



Hydro One Networks Inc.

**Application for approval to expropriate interests in lands
between the City of London and the City of St. Thomas**

PROCEDURAL ORDER NO. 1

June 23, 2026

On March 4, 2026, Hydro One Networks Inc. (Hydro One Networks) applied to the Ontario Energy Board (OEB) under section 99(1) of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15 (Schedule B) (OEB Act), for an order granting approval to expropriate certain interests in lands located between the City of London and the City of St. Thomas.

Hydro One stated that the authorization is needed to facilitate the construction and operation of a new 230-kilovolt double-circuit electricity transmission line (Project). Hydro One stated further that it is exempt from having to obtain leave to construct for the Project under section 92 of the OEB Act by virtue of subsection 6.2(1)(e.1) of Ontario Regulation 161/99.

On March 24, 2026, Hydro One filed an updated application that removed any property for which it no longer requires expropriation relief due to the closing of a voluntary agreement since the original date of filing the original application.

The application will be heard by Commissioners: James Sidlofsky (presiding), Robert Dodds, and Shahrzad Rahbar.

A Notice of Hearing (Notice) was issued on March 25, 2026, as well as a Letter of Direction to Hydro One. In accordance with the Letter of Direction, Hydro One served the Notice on affected property owners, registered interest holders, or their legal representatives. The intervention request period closed on April 24, 2026.

Regulatory Framework

Under section 99 of the OEB Act, the OEB may authorize the expropriation of land. A person that has leave to construct from the OEB, or is exempt from the requirement

under section 95 of the OEB Act or by regulation, may apply for authority to expropriate.¹

The OEB does not, in the context of an expropriation application, determine the related compensation. Section 100 of the OEB Act provides in part that if compensation for damages is provided for in Part VI of the OEB Act and is not agreed on, the compensation shall be determined by the Ontario Land Tribunal under the *Expropriations Act*.

Intervention Requests

Intervention requests were received from Donald John McInnis, Donna Crinklaw, Mt. Elgin Dairy Farms Ltd. and Ralph Gordon Winfield and Joan Margaret Winfield through the estate trustee (collectively, the Siskinds Clients). All of these intervention requests listed the same legal representative, namely Siskinds LLP, and stated that they are landowners being directly impacted by any expropriation proceedings.

An intervention request was also filed on behalf of a group of individuals/entities represented by the Ross Firm Professional Corporation and calling themselves the “Ross Firm Group” and/or “RFG”. The specific individuals/entities that are part of this group are:

- Jeremy & Vicki Lynn Browne
- Gredig Farms Ltd.
- Estate of Claire D. Hooker
- Hooker Investments Limited
- Alfred John Mayer
- Richard Michael Mayer
- James Peter Rimmelzwaan
- Carl Duncan Taylor

Hydro One’s Objection to the Ross Firm Group (RFG) Intervention Request

On April 28, 2026, Hydro One filed an objection letter in response to RFG’s intervention request. Hydro One did not object to the Siskinds Clients intervention requests.

Hydro One stated that the individuals comprising RFG do not have a substantial interest in the proceeding and their intervention request should be denied.

¹ [Filing Requirements for Electricity Transmission Applications, Chapter 4, Leave to Construct and Related Matters under Part VI of the Ontario Energy Board Act, December 16, 2025](#), page 10

Noting that RFG sought intervention on the basis that Hydro One proposes a taking of their land, Hydro One stated that this is incorrect. Hydro One stated that while each of the individuals in RFG holds interests in land along the Project route, each of them has entered into a voluntary settlement agreement with Hydro One granting it an irrevocable option to acquire their interest in land required to facilitate construction of the Project.

On April 28, 2026, RFG responded to Hydro One's objection. RFG stated that the existence of voluntary arrangements does not mean that RFG members no longer have lands or legal interests that may be affected by the outcome of the proceeding. RFG submitted further that Hydro One's application states that the expropriation authorization sought is intended to maintain consistent terms and conditions irrespective of whether lands are acquired by voluntary agreement or by expropriation. As such, RFG submitted, the OEB's order may shape the terms and conditions applicable to Project land rights generally, including rights acquired through voluntary agreements.

