

Hydro One Networks Inc.

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BY EMAIL AND RESS

August 5, 2025

Ms. Nancy Marconi
Registrar
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Marconi,

EB-2025-0130 – Hydro One Networks Inc. – Expropriation Application for Phase 2 of the Waasigan Project – Reply Submission

In accordance with Procedural Order (“P.O”) No. 1, please find enclosed Hydro One Networks Inc.’s (“Hydro One”) reply submission in this proceeding.

Hydro One is providing the Ontario Energy Board (“OEB”) with its Reply Submission 8 days in advance of the P.O. No.1 issued date in an effort to move through the remaining stages of the hearing and obtain a decision from the OEB as expeditiously as possible – ultimately aimed at avoiding any delays that may hinder timely and efficient construction activities on these properties.

Hydro One would like to acknowledge and thank OEB Staff for their efforts in providing their Submissions in advance of the P.O. No.2 date and respectfully ask the OEB, where possible, to also exercise any reasonable effort to render its decision as quickly as possible.

An electronic copy of this Reply Submission has been filed through the OEB’s Regulatory Electronic Submission System.

Sincerely,



Andrew Flannery on behalf of Pasquale Catalano

cc: Gord Nettleton (McCarthy Tétrault)
Monica Caceres (Hydro One Networks Inc.)

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF section 99 (1) of the OEB Act.

AND IN THE MATTER OF an Application by Hydro One Networks Inc. (“Hydro One”) for authority to expropriate land for the purpose of constructing and operating a 170 km long 230 kilovolt single circuit transmission line between Hydro One’s Mackenzie Transformer Station in Atikokan, Ontario and Dryden Transformer Station in Dryden, Ontario.

**REPLY SUBMISSION
HYDRO ONE NETWORKS INC.**

August 5, 2025

OVERVIEW

1. In accordance with Procedural Order No. 1 dated June 24, 2025, Hydro One provides its reply submissions to those received from Ontario Energy Board Staff (“OEB Staff” or “Staff”). There were no other approved registered intervenors in this proceeding, nor did Hydro One, or the OEB receive any letters of comment.

2. Hydro One’s reply to OEB Staff submissions is organized as follows:

- Response to Submissions from OEB Staff
- Conclusions

RESPONSE TO SUBMISSIONS FROM OEB STAFF

3. OEB Staff correctly state that the test used to assess whether relief requested pursuant to section 99 is, “if the OEB is of the opinion that the expropriation of land is in the public interest, it may make an order authorizing the applicant to expropriate the land.”¹ Based on this test, OEB Staff has concluded that the requested authority to expropriate interests in the subject lands is in the public interest and should be granted by the OEB.² Hydro One agrees.

Issue List – Issues 1 and 2

4. In its assessment of the public interest standard, OEB Staff address Issues 1 and 2 of the Issues List. These focus on a central theme: the nature of the land rights contemplated to be made subject to an expropriation authorization. There are two considerations: (a) whether the subject land rights are demonstrated to be necessary to complete Phase 2 of the Waasigan Project and (b) whether the expropriation authorization applies to a minimal taking of property interests, both in terms of the size of property and the nature of the land rights.

5. Regarding Issue 1, Hydro One agrees with OEB Staff’s submissions as found at pages 4 through 6 with respect to public interest. OEB Staff’s submissions accurately

¹ EB-2025-0130, Hydro One’s Waasigan Phase 2 Project Expropriation proceeding, OEB Staff Submission, dated July 30, 2025, at page 3.

² EB-2025-0130, Hydro One’s Waasigan Phase 2 Project Expropriation proceeding, OEB Staff Submission, dated July 30, 2025, at page 1.

1 describe why the requested granting of expropriation authority pertains to land
2 interests necessary to complete Phase 2 of the Waasigan Project. Hydro One has no
3 further additions to make regarding Issue 1.

- 4
- 5 6. Regarding Issue 2, Hydro One agrees with OEB Staff's submissions as found at pages
6 6 through 7 with respect to the minimal nature of the proposed taking. The evidence
7 in this proceeding demonstrates that Hydro One has requested a minimum quantity of
8 land (i.e., size of the taking) as well as minimal rights (i.e., easement interests) that
9 are required to safely and reliably complete construction of the Project and then
10 operate and maintain the facilities over its expected useful life. Hydro One has no
11 further additions to make regarding Issue 2.

