

March 10, 2026

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VIA RESS

Mr. Ritchie Murray, Acting Registrar
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON, M4P 1E4

Dear Mr. Murray:

Re: EB-2025-0314: BFN Transmission Application for Authority to Expropriate
Grant Lake Request for Procedural Reconsideration

We write as counsel for Grant Lake Forest Resources Ltd. and Josephine Forest Resources Ltd. (together Grant Lake) in respect of Procedural Order No. 2 herein, issued this past Friday, March 6th. Grant Lake requests that the OEB reconsider the procedural directions provided therein.

As explained below:

1. We are instructed to bring a motion for further and better responses to certain of the interrogatories posed to the Applicant.
2. Following receipt of any further responses directed upon determination of such motion, Grant Lake will be in a position to determine what evidence it may wish to file and to what end.
3. At that point Grant Lake will also be better placed to make submissions, as it has previously requested the opportunity to do, on whether an oral hearing is warranted.

Relevant Procedural History

Included its Intervention Form¹, Grant Lake:

1. Requested that the OEB reserve its determination of whether this application will proceed by way of an oral or written hearing until discoveries have been concluded, and that Grant Lake be given an opportunity at that point in the proceeding to make submissions regarding the appropriate form of hearing based on the record at that time.

¹ Filed January 12, 2026.

2. Noted that the OEB has previously considered the option for an oral hearing to be a requirement in expropriation applications given the “*gravity of an expropriation case, involving as it does the compulsory taking of a person’s property or an interest in their property, without their consent*”.²
3. Indicated that Grant Lake may seek to file evidence in the event of, in its view, an incomplete or inaccurate record.

In Procedural Order No. 1³ the OEB approved Grant Lake as an intervenor, indicated that it would consider at a later stage Grant Lake’s “*request to file evidence that is relevant to this proceeding*”, and set a process for the provision of comments on a proposed issues list for the proceeding and for interrogatories to the Applicant. The proposed Issues List provided by the OEB in that order included the following:

Is the proposed expropriation in the public interest?

Grant Lake filed comments on the proposed Issues List⁴ requesting that the OEB add two issues to the list, including the following:

Has the applicant demonstrated due diligence, and made best efforts, in negotiating settlements with impacted landowners?

In its *Decision on Issues List*⁵ the OEB found:

1. In respect of a request by BFN Transmission that “*it is not necessary through an issues list to further refine the scope of the public interest under Issue 1*”.
2. In respect of Grant Lake’s request noted above, that “*the Issues List as currently drafted, and in particular Issue 1, provides adequate scope to consider the efforts of the Applicant to negotiate an agreement with Grant Lake*”.

Pursuant to Procedural Order No. 1 Grant Lake and OEB staff filed interrogatories to the Applicant, and the Applicant filed its responses to those interrogatories on February 26, 2026.

This past Friday, one week and one day following receipt of BFN Transmission’s interrogatory responses and as Grant Lake was continuing its consideration of those responses and its next intended steps, the OEB issued Procedural Order No. 2. In that order the OEB indicated that it had “*not received any request from Grant Lake to file evidence related to the proceeding*” and proceeded, summarily, to set dates for argument herein in writing, starting with argument-in-chief from the Applicant by March 19th.

² EB-2013-0258, Decision and Order, May 1, 2014, page 4, first full paragraph, as cited in Grant Lake’s Intervention Form.

³ Issued January 19, 2026.

⁴ Letter dated January 26, 2026, and further comments (responding to a subsequent filing by the BFN Transmission) on January 29, 2026

⁵ February 3, 2026.

Motion for Further and Better Interrogatory Responses

We are instructed to file a motion for further and better response to a small number of BFN Transmission's responses to Grant Lake. While the grounds for such motion and the particular interrogatories for which Grant Lake seeks further and better response will be set out in a Notice of Motion to be filed shortly, the further information sought relates to:

1. The nature of the interest which is the subject of this expropriation authorization application; i.e. is it a "public interest" or a purely private commercial interest (relevant to Issue 1 on the Issues List).
2. The extent to which BFN Transmission has demonstrated due diligence, and made best efforts, in negotiating a settlement with Grant Lake (i.e. the issue that Grant Lake raised in its issues comments and the OEB has confirmed is covered in the Issues List).

Intervenor Evidence

Following disposition of Grant Lake's motion for further and better responses, and the provision of such further responses as the OEB orders, Grant Lake will be in a position to advise the OEB whether it intends to seek leave to file evidence, and if so to indicate what such evidence would address and how that would be relevant to, and of assistance to the OEB in considering, the issues engaged in this Application.

Potential for Oral Hearing

Grant Lake renews its request, as initially advanced in its Intervention Form, that the OEB reserve a final determination of whether this application will proceed by way of an oral or written hearing until Grant Lake has had an opportunity to make submissions in that respect. Particularly in light of the OEB's previously expressed views, as noted above, that the option for an oral hearing is considered a requirement in expropriation applications, Grant Lake respectfully submits that determination of whether an oral hearing is appropriate in this case should only be made following:

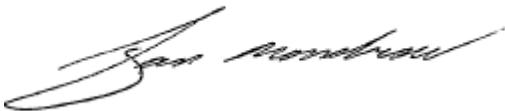
1. conclusion of discoveries, which in this instance means following determination of Grant Lake's intended motion and the filing of any further production directed as a result;
2. determination of any request by Grant Lake to file evidence, should such a request be advanced following the conclusion of discoveries and informed by the record as it stands at that point; and
3. in any event, following an opportunity of Grant Lake to make submissions on whether an oral hearing would be appropriate in this case.

Conclusion

In order to allow for the steps which Grant Lake has requested, Grant Lake asks that the OEB cancel the argument dates directed in Procedural Order No. 2. In that event, we will endeavour to file the intended motion for further and better interrogatory responses as soon as reasonably possible, and in any event by Thursday March 19th.

Grant Lake would appreciate the OEB's consideration of these requests.

Yours truly,



Ian A. Mondrow

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