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August 8, 2025

Via Email and RESS

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, Ontario, M4P 1E4

Dear Mr. Murray:

**Re: Hydro One Networks Inc. (Hydro One)
St. Clair Transmission Project Section 99 Expropriation Authorization Application
OEB File Number: EB-2025-0093**

In accordance with Procedural Order No. 2 to the above-matter, we are pleased to enclose Hydro One's Reply Submissions.

Yours truly,

McCarthy Tétrault LLP


Gordon M. Nettleton
Partner | Associé

GMN

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 230-kilovolt (“kV”) double-circuit
transmission line between St. Clair Township, Ontario and the
Municipality of Chatham-Kent, Ontario.

**REPLY SUBMISSION
HYDRO ONE NETWORKS INC.**

August 8, 2025

A. OVERVIEW

1. On April 4, 2024, Hydro One Networks Inc. (“Hydro One”) applied to the Ontario Energy Board (“OEB” or “Board”) pursuant to section 99(1) of the OEB Act, 1998, for authority to expropriate certain interests in land (“the Application”) for the purpose of constructing and operating a new 64 km 230kV double-circuit transmission line known as the St. Clair Transmission Line Project (“SCTL Project” or the “Project”) between the Lambton Transformer Station in St. Clair Township, Ontario and the Chatham Switching Station in the Municipality of Chatham-Kent, Ontario.
2. The Project is required to increase long-term transmission supply capacity to the West of London area as recommended by the IESO.¹ Hydro One obtained leave of the Board² to construct this **priority project**³ on December 10, 2024, and construction on the Project commenced in April 2025⁴ at locations where all necessary approvals, permits, licenses, certificates and land agreements have been obtained.
3. In accordance with Procedural Order No 1, dated May 28, 2025, Hydro One received written submissions from OEB Staff and the Siskinds Firm Group with respect to the Application.
4. Hydro One submits that no party has provided a reasonable basis to cause the Board to deny the relief Hydro One has sought in the Application. The Application and evidence in this proceeding demonstrates that the expropriation of land is in the public interest. The subject land rights are necessary to complete the Project, and the requested expropriation authorization relief is for a minimum quantity of land rights required to safely and reliably complete construction and then operate and maintain the Project over its expected useful life. OEB Staff support the relief sought by Hydro One in the Application.⁵

¹ IESO “Need for Bulk Transmission Reinforcements West of London” Report, dated September 23, 2021.

² EB-2024-0155, SCTL Project Leave to Construct, OEB’s Decision and Order, dated December 10, 2024.

³ Orders in Council (OIC No. 875/2022 and 876/2022) declaring that construction of the Project is needed in accordance with s.28.6.1 of the OEB Act and that the Project has been determined to be a priority project for the purposes of s.96.1(2) of the OEB Act, dated March 31, 2022.

⁴ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 2, part a).

⁵ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 1.

1 5. Hydro One's reply to these submissions is organized as follows:

- 2 • Response to Submissions from OEB Staff
- 3 • Response to Submissions from the Siskinds Firm Group
- 4 • Conclusions

5
6 **B. RESPONSE TO SUBMISSIONS FROM OEB STAFF**

7 6. OEB Staff correctly state that the test used to assess whether relief requested
8 pursuant to section 99 is, "if the OEB is of the opinion that the expropriation of land is
9 in the public interest, it may make an order authorizing the applicant to expropriate the
10 land".⁶ Based on this test, OEB Staff has concluded that the requested authority to
11 expropriate interests in the subject lands is in the public interest and should be granted
12 by the OEB.⁷ Hydro One agrees.

13
14 ***Issue List – Issues 1 and 2***

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

22
23 8. Regarding Issue 1, Hydro One agrees with OEB Staff's submissions as found at pages
24 4 through 5 with respect to public interest. OEB Staff's submissions accurately
25 describe why the requested granting of expropriation authority pertains to land
26 interests necessary to complete the SCTL Project. Hydro One has no further additions
27 to make regarding Issue 1.