12

13 ***Issue List – Issue 3***

- 14 7. Issue 3 to the Issues List concerns what, if any, conditions should be attached to any
15 Order granted by the Board. Hydro One accepts Conditions 3, 4, 5, 7 and 8 of the
16 proposed draft conditions with no proposed amendments³. OEB Staff's submission
17 supports Hydro One's revisions to Draft Condition 1, and to remove Draft Condition 6⁴.
18 Hydro One agrees.

- 19
- 20 8. However, Hydro One and OEB Staff's views depart on one condition, Draft Condition
21 2, which contemplates the manner in which notice to landowners is issued prior to
22 initial entry onto the subject lands. OEB Staff's proposed Condition 2 imposes both an
23 oral and written notification requirement.⁵

- 24
- 25 9. In reply, Hydro One submits that notification should allow for "*oral and/or written*" notice
26 to accommodate landowners preferences for communication as provided in response
27 to OEB Staff Interrogatory 4. Hydro One does not agree with OEB Staff's argument
28 that oral notice does not create a traceable record of communication. Hydro One has

³ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation proceeding, Exhibit I, Tab 1, Schedule 4 – Draft Conditions of Approval, dated July 10, 2025, at page 6-7.

⁴ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation proceeding, OEB Staff Submission, dated July 30, 2025, at page 8-9.

⁵ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation proceeding, OEB Staff Submission, dated July 30, 2025, at page 8-9.

1 demonstrated that its records of communication⁶ are capable of tracking oral
2 communications. OEB Staff relied on said records in its submissions to demonstrate
3 that Hydro One made reasonable efforts in the case of agreement negotiations⁷ and
4 hence it should be sufficient to demonstrate reasonable efforts with respect to
5 landowner notification.

6
7 10. Furthermore, Hydro One does not agree with OEB Staff's submission that this
8 condition is required to be consistent with a previous OEB expropriation decision⁸ and
9 that Hydro One must therefore demonstrate why a departure from this practice is
10 necessary. For example, Hydro One notes that while OEB Staff proposed similar
11 language in another expropriation proceeding for the East West Tie project,
12 Nextbridge rebutted and proposed modifications to change the language from "oral
13 **and** written" to "oral **or** written" notice. OEB Staff viewed the NextBridge proposed
14 revisions as practical and reasonable.⁹ Most importantly, the Board agreed and
15 ultimately imposed the following condition:

16
17 "NextBridge shall use all reasonable efforts to provide **oral or written**
18 notice at the landowner preference to the landowners a minimum of 48
19 hours prior to the initial entry onto the land..."¹⁰ **[emphasis added]**
20

21 11. Given the above, Hydro One respectfully submits that the need and justification for
22 OEB Staff's proposed language requiring both oral and written notice has not been
23 demonstrated. And as such, Hydro One respectfully requests that the condition allow
24 for either oral and/or written notice, as outlined below, if this condition is included in
25 any Order granted by the Board.

⁶ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation proceeding, Exhibit I, Tab 1, Schedule 2, Attachment 2, dated July 16, 2025.

⁷ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation, OEB Staff Submission, dated July 30, 2025, at page 5-6.

⁸ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation, OEB Staff Submission, dated July 30, 2025, at page 9.

⁹ EB-2019-0127, NextBridge EWT Project Expropriation Application, OEB Staff Submission, dated August 13, 2019, at page 10.

¹⁰ EB-2019-0127, NextBridge EWT Project Expropriation Application, OEB Decision and Order – Schedule C, dated September 12, 2019.

1 **"Draft Condition #2:** Hydro One shall use all reasonable efforts to provide
2 oral and/or written notice to the landowners a minimum of 48 hours prior to
3 the initial entry onto the land."¹¹
4

5 **CONCLUSIONS**

6 12. Based on the above, Hydro One submits that no party has provided a reasonable basis
7 to cause the Board to deny the relief Hydro One has sought in its Application; and as
8 such the applied-for expropriation authorization relief should be approved subject to
9 the conditions set out in OEB Staff's submissions except for Draft Condition 2.
10

11 13. Hydro One supports having OEB Staff's Draft Condition 2, however, the proposed
12 condition should be revised to allow for "oral and/or written" notice to accommodate
13 landowner preferences for communication.
14

15 All of which is respectfully submitted on August 1, 2025.

¹¹ EB-2025-0130, Hydro One's Waasigan Phase 2 Project Expropriation proceeding, Exhibit I, Tab 1, Schedule 4, dated July 16, 2025 at page 4.

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