RFG submitted that the voluntary arrangements were entered into in the context of the Project and on the basis that Hydro One remained required to satisfy the statutory tests for expropriation authority, and were not a waiver of RFG's right to participate in the OEB process. Also, RFG submitted that if Hydro One's position is that it no longer seeks and will not rely on authority under section 99 of the OEB Act in respect of RFG lands, the appropriate course is for Hydro One to amend its application record to reflect this. RFG relied on other OEB cases, citing EB-2024-0319 and EB-2025-0130.

RFG also submitted that the principles of procedural fairness, and the seriousness of compulsory acquisition in expropriation law, support RFG's participation in this proceeding. In addition, RFG submitted that its participation will assist the OEB and promote efficiency. RFG maintained its request for cost award eligibility.

On the same day, April 28, 2026, Hydro One responded to RFG's submissions indicating that it confirmed that through its expropriation application, it is not seeking authority to expropriate any of the land interests of the RFG group. Hydro One noted that at Appendix 5 to its application, a description is set out of the lands and specific interests in lands in which Hydro One is seeking authority to expropriate, none of which are interests of individuals comprising RFG. Therefore, Hydro One stated, the individuals comprising RFG and their lands are not directly affected by this application.

On the same day, April 28, 2026, RFG responded to Hydro One's correspondence, stating that the ultimate disposition of this application may potentially result in a different taking being authorized, which would consequently impact RFG. Also, RFG stated that the cudgel of expropriation is the reason owners voluntarily settle land rights, and it

would be patently unfair for Hydro One to avail themselves of that cudgel and then preclude meaningful participation in the process giving rise to it.

Submissions on Scope of Proceeding and Issues

The intervention requests for the Siskinds Clients stated that “[t]he goal of our Client’s participation is to review the evidence submitted by [Hydro One] and ensure that the Project and expropriation of our Client’s lands complies with its regulatory obligations including but not limited to falling within the statutory exception that leave be obtained to engage in the construction and operation of the new 230 kilovolt transmission corridor under the provisions of section 6.2(1)(e.1) as set out in Ontario Regulation 161/99.”

The Siskinds Clients further stated that certain issues should be included in the issues list for the proceeding, including the issue of whether Hydro One is “relying on the customer connection exemption as a way to avoid a fulsome leave to construct, but engineering it in a manner that goes beyond the identified need” and issues related to whether the Project is entirely for one customer.

In its correspondence of April 28, 2026, Hydro One submitted that the OEB should deny the request from the Siskinds Clients that the OEB consider the applicability of the regulatory exemption and related proposed issues. Hydro One submitted that under subsection 6.2(1)(e.1) of Ontario Regulation 161/99, it is exempt from having to obtain leave to construct for the proposed transmission line because (i) the Project is being undertaken pursuant to the terms of a Connection and Cost Recovery Agreement made between Hydro One and its customer, PowerCo Canada Inc. (PowerCo), that specifies that the cost of the project is to be exclusively paid for by PowerCo; and (ii) PowerCo is not a licensed transmitter or distributor.

Decision on Intervention Requests

Rule 22.02 of the OEB Rules of Practice and Procedure provides that a person applying for intervenor status must satisfy the OEB that they have a substantial interest and intend to participate responsibly in the proceeding. A person has a substantial interest if they have a material interest that is within the scope of the proceeding, including having an interest in land that may be affected by the outcome of the proceeding.

The individuals comprising the Siskinds Clients are approved as intervenors on the basis that they are landowners that may be affected by the outcome of the proceeding.

For the reasons provided below, the individuals comprising RFG are approved as intervenors specifically, and only at this time, to address the preliminary issue outlined below (Preliminary Issue).

With respect to RFG's participation and cost eligibility for any other step of this proceeding after the Preliminary Issue is decided, in this Procedural Order the OEB is also inviting further submissions on this question (the RFG Participation Issue).

The list of parties for addressing the Preliminary Issue and the RFG Participation Issue in this proceeding is attached as Schedule A to this Procedural Order.

