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January 16, 2026

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

Dear Mr. Murray

Re: EB-2025-0290: Hydro One Networks Inc. Reply to Intervenor Requests

We are counsel to Hydro One Networks Inc. (“**Hydro One**”) and are writing in respect of the Board’s Notice of Hearing into Board proceeding EB-2025-0290.

Hydro One has received and reviewed requests for intervener status from (i) City of Welland; (ii) FuteCAN Canada Inc.; (iii) 2853918 Ontario Inc.; and (iv) Nyon Oil Inc and 1170367 Ontario Inc. This reply considers the relevant legal principles regarding intervenor requests and then applies these principles to the requests at hand.

Legal Principles Applicable to Intervener Requests

Decisions regarding participation in administrative law proceedings are matters where tribunals are afforded broad discretion. Intervention is not a right. Tribunals may limit or preclude participation to ensure the tribunal’s expertise and decision making reflect timely and efficient hearing and decision processes.¹

The Board’s longstanding criteria for granting intervenor requests, is set out in Rule 22 of the OEB’s Rules of Practice and Procedure.² Rule 22 sets out that a person applying for intervenor status must prove to the Board that they have a substantial interest and intends to participate responsibly in the proceeding. A person has a substantial interest if they have a material interest

¹ *Bell Canada v. Canada (CRTC)*, [1989] 1 SCR 172.

² Ontario Energy Board Rules of Practice and Procedure at [Rule 22](#).

that is within the scope of the proceeding, and the Board will consider granting intervenor status if a person:

- (i) represents the direct interests of consumers (e.g., ratepayers) in relation to services that are regulated by the OEB;
- (ii) represents an interest or policy perspective relevant to the OEB's mandate and to the proceeding;
- (iii) has an interest in land that is affected by the proceeding; or
- (iv) has expertise and can bring evidence the Board would find helpful.

A general interest in energy issues is not sufficient. The applicant must show a direct, substantial and specific interest, in the outcome as per the criteria set out in Rule 22.

Hydro One does not object to the intervention requests made by FuteCan Canada Inc. ("**FCI**"), 2853918 Ontario Inc., and the City of Welland ("**Welland**"). These parties have demonstrated direct and substantial interests may be affected if the applied-for relief is granted. The relief sought in this proceeding, concerns leave to construct and operate the Welland to Thorold transmission facilities ("**Project**"). It also seeks authorization to expropriate land interests along the proposed Project route. These parties own land interests along this route and are therefore directly and materially affected by the relief sought in this proceeding.

Nyon's Request for Intervention should be denied

- (a) Nyon has no direct or substantial interest in the outcome

Hydro One objects to the Nyon Oil Inc. and 1170367 Ontario Inc. (collectively "**Nyon**") intervention requests. Unlike 2853918 Ontario Inc., Welland and FCI, Nyon is not an owner of land interests required for the safe and reliable construction and operation of the Project. Its business interests have not been reasonably demonstrated to be affected if this approval is granted. Nyon has also not explained how the applied-for expropriation authorization relief sought, would materially affect its interests or operations.

Nyon's lands and the disputed ownership of existing transmission facilities on these lands, are not a sufficient basis to support the requested intervention relief. The transmission facilities ownership dispute has been raised in another OEB proceeding (EB-2024-0142), currently before the Board, and in civil litigation. This dispute has no relevance to the outcome of this proceeding as the Project concerns a new transmission line in a different location that does not affect Nyon's land. Notwithstanding the contested purported ownership issue, the transmission facilities situated across Nyon's property have and will remain in operation and maintained and operated by Hydro One. This has been confirmed by Nyon.³ Nyon has not demonstrated any specific

³ EB-2024-0142 – Nyon's Response to Interrogatories – Filed July 4, 2025 – Nyon's response to Hydro One Interrogatory 10 a found at page 31 of 45.

operations it carries out in respect of these transmission facilities, let alone how these operations will be adversely affected by the relief sought in the present application.

While Nyon describes its business as “real estate investment companies” and that they “invest in real estate and in development projects” Nyon is silent on how these business operations, or its business interests are materially and directly affected by the sought relief. Moreover, Nyon has already confirmed that the siting of the transmission infrastructure they purport to own is the only current use on the Nyon lands subject to the aforementioned expropriation.⁴ In Nyon’s words, “there is no current use of the land, save and except leasing it to Hydro One for its purpose of transmitting electricity”.⁵ The reality is that the transmission facilities located across Nyon’s property will remain in operation following the outcome of this proceeding, regardless of whether the relief sought is or is not approved. Without more, Nyon has not adequately demonstrated that its interests warrant participation in this proceeding.

(b) Nyon does not have expertise and cannot bring any evidence

Nyon has not demonstrated any technical or other expertise it may have regarding the construction and operation of electricity transmission facilities that may provide assistance to the Board. If the Board seeks information regarding these, or any other transmission grid facilities which are part of Hydro One’s system, then Hydro One is in the best position to address these technical concerns.