28
29 9. Regarding Issue 2, Hydro One agrees with OEB Staff's submissions as found at pages
30 5 through 6 with respect to the minimal nature of the proposed taking. The evidence
31 in this proceeding demonstrates that Hydro One has requested a minimum quantity of

⁶ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 3.

⁷ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 1.

land (i.e., size of the taking) as well as minimal rights (i.e., easement interests) that are required to safely and reliably complete construction of the Project and then operate and maintain the facilities over its expected useful life, while also taking into consideration the Glasgows preference to reduce the number of tower location placements thereby minimizing the effect on their farming operations.⁸

Issue List – Issue 3

10. Issue 3 to the Issues List concerns what, if any, conditions should be attached to any Order granted by the Board. Hydro One accepts Conditions 3, 4, 7 and 8 of the proposed draft conditions with no proposed amendments.⁹ OEB Staff's submission supports Hydro One's revisions to Draft Conditions 1, 5, and to remove Draft Condition 6.¹⁰ Hydro One agrees.

11. However, Hydro One and OEB Staff's views depart on one condition, Draft Condition 2, which contemplates the manner in which notice to landowners is issued prior to initial entry onto the subject lands. OEB Staff's proposed Condition 2 imposes both an oral and written notification requirement.¹¹

12. In reply, Hydro One submits that notification should allow for "*oral and/or written*" notice to accommodate landowners preferences for communication as provided in Hydro One's response to OEB Staff Interrogatory 4.¹² Hydro One does not agree with OEB Staff's argument that oral notice does not create a traceable record of communication. Hydro One has demonstrated that its records of communication¹³ are capable of tracking oral communications. OEB Staff relied on said records in its submissions to demonstrate that Hydro One made reasonable efforts in the case of agreement negotiations¹⁴ and hence it should be sufficient to demonstrate reasonable efforts with respect to landowner notification.

⁸ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 1, part e).

⁹ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 4.

¹⁰ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at pages 6 to 8.

¹¹ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 7.

¹² EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 4, at page 3.

¹³ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, Attachment 1.

¹⁴ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 4.

13. Furthermore, Hydro One does not agree with OEB Staff's submission that this condition is required to be consistent with a previous OEB expropriation decision¹⁵ and that Hydro One must therefore adequately demonstrate why a departure from this practice is necessary. For example, Hydro One notes that while OEB Staff proposed similar language in another expropriation proceeding for the East West Tie project, NextBridge rebutted and proposed modifications to change the language from "oral **and** written" to "oral **or** written" notice. OEB Staff viewed the NextBridge proposed revisions as practical and reasonable.¹⁶ Most importantly, the Board agreed and ultimately imposed the following condition:

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

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

"Draft Condition #2: Hydro One shall use all reasonable efforts to provide oral and/or written notice to the landowners a minimum of 48 hours prior to the initial entry onto the land."¹⁸

C. RESPONSE TO SUBMISSIONS FROM THE SISKINDS FIRM GROUP

Preliminary Matters

i. Sur-Reply Request

15. Hydro One notes that as part of its submissions, the Siskinds Firm Group has requested a modification to Procedural Order No. 1 by requesting the Board allow sur-

¹⁵ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 7 citing Waasigan Phase 1.

¹⁶ EB-2019-0127, NextBridge EWT Project Expropriation Application, OEB Staff Submission, at page 10, dated August 13, 2019.

¹⁷ EB-2019-0127, NextBridge EWT Project Expropriation Application, OEB Decision and Order, Schedule C, dated September 12, 2019.