Intervenor Cost Eligibility

The Siskinds Clients are eligible to apply for an award of costs under the OEB's [*Practice Direction on Cost Awards*](#).

The individuals comprising RFG are eligible to apply for an award of costs specifically with respect to addressing the Preliminary Issue.

For clarity, the individuals comprising RFG are not eligible for costs with respect to their request for intervenor status in the proceeding or any submissions on the RFG Participation Issue. Also, RFG's cost eligibility for any other steps in this proceeding will be determined at a later date by the OEB.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Consideration of the Preliminary Issue

For the reasons set out below, the OEB has decided to invite submissions from the parties on the following Preliminary Issue:

Preliminary Issue: Is Hydro One eligible to apply for leave to expropriate under s. 99 of the OEB Act?

Section 99(1) of the OEB Act provides that the following persons may apply to the OEB for authority to expropriate land for a work:

1. Any person who has leave under this Part or a predecessor of this Part.
2. Any person who intends to construct, expand or reinforce an electricity transmission line or an electricity distribution line or make an interconnection and who is exempted under this Act from the requirement to obtain leave.

Hydro One's position is that paragraph 2 of Section 99(1) applies. Specifically, Hydro One stated that it is exempt from having to obtain leave to construct for the proposed

Project by virtue of subsection 6.2(1)(e.1) of Ontario Regulation 161/99, which states that the requirement for leave to construct in section 92 of the OEB Act does not apply to a person that constructs, expands or reinforces an electricity transmission line, if

- (i) the construction, expansion or reinforcement of the line is undertaken pursuant to an agreement between the person and one or more customers that specifies that the cost of the construction, expansion or reinforcement is to be exclusively paid for by the customer or customers, and
- (ii) none of the customers is a licensed transmitter or licensed distributor.

In their intervention requests, the Siskinds Clients have expressed that they wish to raise the issue of whether the regulatory exemption does in fact apply. If the regulatory exemption does not apply, then Hydro One would not be eligible to apply for expropriation authority under section 99 of the OEB Act.

The OEB has decided that it is appropriate and procedurally efficient to address the issue raised by the Siskinds Clients prior to any other issues in this proceeding. The OEB's decision on the Preliminary Issue will determine whether the OEB has the jurisdiction to otherwise consider the application and grant the requested relief.

The OEB has also determined that the individuals comprising RFG have a substantial interest in the proceeding with regard to the Preliminary Issue specifically. If the OEB determines that Hydro One is not exempt from the requirement to obtain leave to construct under section 92 of the OEB Act, then that could affect the interests of landowners along the Project route, including RFG. As such, the OEB has determined that the individuals comprising RFG will have intervenor status in this proceeding for the purpose of addressing the Preliminary Issue, and will be eligible for an award of costs for that purpose.

Consideration of the RFG Participation Issue

If the OEB decides that Hydro One is eligible to apply for leave to expropriate under section 99 of the OEB Act, it will also decide on the RFG Participation Issue.

The OEB makes provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Intervenor (both the Siskinds Clients and RFG) and OEB staff shall provide any submissions regarding the Preliminary Issue by **June 30, 2026**.
2. Hydro One shall provide the following by **July 8, 2026**:
 - a) Any reply submissions regarding the Preliminary Issue.
 - b) Any submissions regarding the RFG Participation Issue.
3. RFG shall provide any reply submissions regarding the RFG Participation Issue by **July 15, 2026**:

Direction for preparing materials

- Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with Rule 9A of the OEB's [Rules of Practice and Procedure](#).
- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the

portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2026-0083**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by **4:45 p.m.** on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Tina Zhu at Tina.Zhu@oeb.ca and OEB Counsel, Stephanie Pope at Stephanie.Pope@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **June 23, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Registrar

**SCHEDULE A
TO
PROCEDURAL ORDER No. 1
EB-2026-0083
APPLICANT & LIST OF INTERVENORS
JUNE 23, 2026**

Hydro One Networks Inc.
EB-2026-0083

APPLICANT & LIST OF INTERVENORS

June 23, 2026

APPLICANT

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EB-2026-0083

APPLICANT & LIST OF INTERVENORS

June 23, 2026

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