nyon and 117 submitted responses to interrogatories on July 4, 2025.

On July 9, 2025, Nyon and 117 filed a letter with the OEB alleging that Hydro One had made various misstatements in its filings and was engaged in an abuse of the OEB's process.

Through the discovery process, the main issues to be determined by the OEB in this proceeding have become more clearly defined:

1. Who owns the subject transmission facilities?
2. If Hydro One does, did it lose its original easements when the federal government expropriated land for a canal?
3. If Hydro One did lose the original easements, were they replaced by other rights that continue to exist?
4. If not, is it in the public interest for the OEB to grant them authority to expropriate new easements?

This is not a typical expropriation application, given that the subject transmission facilities already exist, and it raises unique issues. In that regard, the allegations raised by Nyon and 117 in their July 9, 2025 correspondence may not be particularly helpful or relevant in determining those issues. The OEB further reminds the parties that to the extent that compensation may be an issue between them, that is an issue for another day and a different tribunal, in the event that the OEB grants the requested expropriation authority.

### **Submissions and Hearings**

At this time, provision is being made for written submissions by Hydro One, and Nyon and 117. If the OEB considers it necessary, provision will be made for oral submissions at a later stage. In setting out the questions above, it is not the OEB's intent to limit the right of parties to make submissions on all relevant issues but rather to assist parties in understanding the issues of primary interest to the OEB.

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. Hydro One shall file a written argument-in-chief with the OEB and serve it on all intervenors by **July 25, 2025**.
2. Any written submissions by Nyon and 117 shall be filed with the OEB and served on all other parties by **August 8, 2025**.
3. Any reply submissions by Hydro One, shall be filed with the OEB and served on all other parties by **August 22, 2025**.

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-2024-0142** 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](mailto: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, Muhammad Yunus at [Muhammad.Yunus@oeb.ca](mailto:Muhammad.Yunus@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

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

**DATED** at Toronto, **July 16, 2025**

**ONTARIO ENERGY BOARD**

Ritchie Murray  
Acting Registrar