¹⁸ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 4.

reply submissions if Hydro One extends or changes its position or evidence in reply.¹⁹ Hydro One is not introducing new evidence through reply argument and confirms that it is not altering the relief sought or evidence that supports such relief. The request for sur-reply should therefore be denied.

ii. Relief Sought in the Application

16. The Siskinds Firm Group misunderstands the nature of the relief sought by Hydro One in the Application. Specifically, Hydro One is not seeking permissions to: (i) construct a 230kV double-circuit transmission line and (ii) convert the Wallaceburg Transformer Station from a 115kV to a 230kV supply station.²⁰ The Board has already issued its approval, in the form of leave to construct the Project in accordance with section 92 of the OEB Act.²¹ The relief Hydro One now seeks, given these approvals, is limited to the authority to expropriate easement interests in five subject properties owned by the impacted landowners (collectively referred to as the “Glasgows”) as outlined in the Application.²² The limited nature of this request is telling. In order to construct the Project, Hydro One requires land rights from 102 properties; 94 of which are privately owned, 2 of which are provincially owned properties, and 6 railway crossings.²³ To date, Hydro One has successfully negotiated voluntary land acquisition agreements with all impacted properties except, the Glasgows’ properties.

Out of Scope Issues

17. Much of the discovery and submissions made by the Siskinds Firm Group concern issues pertaining to the environmental assessment process and compensation. For the reasons that follow, none of these matters comport with the scope of this proceeding as defined by the Issues List.²⁴ Submissions regarding these topics are not relevant to this proceeding and should be afforded no weight.

¹⁹ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 4.

²⁰ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 6 to 7.

²¹ EB-2024-0155, SCTL Project Leave to Construct, OEB Decision and Order, dated December 10, 2024.

²² EB-2025-0093, SCTL Project Expropriation, Exhibit A, Tab 1, Schedule 1, Appendix 4, dated May 23, 2025.

²³ EB-2025-0093, SCTL Project Expropriation, Exhibit A, Tab 1, Schedule 1, dated May 23, 2025.

²⁴ EB-2025-0093, SCTL Project Expropriation, OEB Decision on Issues List, Schedule A, dated June 16, 2025.

1 *i. Environmental Assessment*

2 18. The Board, in its Decision on Issues List, explicitly informed parties that “revisiting
3 matters pertaining to project environmental, or route approvals heard and decided in
4 the leave to construct proceeding or captured in the environmental assessment fall
5 outside the scope of this proceeding”.²⁵

6
7 19. Submissions provided regarding environmental assessment concerns, specifically
8 drinking and groundwater quality and quantity and use of helical piles foundations were
9 matters addressed during the Project’s environmental assessment process, contrary
10 to statements²⁶ made by the Siskinds Firm Group.

11
12 20. Hydro One’s response to the Siskinds Firm Group Interrogatory 2, addressed this
13 point, noting that the route evaluation carried out in the class environmental
14 assessment process included a criterion for source water protection and water wells.
15 The class environmental assessment process also included assessment of potential
16 environmental effects to groundwater quality and quantity, including specific
17 consideration of the use of helical pile tower foundations, and appropriate mitigation
18 measures for these effects.²⁷ Both of these are aspects documented in the Project’s
19 Environmental Study Report²⁸ which is part of the Class Environmental Assessment
20 process governed by the *Environmental Assessment Act* and was noted as such when
21 the Board granted leave to construct the Project.²⁹

22
23 21. The use of helical piles was one of the commitments Hydro One made to mitigate
24 groundwater and well water concerns raised during the consultation phase of the
25 environmental assessment process. Helical piles are being designed so that tower
26 foundations do not directly interact with identified regional aquifers, as documented in
27 Section 7.7.6 of the Project’s Final Environmental Study Report which was prepared
28 in accordance with the requirements of the *Environmental Assessment Act*.

²⁵ EB-2025-0093, SCTL Project Expropriation, OEB Decision on Issues List, at page 3, dated June 16, 2025.

²⁶ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 32 to 44.

²⁷ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 2, Schedule 2, part 5.

²⁸ SCTL Project’s Final Environmental Study Report, dated February 5, 2024, Chapter 5 (source water protection and water wells evaluation criterion) and Chapter 7, Section 7.7.6 (groundwater quality and quantity environmental assessment effects and mitigation measures) respectively.

²⁹ EB-2024-0155, SCTL Project Leave to Construct, OEB Decision and Order, at page 22, dated December 10, 2024.

