



Hydro One Sault Ste. Marie Limited Partnership

**Application for leave to construct: refurbishment of the
section of electricity transmission line between Third
Line Transformer Station and Mackay Transformer
Station**

PROCEDURAL ORDER NO. 1

August 18, 2023

Hydro One Sault Ste. Marie Limited Partnership (HOSSM) applied to the Ontario Energy Board (OEB) on June 15, 2023, under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to refurbish approximately 90.5 kilometres of an existing 115 kilovolt single-circuit electricity transmission line between Third Line Transformer Station and Mackay Transformer Station and associated facilities in North-West Ontario (Project). HOSSM has also applied to the OEB for approval of the forms of agreement it offers to landowners if temporary construction rights for access or staging areas are required during the construction period of the Project.

A Notice of Hearing was issued on July 19, 2023. Each of Algoma Power Inc. (API), Batchewana First Nation (BFN), the Independent Electricity System Operator (IESO) and Perimeter Forest Limited Partnership (PFLP) applied for intervenor status. BFN also applied for cost eligibility.

No objection was received from HOSSM.

API, BFN, IESO, and PFLP are approved as intervenors.

BFN is eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). No other party requested cost eligibility. Parties should note that, pursuant to section 3.03(c) of the Practice Direction on Cost Awards, a person with an interest in land that is affected by the process is eligible to apply for cost awards. PFLP appears to be a person that has an interest in land affected by the Project but did not request cost eligibility. The OEB will allow PFLP to apply for an award of costs under the OEB's Practice Direction on Cost Awards, however PFLP should notify the OEB if it does not want to be considered for cost eligibility. HOSSM should notify the OEB if it objects to cost eligibility for PFLP.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

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.

In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

HOSSM's Confidentiality Request

By letter dated August 15, 2023, HOSSM requested confidential treatment of a portion of the IESO's Expedited System Impact Assessment Report¹ (SIA) included in the application. In its letter, HOSSM states that Appendices B, C and D of the SIA contain confidential information of the IESO, the connection applicant, the transmitter and, potentially, other third parties, including information that, if disclosed, could reasonably be expected to pose a potential security threat to the integrated power system, the IESO administered markets, or those of neighbouring jurisdictions.

HOSSM's request for confidentiality does not fulfill the requirements of the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction). Sections 5.1.4(b) and (c) of the Practice Direction require that a request for confidentiality include, among other things, a table which sets out certain information for each piece of information for which confidential treatment is requested and a confidential, unredacted version of the document containing all of the information for which confidentiality is requested. Pursuant to section 6 of the Practice Direction, representatives of parties to the proceeding will generally be given access to the confidential information provided that they file, and the OEB accepts, a Declaration and Undertaking related to the confidential information.

HOSSM should file the confidential information in accordance with the Practice Direction or, if HOSSM does not have the unredacted, confidential version of the SIA, it should request that the IESO provide the information. If HOSSM and / or the IESO believe that the confidential, unredacted version of the SIA should not be filed in the proceeding or provided to representatives of the parties, HOSSM and the IESO should file a letter with the OEB explaining the reasons for not providing the confidential information.

¹ Exhibit F, Tab 1, Schedule 1, Attachment 1, Appendices B to D

In accordance with the Practice Direction, the OEB will allow an opportunity for parties to file an objection to HOSSM's confidentiality request and for HOSSM to respond to any objection.

If HOSSM or the IESO provides an unredacted version of the SIA, until such time that the OEB makes a determination on HOSSM's confidentiality request, the unredacted version of the SIA will be treated as confidential.

Interrogatories

The OEB is making provision for written interrogatories.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

The OEB has established a standard issues list for transmission Leave to Construct applications. The standard issues list is intended to ensure that the OEB's review is focused and aligned with its mandate. The types of issues that the OEB will consider in this hearing are listed in Schedule B to this Procedural Order, with the exception of Issue 1: Need for the Project and standard Issue 2: Project Alternatives. Resulting from the OIC and licence condition, matters related to both project need and alternatives have already been determined and are therefore not material.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. For HOSSM's confidentiality request, HOSSM or the IESO shall provide information as required by sections 5.1.4(b) and (c) of the Practice Direction on Confidential Filings or explain why this information should not be disclosed by **August 23, 2023**.
2. If OEB staff and intervenors have any objections to HOSSM's request for confidentiality, they shall file their written submissions and serve it on all parties to the proceeding by **August 28, 2023**.
3. If HOSSM wishes to respond to any submissions on confidentiality, it must file its written reply with the OEB and serve it on all parties within the timelines specified in section 5.1.8 of the Practice Direction.

4. OEB staff and intervenors shall request any relevant information and documentation from HOSSM that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 11, 2023**.
5. HOSSM shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **September 25, 2023**.

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](#).

