

BY EMAIL AND RESS

March 5, 2025

Ms. Nancy Marconi
Registrar
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Marconi,

Re: EB-2024-0319 – Hydro One Networks Inc. – Waasigan – Expropriation – Interrogatory Responses

Please find attached an electronic copy of interrogatory responses provided by Hydro One Networks Inc. ("Hydro One"). The interrogatory questions received were from Ontario Energy Board ("OEB" or "Board") Staff. The interrogatory responses have been assigned Exhibit I.

To meet the IESO's recommendation for completing and commissioning Phase 1 of the Project by the end of 2025, Hydro One is trying to expedite this Application as much as possible. Delays in granting the requested expropriation will hinder timely and efficient construction activities on these properties, leading to delays and increased costs for Hydro One. Hydro One is submitting these Interrogatory Responses ahead of the timeline specified in Procedural Order No. 1, to avoid such outcomes. Any effort to move through the remaining stages of the hearing is much appreciated.

Hydro One continues to strive to reach voluntary agreements with affected property owners. Of note, Hydro One has now been able to reach voluntary land acquisition agreements with two additional landowners, listed in Appendix 4 of the prefiled evidence as TB79 and TB158. Given these circumstances, Hydro One no longer requests expropriation authorization in respect of these two properties. A current version of Appendix 4 is provided as Attachment 1 to Hydro One's response to OEB Staff Interrogatory 2. In summary, since filing the original application the number of properties that Hydro One is seeking expropriation authority over has been reduced from 31 to 19.

In accordance with OEB filing requirements and policies, components of the interrogatory responses have been filed in confidence given the personal nature of the information disclosed therein. Hydro One confirms that all redacted versions of documents filed in support of Hydro One's interrogatory responses do not disclose any personal information under the *Freedom of Information and Protection of Privacy Act*. Furthermore, Hydro One has, pursuant to Rule 10 of the Ontario Energy Board's (OEB) Rules of Practice and Procedure (the "Rules") and the OEB's Practice Direction on Confidential Filings dated December 17, 2021 (the "Practice Direction"), requested confidential treatment of certain information contained in its response to OEB staff interrogatory 2.

An electronic copy of these responses has been submitted using the Board's Regulatory Electronic Submission System.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Richardson', written in a cursive style.

Joanne Richardson

Cc: All registered parties
Gord Nettleton (McCarthy Tétrault)

1 **OEB STAFF INTERROGATORY - 01**

2
3 **Reference:**

- 4 1. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1-1, paragraph 19,
5 Page 6.
6 2. EB-2023-0198, Decision and Order, Leave to Construct – Waasigan Project, Schedule
7 B: Standard Conditions of Approval for Electricity Leave to Construct Applications.
8

9 **Preamble:**

10 At Reference 1, Hydro One indicated that it planned to start the construction of the
11 Waasigan Project in March 2025. Hydro One requested the OEB's decision by early
12 March 2025.
13

14 **Interrogatory:**

- 15 a) Please confirm whether Hydro One has fulfilled all conditions of approval listed in
16 Reference 2, including obtaining “all necessary approvals, permits, licences,
17 certificates, agreements and rights required to construct, operate and maintain the
18 project.” If any conditions have not been fulfilled, please explain why, explain how
19 Hydro One plans to fulfill them, and provide an estimate of the date Hydro One expects
20 to fulfill them.
21
22 b) Please provide a current estimate of the planned start date for construction of the
23 Project. If such an estimate is not available, please explain why.
24
25 c) Please explain Hydro One's view regarding how the timing of a decision for the current
26 case would impact project activities.
27

28 **Response:**

- 29 a) Not confirmed. The following provides the status of each individual condition from the
30 Waasigan Project's Leave to Construct Decision and Order Conditions of Approval.
31

32 ***Condition 1 Status***

33 Table A below provides a status summary of the approvals, permits, licences,
34 certificates, agreements and rights (collectively herein referred to as 'approvals') for
35 both Phase 1 and Phase 2 of the Waasigan Project. The relief sought in this
36 Application concerns only the necessary and outstanding land rights required to
37 complete Phase 1 of the Waasigan Project as Hydro One is focusing efforts on

1 completing Phase 1 as close as possible to the end of 2025 in order to meet the IESO’s
 2 recommendation as set out in its April 2023 letter.¹