22. The class environmental assessment process was completed in February 2024.³⁰ The Siskinds Firm Group now raise legal arguments³¹ concerning the “precautionary principle” in the context of this proceeding. The precautionary principle, as noted in the authorities which the Siskinds Firm Group cites, is a principle that is grounded in the underlying objectives of performing environmental assessments. The Glasgows participated in the class environmental assessment process through correspondence with Hydro One and raised similar concerns during that process which Hydro One responded to, as documented in the Project’s Environmental Study Report. The Siskinds Firm Group appear to be now arguing that outcomes of the class environmental assessment process should simply be ignored and instead reheard and reconsidered in the context of a request for expropriation authorization. Given the clear and unambiguous direction issued from the Board in this proceeding³², such attempts are inconsistent with the scope of this proceeding and counterproductive to the policy objectives of achieving regulatory certainty and expedient decision-making. This Project has already been determined to be in the public interest; a matter of priority intended for the benefit all Ontarians. Hydro One therefore submits that no weight should be afforded to arguments on these matters.

23. Furthermore, in reply to the Siskinds Firm Group assertions³³ that the existing drainage system is necessary to facilitate project construction and should be considered as part of the expropriation process, Hydro One respectfully disagrees. The Siskinds Firm Group has not provided any evidence in support of this assertion. Conversely, the Board is well aware that Hydro One and other electricity transmitters in the Province have constructed transmission infrastructure in a wide variety of ground and sub-surface conditions including areas of wetland and floodplains. The potential for seasonal or event-based flooding along the Project route has been considered during the class environmental assessment and subsequent construction planning, and is not considered to be an insurmountable obstacle preventing construction of the transmission line. As was determined during the environmental assessment process,

³⁰ The Final Environmental Study Report and Statement of Completion were filed with the Ministry of the Environment, Conservation and Parks on February 5, 2024.

³¹ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, paragraphs 38 to 44.

³² EB-2025-0093, SCTL Project Expropriation, OEB Decision on Issues List, at page 3, dated June 16, 2025.

³³ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 48 to 52.

1 Hydro One has made commitments to implement proactive mitigation measures to
2 avoid and minimize damage to drainage systems during construction. Despite these
3 measures, if Project construction directly cause damage to the Glasgows' existing
4 drainage system, Hydro One remains responsible for these costs, as is contemplated
5 in section 100 of the OEB Act, and consistent with terms of the OEB-approved
6 standard forms of agreement.

7
8 ii. Compensation

9 24. Several matters pertaining to compensation are also raised by the Siskinds Firm
10 Group, including injurious affection³⁴, property appraisal³⁵, standard form of
11 agreements compensation structure³⁶, and compensation for the drainage system³⁷.

12
13 25. As highlighted in Hydro One's response to OEB Staff Interrogatory 3, each landowner
14 affected in the Application was offered the OEB-approved standard form of
15 agreements.³⁸ Hydro One attempted voluntary settlement negotiations in good faith
16 with the Glasgows. Hydro One responded to requests for information relating to the
17 compensation framework. The fact that negotiations were unsuccessful demonstrates
18 Hydro One's intent of maintaining a consistent and uniform approach to the terms and
19 conditions of voluntary land acquisition: incentivizing compensation settlements and
20 dissuading the need for expropriation authorization. While it is reasonable for parties
21 to agree to disagree on compensation, that outcome does not dissuade or diminish
22 the need for expropriation authorization. The expropriation authorization sought in the
23 Application is predicated on maintaining consistent non-compensatory terms and
24 conditions of the taking, irrespective of how lands are acquired, either via voluntary
25 agreements or expropriation authorization.³⁹ If expropriation authorization is granted,
26 compensation disputes will be addressed by the Ontario Land Tribunal and are not
27 matters that are within this Board's jurisdiction.

³⁴ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 18 to 20.

³⁵ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 26 to 31.

³⁶ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 45 to 47.

³⁷ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 48 to 52.

³⁸ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, part b).