Please quote file number, **EB-2023-0061** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please 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. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 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, Vithooshan Ganesanathan at Vithooshan.Ganesanathan@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, August 18, 2023

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A

LIST OF APPLICANTS AND INTERVENORS

Hydro One Sault Ste. Marie Limited Partnership

EB-2023-0061

August 18, 2023

Hydro One Sault Ste. Marie Inc. on Behalf of Hydro One Sault Ste. Marie LP
EB-2023-0061

APPLICANT & LIST OF INTERVENORS

August 18, 2023

APPLICANT	Rep. and Contact Information for Service
Hydro One Sault Ste. Marie Inc. on Behalf of Hydro One Sault Ste. Marie LP	Carla Molina Sr. Regulatory Coordinator Hydro One Sault Ste. Marie Inc. on Behalf of Hydro One Sault Ste. Marie LP Tel: 416-345-5317 regulatory@hydroone.com

APPLICANT COUNSEL

Monica Caceres
Assistant General Counsel
Hydro One Networks Inc.
Tel: 647-505-3341
monica.caceres@hydroone.com

INTERVENORS

Rep. and Contact Information for Service

Algoma Power Inc.

Oana Stefan
Manager, Regulatory Affairs
Canadian Niagara Power Inc.
Tel: 905-871-0030 Ext: 3271
RegulatoryAffairs@FortisOntario.com

Batchewana First Nation

Dean Sayers
Batchewana First Nation
Tel: 705-759-0914 Ext: 202
chiefdeansayers@batchewana.ca

APPLICANT & LIST OF INTERVENORS

August 18, 2023

Batchewana First Nation

Wayne Greer

Consultant

Aboriginal Business Network

Tel: 519-580-3150

wayne@abnetwork.ca

**Independent Electricity
System Operator**

Beverly Nollert

Senior Manager, Regulatory Affairs

Independent Electricity System Operator

Tel: 905-855-4201

beverly.nollert@ieso.ca

**Perimeter Forest Limited
Partnership**

Philipp Andres

Perimeter Forest Limited Partnership

Tel: 519-385-5500

pandres@perimeterforest.com

Hugh Campbell

Perimeter Forest Limited Partnership

Tel: 519-385-5500

hc@perimeterforest.com

David Hermans

Perimeter Forest Limited Partnership

Tel: 519-385-5500

dhermans@perimeterforest.com

SCHEDULE B

STANDARD ISSUES LIST

Hydro One Sault Ste. Marie Limited Partnership

EB-2023-0061

August 18, 2023

Section 92 Leave to Construct Issues List

1.0: Prices: Need for the Project

- 1.1:** Has the applicant demonstrated that the project is needed or would be beneficial in the case of discretionary projects? What factor(s) are driving the need – e.g. new customer demand, increased system capacity requirement, reliability, sustainment, system resilience, etc.?
- 1.2:** Is the project consistent with any relevant power system plan (e.g., regional plan)?

2.0: Prices: Project Alternatives

- 2.1:** Has the applicant demonstrated that the proposed project is the preferred option to address the need, as opposed to implementing a different transmission solution, a distribution solution, a non-wires solution, or some other solution?

3.0: Prices: Project Cost

- 3.1:** Has the applicant provided sufficient information to demonstrate that the estimates of the project cost are reasonable? Are comparable projects selected by the applicant (as required by the filing requirements) sufficient and appropriate proxies for the proposed project?
- 3.2:** Has the applicant adequately identified and described any risks associated with the proposed project? Is the proposed contingency budget appropriate and consistent with these identified risks?
- 3.3:** If the applicant has requested that deferral accounts be established, has the applicant adequately demonstrated that the eligibility criteria of Causation, Materiality, and Prudence have been met?

4.0: Prices: Customer Impacts

- 4.1:** Has the applicant correctly determined the need for and the amount of any capital contributions that are required for the project?
- 4.2:** Are the projected transmission rate impacts that will result from the project reasonable given the need(s) it satisfies and the benefit(s) it provides?

5.0: Reliability and Quality of Electricity Service

- 5.1:** Has the applicant established that the project will maintain or improve reliability?
- 5.2:** Has the applicant provided a final System Impact Assessment (SIA)? Does the final SIA conclude that the project will not have a material adverse impact on the reliability of the integrated power system?

5.3: Has the applicant provided a final Customer Impact Assessment (CIA)?
Does the final CIA conclude that the project will not have an adverse impact on customers, with respect to reliability and quality of electricity service?

6.0: Route Map and Form of Landowner Agreements

6.1: Are any proposed forms of landowner agreements under section 97 of the OEB Act appropriate and consistent with OEB requirements?

6.2: Does the route map provided pursuant to section 94 of the OEB Act show the general location of the proposed project and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed project is to pass.

7.0: Conditions of Approval

7.1: The OEB's standard conditions of approval are attached as Schedule 1. If the OEB approves the proposed project, what additional or revised conditions, if any, are appropriate?