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February 12, 2026

Ritchie Murray
Acting Registrar
Ontario Energy Board
Suite 2700, 2300 Yonge
Street
P.O. Box 2319
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Dear Mr. Murray

Re: EB-2025-0290: Hydro One Networks Inc. Comments to Issues List

We are counsel to Hydro One Networks Inc. (“Hydro One”) and write in response to the submissions of Futecan Canada Inc. (“Futecan”) and the Corporation of the City of Welland (the “City”) regarding the Procedural Order 1 (“PO1”) dated February 6, 2026. The Procedural Order invited intervenors to comment to the Ontario Energy Board (the “OEB”) on the standard issues list (“Issues List”) for the leave to construct and expropriation applications in this proceeding concerning the Welland Thorold Power Line (“WTPL”) Project.

Hydro One supports using the standard Issues List in PO1 for both leave to construct and expropriation authorization for the Project, and does not agree with Futecan’s or the City’s submission that the Issues List needs to be expanded in order for the OEB to assess the applications in EB-2025-0290.

1. Routing Issues Were Properly Addressed Through the Environmental Assessment Process

Futecan’s and the City’s proposed additions seek, in substance, to reopen and relitigate matters relating to transmission line routing, including alternative alignments and undergrounding options. These matters fall squarely within the scope of the Environmental Assessment (“EA”) process and are required to be considered and resolved there. It should be noted that the Project is subject to an EA conducted by the Ministry of the Environment, Conservation and Parks (“MECP”). Hydro One filed the Final ESR and Statement of Completion with the MECP on November 25, 2025.

Issues related to the EA process are not reviewed by the OEB except to the extent that they are relevant to the OEB’s consideration of price, reliability and quality of service. The OEB’s long-standing practice draws a clear distinction between the EA process, which examines route selection and alternatives, including environmental, land-use, and alignment considerations, and the OEB’s leave to construct and expropriation decision, which focuses on whether the approved project, as proposed, meets the statutory tests under the *Ontario Energy Board Act*, 1998 (“OEB Act”).

Expanding the Issues List to include a reassessment of routing alternatives would improperly blur this distinction and undermine the integrity of the EA process. The public interest test will already be properly addressed with the current Issues List proposed in the PO1.

2. The Standard Issues List Already Adequately Addresses Futecan's Concerns

The standard Issues List for leave to construct and expropriation applications already provide the OEB with sufficient scope to assess whether the applicant has met the applicable public-interest tests, including cost, need, and reasonableness considerations. Futecan's proposed additions to Issues 2.1 and 3.2 would materially broaden the proceeding beyond its proper scope by transforming the Issues List into a forum for debating previously rejected routing alternatives that were dealt with in the EA phase. Such an expansion is neither necessary nor will it assist the OEB to assess whether the project is in the public interest. As indicated in the OEB Filing Requirements, it is a standard condition of any approval granted under section 92 of the OEB Act that the applicant obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the project.

3. Concurrent Leave to Construct and Expropriation Relief Does Not Justify Expanding the Issues List

Hydro One recognizes that seeking concurrent relief for leave to construct and expropriation authority is unique however the specifics of the Project have necessitated the need for this authority to be sought concurrently. The fact that leave to construct and expropriation are being considered together should not alter the Standard Issues List of the OEB's review. Expropriation proceedings are intended to address the necessity of taking lands required for an approved project, not to reopen or revisit the underlying routing decisions that were addressed through the EA and reflected in the project design advanced in this application. Accepting Futecan's and the City's position would effectively allow parties to circumvent the EA process by reframing routing objections as Issues List comments, contrary to established OEB practice.

Yours truly,

Gordon M. Nettleton
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