³⁹ EB-2025-0093, SCTL Project Expropriation, Exhibit A, Tab 1, Schedule 1, at page 4, dated April 4, 2025.

1 26. The scope of the Board's jurisdiction was, again, expressly described at the outset of
2 this proceeding. Procedural Order No 1, explicitly states that "the OEB does not, in
3 the context of an expropriation application, determine the specific compensation, the
4 principles that are applied to determine compensation, the process through which
5 those principles were developed, the application of those principles in determining
6 compensation, or the reasonableness of compensation offers".⁴⁰

7
8 27. OEB Staff, in its submission, also highlights that "compensation issues do not fall
9 within the OEB's jurisdiction under section 99 of the OEB Act and are addressed in
10 accordance with the Expropriations Act, R.S.O. 1990. C. E 26 (Expropriations Act)
11 and, if required, are resolved by the Ontario Land Tribunal."⁴¹

12
13 28. Hydro One submits that the Board could not have been any clearer explaining the
14 scope and issues that are properly within its jurisdiction. The Siskinds Firm Group
15 makes no attempt to explain why compensation attributes such as injurious affection,
16 or the form and content of Hydro One's OEB-approved standard land acquisition
17 agreements, or why additional property valuation appraisals should delay the Board's
18 decision on the requested relief, or why Hydro One's approach to compensation for
19 drainage systems, are within the scope of this proceeding. The facts are that none of
20 these matters reasonably fall within the scope of the directions set out in Procedural
21 Order No. 1.

22
23 29. The Siskinds Firm Group appears to question the fairness of Hydro One's property
24 appraisal process and to use this as the basis for the Board to defer making a
25 decision.⁴² Yet, the facts do not support the Siskinds Firm Group's assertions. Hydro
26 One's approach for all affected landowners, including the Glasgows, was one in which
27 an independent appraiser was made available to meet with the affected landowner
28 when the appraisal was being conducted. This approach ensured landowners had the
29 benefit to share and exchange information with the independent appraiser to ensure
30 that the appraisal took into account the best available information. Alternatively, within

⁴⁰ EB-2025-0093, SCTL Project Expropriation, Procedural Order #1, at page 2, dated May 29, 2025.

⁴¹ EB-2025-0093, SCTL Project Expropriation, OEB Staff Submission, at page 3.

⁴² EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 27.

1 Hydro One's Land Acquisition Compensation Principles offerings, landowners had the
2 opportunity to retain their own independent accredited appraiser to complete a site-
3 specific appraisal and Hydro One would reimburse the landowner for the expected
4 cost of the appraisal report. Full details of this offering are clearly outlined in Hydro
5 One's Land Acquisition Compensation Principles.⁴³

6
7 30. The Glasgows, however, chose not to accept Hydro One's proposals to move forward
8 with an on-site appraisal with the independent appraiser. The Glasgows did not allow
9 for an on-site appraisal to be conducted or avail themselves to meet with the
10 independent appraiser. Nor did the Glasgows elect for their own appraisal. To avoid
11 conflict, Hydro One's initial property valuation could only be prepared by conducting a
12 "windshield/roadside" valuation assessment.

13
14 31. Given these circumstances, Hydro One submits that any deferral or delay in the
15 Board's consideration of the Application should be rejected. The Glasgows were
16 provided with ample opportunity to have an on-site independent appraisal conducted
17 on their property. The cost of delays arising from Hydro One having to prepare this
18 type of independent appraisal before determination of the Application, is not the result
19 of Hydro One's imprudent conduct and should not be borne by Hydro One or
20 ratepayers. Indeed, this type of delay and cost risk should be avoided by the Board
21 by rendering a decision as expeditiously as possible.

22
23 32. Moreover, Hydro One submits there is no harm resulting by having the Glasgows meet
24 with an independent appraiser following the Board's determination of the Application,
25 should they so choose. And if they do not so choose, then the quality and content of
26 the valuation appraisals is and will remain a matter for the Ontario Land Tribunal's
27 consideration and determination.