Nyon states that the transmission facilities alleged to be owned by Nyon (which is disputed by Hydro One) “...will be affected by any alterations or improvements to the Crowland TS.” To complete the Project, Hydro One will convert Crowland TS from a 115 kV supply to a 230 kV supply to connect to the new transmission line to alleviate loading on the existing system. The conversion of Crowland TS is required to allow proper protection and load capacity. The planned changes to Crowland TS will not negatively affect Nyon; instead, they will enhance the reliability and quality of service throughout the whole transmission system in Southwestern Ontario, including all network facilities situated between Welland and Crowland and ones located across Nyon’s lands through Nyon’s land. The focus Nyon places is upon potential temporary impacts from construction activities that will be wholly conducted on Hydro One’s Crowland TS and not along Nyon’s property. However the nature of these temporary concerns have not been described, let alone of direct and of material impact to Nyon, or unique to Nyon and its “business interests”. Instead, Nyon’s concerns are best characterized as speculative and not based on any demonstration of a material and direct interest.

Additionally, Nyon makes its ownership assertions, despite the fact that Nyon has never and does not possess a requisite transmission license from the Board as is required in accordance with the *Ontario Energy Board Act*. Section 57(b)⁶ of the Act establishes the transmission license requirement. The term “transmitter” is defined to mean “a person who owns or operates a transmission system.” “Transmission system” is defined as “a system for transmitting electricity, and includes structures, equipment or other things used for that purpose.” The term “transmit” is

⁴ *Ibid*, Nyon’s response to Hydro One Interrogatory 11 a subpart i, found at page 33 of 45.

⁵ *Ibid*, Nyon’s response to Hydro One Interrogatory 11 a subpart iv, found at page 34 of 45.

⁶ *Ontario Energy Board Act*, 1998, SO 1998, c 15, Sch B at [s.57\(b\)](#).

defined to mean “with respect to electricity, means to convey electricity at voltages of more than 50 kilovolts.

The transmission facilities located across Nyon’s property are part of Ontario’s overall transmission grid which conveys electricity in excess of 50 kilovolts. If Nyon’s allegations of owning transmission facilities is correct, and those facilities convey electricity at voltages greater than 50 kilovolts and entail network transmission facilities, then its apparent ownership interest would be proven by Nyon having been issued a transmission license. It has not. As such, there is no credible basis for the Board to accept Nyon’s unproven ownership allegations.

(c) Nyon’s intervention creates regulatory inefficiencies

As it concerns duplication and regulatory efficiencies, Hydro One submits the denial of Nyon’s intervention request best comports with these principles. Nyon relies on its involvement and the facts and issues considered in EB-2024-0142 as a basis to support participation in the present proceeding. But that is a separate proceeding seeking separate relief concerning different infrastructure. There is no overlap between the facts or issues between the two proceedings. Nyon has not reasonably demonstrated how its prior involvement in EB-2024-0142 provides a legitimate basis for full participatory rights in this proceeding.

The evidentiary record in EB-2024-0142 is closed and no decision has been taken as of the date of this submission. If Nyon’s request was granted and Nyon was permitted to relitigate, re-test and re-argue issues raised in EB-2024-0142, despite that proceeding having not been determined, serious procedural fairness concerns arise, particularly given that issues such as Nyon’s alleged and disputed ownership to transmission facilities that are not relevant to the relief sought in this proceeding. On that basis alone, particularly at a time when the Board continues with its deliberations in EB-2024-0142, Nyon’s intervention request should be dismissed. The relief sought in each proceeding is separate and distinct. Nyon’s interest applied to EB-2024-0142 and any attempt to have these matters intertwined and reconsidered in this proceeding should be avoided.

Cost Award Eligibility

In the alternative, should the Board decide to grant Nyon participatory rights, Hydro One submits these rights should be limited and cost eligibility not awarded. At best, Nyon’s unproven claims of mere ownership (but not operation and maintenance) of a portion of transmission facilities situated downstream of this Project and speculations concerning changes to the Crowland TS, are at best characterized as a general interest in energy matters. This type of general interest has been a common basis upon which the Board has granted limited participation rights.⁷ If participatory rights are granted to Nyon, they should not be entitled to recover any costs related to this status, as they have neither demonstrated a justified basis for a cost award nor established themselves as directly impacted landowners.⁸

⁷ The OEB regularly limits the participation of certain parties requesting intervener status because the nature of their interests were only general in nature, not specific to the application at hand, and therefore did not meet the “direct and substantial interest” requirement. See: preliminary decisions of the Board in hearing proceedings [EB-2018-0191](#); [EB-2019-0194](#), [EB-2019-0183](#); [EB-2017-0049](#); and [EB-2020-0192](#).

⁸ It is set out in [EB-2012-0451](#) (Enbridge Gas GTA Expansion, Procedural Order No.1 and Cost Eligibility Decision, April 17, 2013; [EB-2022-0140](#) (Hydro One Chatham / Lakeshore), Procedural Order No.1, July 13, 2022 that the OEB does not grant cost award eligibility to individual landowners unless the facilities that are the subject of the application are on their property or the utility requires access to their property.

In these circumstances, given the nature of this general interest, and in order to avoid duplication and regulatory inefficiency concerns, Hydro One submits Nyon should only be afforded the right to provide a letter of written comment for consideration by the OEB. Nyon should not be permitted to participate in any interrogatory process, the filing of direct evidence or permitted the right to cross-examination any witnesses. Nyon has not demonstrated any technical expertise that demonstrates their participation in these matters would provide any assistance to the Board.

Yours truly,

McCarthy Tétrault LLP

A handwritten signature in black ink, appearing to read "G. Nettleton", written over a white background.

Gordon M. Nettleton
Partner | Associé

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