28
29 33. In reply to the Siskinds Firm Group allegations that Hydro One has failed to afford the
30 Glasgows procedural fairness in this proceeding, because "complete and accurate
31 information has not been provided by HONI"⁴⁴, for the reasons that follow, Hydro

⁴³ EB-2025-0093, SCTL Project Expropriation, Exhibit A, Tab 1, Schedule 1, Appendix 3, dated April 4, 2025.

⁴⁴ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 30.

1 submits that no weight should be afforded to what amounts to additional unsupported
2 allegations.

3
4 34. The Siskinds Firm Group is represented by legal counsel. Counsel knows or ought to
5 know that the way in which allegations of “incomplete” or “inaccurate” information
6 provided to the OEB during its hearing process can be clarified by a party pursuant to
7 the Rules of Practice and Procedure governing the Board’s process. No steps were
8 taken by the Siskinds Firm Group. Claims of “procedural unfairness” based on bald
9 assertions of incomplete or inaccurate information are not, at this stage, helpful to the
10 Board’s consideration of this matter.

11
12 35. In reply to the Siskinds Firm Group submission that the Glasgows were not provided
13 an opportunity to provide input into Hydro One’s Project with respect to their farming
14 operation⁴⁵, Hydro One submits that the evidentiary record in this proceeding does not
15 support this assertion. Hydro One made reasonable attempts to consult with the
16 Glasgows.⁴⁶ Hydro One has explained the justification for the routing and tower
17 locations across the Glasgows’ properties.⁴⁷ The quantification of damages that may
18 result from construction and the ongoing operation of the Project are matters
19 addressed as part of the Ontario Land Tribunal process. All of which counters the
20 Siskinds Firm Group’s claims that inadequate consultation or procedural unfairness
21 has materialized in this proceeding.

22
23 36. Finally, in reply to the Siskinds Firm Group submissions on the standard forms of
24 agreement⁴⁸, Hydro One agrees that the Glasgows and Hydro One could not reach a
25 voluntary agreement. The reasons why parties were unable to agree all seem to point
26 to a dispute over Hydro One’s compensation offer, and different perspectives
27 regarding property valuation impacts. Hydro One disputes the suggestion that it has
28 “forced” landowners to accept its views as to fair compensation.⁴⁹ The Glasgows have
29 exercised their right not to proceed with Hydro One’s proposed form of voluntary

⁴⁵ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 31.

⁴⁶ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, Attachment 1; and in SCTL Project’s Final Environmental Study Report, Chapter 3, dated February 5, 2024.

⁴⁷ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, Attachment 1.

⁴⁸ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 45 to 47.

⁴⁹ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 46.

1 agreement. But that decision does not prevent Hydro One to proceed, as it has, with
2 expropriation authorization relief. In so doing, the parties have respectfully agreed to
3 disagree and to have compensation disputes concerning the grant of expropriation
4 authority determined by the Ontario Land Tribunal. The Glasgows' right to fair
5 compensation is not merely a "basic principle"; it is a matter of legislation as described
6 in section 100 of the OEB Act. The Siskinds Firm Group's reference to *Dell Holdings*⁵⁰
7 appears to be for the purpose of supporting an argument that compensation
8 perspectives held by a landowner should be preferred over the views of an
9 expropriating authority. Hydro One submits that as interesting as that perspective may
10 be, it is entirely irrelevant to the matters at hand. This proceeding has been explained
11 to address the narrow question of whether expropriation authorization should be
12 granted, and if so, on what terms and conditions. Disputes related to compensation
13 are not relevant matters in this case and are, again, matters to be determined by the
14 Ontario Land Tribunal.

15
16 ***Reply Submissions on In-Scope Issues***

17 37. In reply to the Siskinds Firm Group remarks which Hydro One accepts as falling within
18 the scope of this proceeding, Hydro One makes the following submissions.

19
20 ***i. Size of Right-of-Way ("ROW")***

21 38. In reply to the Siskinds Firm Group allegations that Hydro One failed to engage in
22 "meaningful consultation"⁵¹ regarding route selection and need for a 46-metre
23 easement, Hydro One respectfully disagrees. The Siskinds Firm Group's submission
24 ignores the evidence. The evidence shows that Hydro One undertook extensive
25 consultation and engagement as part of its class environmental assessment process,
26 which was outlined in Hydro One's leave to construct application. The consultation
27 process began in February 2022 and involved Project notifications, communications,
28 and other engagements resulting in discussions and input that were incorporated into
29 aspects of the environmental assessment and project planning such as
30 characterization of the environment in the study area, route evaluation and selection,
31 and identification of environmental effects and associated mitigation measures. The

⁵⁰ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 47.

⁵¹ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 9,16,21,23.

1 consultation process also included the development of a Project website, several
2 rounds of virtual and in-person community open houses, in-person and virtual
3 meetings with Indigenous communities, government officials, potentially affected and
4 interested persons, and extensive correspondence with rights-holders and
5 stakeholders (including the Glasgows). In these consultations, Hydro One did address
6 questions pertaining to the size of the ROW.⁵² Furthermore, as documented in the
7 records of communication⁵³ put forth in this proceeding, Hydro One presented and
8 discussed with the Glasgows' details pertaining to easement requirements, tower
9 placements, and crossing design options.

10
11 39. In reply to the Siskinds Firm Group's remarks on the location of the new corridor, Hydro
12 One confirms that the new 230kV transmission line corridor (requiring a 46-metre
13 easement) will directly abut or intersect an existing 230kV transmission line corridor in
14 the vicinity of the subject properties. This is clearly shown in the maps in Appendix 2
15 and survey plans in Appendix 5 of the Application, contrary to the Siskinds Firm Group
16 submissions.⁵⁴ Furthermore, Hydro One submits that the existing 230kV transmission
17 line is on a Bill 58 corridor and thus does not impact properties owned by the
18 Glasgows. For the purposes of the Application the expropriation authority relief sought
19 is only for the five properties owned by the Glasgows in order to construct, operate
20 and maintain the new 230kV transmission line. For all five subject properties, Hydro
21 One requires the applied-for land interests as it does not have an existing transmission
22 land interest across the subject properties.⁵⁵ The 46-metre ROW width is based on
23 typical design for a 230kV transmission corridor and complies with industry
24 standards.⁵⁶

25
26 40. With respect to submissions that the 46-metre easement significantly impacts the
27 landowner's farming operations and restricts future crop rotations⁵⁷, Hydro One
28 submits that no evidence has been put on record to substantiate these claims. As
29 outlined in Hydro One's response to OEB Staff Interrogatory 1, agricultural activities

⁵² SCTL Project's Final Environmental Study Report, at page 3-170, dated February 5, 2024.

⁵³ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, Attachment 1.

⁵⁴ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 10.

⁵⁵ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 2, Schedule 1, part 1.

⁵⁶ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 1, part e).

⁵⁷ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 11 to 14.

are a compatible use within overhead transmission line ROWs and for the majority of the transmission line route the extent of agricultural land permanently removed from transmission line projects is limited to the tower footings themselves.⁵⁸ Contrary to the Siskinds Firm Group submissions⁵⁹, Hydro One weighed and balanced the effects of the Project upon agricultural resources and operations during the class environmental assessment process and in the evaluation of the route alternatives and selection of the preferred route. Furthermore, Hydro One was amenable to discuss compensation in the areas that the Glasgows viewed as lands "no longer of commercial value/agricultural use".⁶⁰

41. Furthermore, the estimated incremental \$1M to \$1.5M increase in capital costs is only in relation to the redesign to a narrower ROW of 30 metres on the five subject properties, not any redesign of the Project⁶¹ as suggested by the Siskinds Firm Group. As outlined in Hydro One's response to OEB Staff Interrogatory 1, to achieve the narrower ROW redesign would require an additional two tower placement locations and result in further loss of arable lands that would impact the Glasgows' existing farming operations.⁶²

42. For these reasons, Hydro One submits that the Siskinds Firm Group's asserted conclusions should be dismissed on these points.

ii. Proposed Tower Locations

43. The Siskinds Firm Group made several mischaracterizations⁶³ with respect to the proposed tower placement locations.

44. Firstly, Hydro One confirms that Figure 1 of Exhibit I, Tab 1, Schedule 1 is accurate in portraying the tower location placements, including where locations would be a single

⁵⁸ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 1, part e).

⁵⁹ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 17.

⁶⁰ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, Attachment 1.

⁶¹ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 16.

⁶² EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 1, part e).

⁶³ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraphs 22 to 25, 45.

1 double-circuit tower (i.e. Tower 96) or two single-circuit towers (i.e. Towers 97E / 97W),
2 contrary to the Siskinds Firm Group submissions.⁶⁴
3

4 45. Figure 1 accurately shows the tower location placements on the subject corridor for
5 which relief in the Application is sought. The assessment of “public interest” in the
6 context of an application seeking expropriation authorization relief is understood by
7 Hydro One to be narrow in scope and focused strictly upon the nature and scope of
8 the proposed taking Hydro One seeks in order to construct the approved Project. As
9 stated above, the existing 230kV transmission corridor is not located on the Glasgows’
10 properties, rather it is located on a Bill 58 corridor. The impacts of the existing 230kV
11 transmission line are not in question in this proceeding. As such, no property lines or
12 corridors on Bill 58 lands were shown or identified in this figure. However, Hydro One
13 has provided these details in the survey plans in Appendix 5 of the Application.
14

15 46. Hydro One is unaware of any technically feasible design within the approved Project
16 route that would both reduce the ROW width and also maintain or reduce the number
17 of tower placement locations and associated impact of the tower footings on the
18 subject properties.⁶⁵ Hydro One submits that matters raised concerning the number
19 of transmission towers that may be located on a particular property appear to best
20 relate to compensation; whether and to what extent injurious affection may result from
21 the placement of new towers on the proposed taking and to the fair market valuation
22 of the remaining land interests held by the landowner. Compensation issues of this
23 sort are ultimately resolved through the Ontario Land Tribunal process and where
24 “before” and “after” construction changes in property valuation are addressed. As
25 compensation matters are beyond the scope of the Board’s jurisdiction, Hydro One
26 does not consider these matters to be relevant to the present proceeding.
27

28 47. Finally, contrary to the Siskinds Firm Group submissions⁶⁶, details with respect to the
29 crossing design was provided to the Glasgows. The need for a transmission line
30 crossing at the identified location was outlined during the environmental assessment

⁶⁴ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 22.

⁶⁵ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 1, part e).

⁶⁶ EB-2025-0093, SCTL Project Expropriation, Siskinds Firm Group Submission, at paragraph 23.

1 process and specific maps were sent to landowners, with confirmation that design
2 specifics such as the exact crossing/tower details would be developed and discussed
3 with landowners during the detailed design phase of the Project. After the preferred
4 route was selected, and during the design phase, Hydro One continued to engage with
5 the Glasgows and presented a number of crossing options for their review and
6 comment, in an effort to minimize the impact to their existing agricultural operations.
7 However, the Glasgows did not provide any direct response or comment on their
8 preference of crossing design when brought forward by Hydro One. All of which has
9 been documented in the records of consultation.⁶⁷

10 11 **D. CONCLUSIONS**

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

16
17 49. Hydro One supports having OEB Staff's Draft Condition 2 however the proposed
18 condition should be revised to allow for "oral and/or written" notice to accommodate
19 landowner preferences for communication.

20
21 All of which is respectfully submitted on August 8, 2025.

22 **Hydro One Networks Inc.**

23 By its counsel:

24 McCarthy Tétrault LLP

25
26
27 

28 Gordon M. Nettleton

29 Partner

30 LSUC No. 61336E

⁶⁷ EB-2025-0093, SCTL Project Expropriation, Exhibit I, Tab 1, Schedule 3, Attachment 1.