3
 4 The timing of these approvals being applied for and issued are subject to factors such
 5 as seasonality of planned works, construction methodology and potential changes to
 6 legislation. Approvals are prioritized based on site-specific work-front construction
 7 requirements. References in Table A regarding Permit Status as “started” means that
 8 Hydro One has commenced application preparation and is reviewing any outstanding
 9 issues in co-ordination with the approval authority. Permit Status referenced as
 10 “Submitted” means that applications have been formally submitted to the approval
 11 authority. Permit Status referenced as “Partially approved” means that approvals have
 12 been granted for some but not all of the work-fronts comprising Phase 1. Based on
 13 past experience, the issuance of submitted applications typically occur within three
 14 months. Note that approvals related to post construction activities (e.g. land
 15 restoration), can only be considered fulfilled once the Project has been placed in-
 16 service. The full Project in-service (i.e. both Phase 1 and Phase 2) is expected in
 17 December 2027 and as such construction permits would be expected to be fulfilled by
 18 December 2028 to allow time for the completion of restoration works. Any approvals
 19 required during the operation and maintenance of the Project will be contemplated and
 20 obtained only when specific activities trigger the necessity to obtain those permit(s).

21
 22 **Table A – List of Approvals Required During the Project Construction Lifecycle**

Permit Name	Agency Name	Phase	Permit Status
Research Authorizations and Permits	Ministry of Natural Resources	Both Phases	Planned
Comprehensive Environmental Assessment (EA)	Ministry of the Environment, Conservation and Parks	Both Phases	Approved
Endangered Species Act Permit	Ministry of the Environment, Conservation and Parks	Both Phases	Submitted
Section 92 Leave to Construct	Ontario Energy Board	Both Phases	Approved
Overweight/Size Permit and Haul Route Permits	Ministry of Transportation of Ontario	Both Phases	Approved
Overweight/Size Permit and Haul Route Permits	Municipality of Shuniah	Both Phases	Approved
Overweight/Size Permit and Haul Route Permits	Township of Atikokan	Both Phases	Approved
Land Use Permit	Ministry of Natural Resources	Phase 1	Approved
Consent Agreement(s)	Ministry of Natural Resources	Phase 1	Partially Submitted

¹ EB-2023-0198, Waasigan Project – Leave to Construct Application, Exhibit B, Tab 3, Schedule 1, Attachment 8. See also pages 7-8 of this Decision and Order.

Permit Name	Agency Name	Phase	Permit Status
Section 99 Expropriation	Ontario Energy Board	Phase 1	Submitted
Well Decommissioning Record	Ministry of the Environment, Conservation and Parks	Phase 1	Planned
Environmental Activity Sector Registration	Ministry of the Environment, Conservation and Parks	Phase 1	Approved
Environmental Compliance Approval	Ministry of the Environment, Conservation and Parks	Phase 1	Approved
Aeronautical Assessment	Transport Canada	Phase 1	Approved
Land Use Evaluation	NAV Canada	Phase 1	Approved
Building and Land Use Permit	Ministry of Transportation of Ontario	Phase 1	Approved
Building Permit	Municipality of Shuniah	Phase 1	Approved
Building Permit	Township of Atikokan	Phase 1	Approved
ROW Crossing/Encroachment	CP rail	Phase 1	Approved
Tree Removal/Bylaw	Ministry of Natural Resources	Phase 1	Approved
Notice of Project	Ministry of Labour	Phase 1	Approved
Request For Review	Department of Fisheries	Phase 1	Approved
Access Crossing - COM	Multiple	Phase 1	Approved
Aeronautical Obstruction Assessment	Transport Canada	Phase 1	Submitted
Aggregate Approvals - CROWN	Multiple	Phase 1	Planned
Approval to Commence Harvesting	Ministry of Natural Resources	Phase 1	Approved
Authority to Haul Unscaled Trees	Ministry of Natural Resources	Phase 1	Approved
Code of Practice Notification	Department of Fisheries	Phase 1	Partially Approved
License to Harvest Crown Trees (Patent Lands)	Ministry of Natural Resources	Phase 1	Approved
License to Harvest Forest Resources	Ministry of Natural Resources	Phase 1	Approved
MECP Work Permit/Crown Land	Quetico Provincial Park	Phase 1	Approved
Mining Claim Holder Consents	Ministry of Mines	Phase 1	Approved
MNR Access Roads	Ministry of Natural Resources	Phase 1	Approved
Timber Clearance Letter	Ministry of Natural Resources	Phase 1	Partially Approved
Work Permits - WC	Ministry of Natural Resources	Phase 1	Approved
Access consent (Aggregate Sites)	Ministry of Transportation of Ontario	Phase 1	Approved
Encroachment Permit	Ministry of Transportation of Ontario	Phase 1	Submitted
Overhead Crossing - COM	Multiple	Phase 1	Approved
Permission to Use	Ministry of Transportation of Ontario	Phase 1	Approved
Permit to Injure or remove trees	Township of Atikokan	Phase 1	Approved
Reclamation Work Permits	Ministry of Natural Resources	Phase 1	Planned
Road Use Agreement	Multiple	Phase 1	Approved

Permit Name	Agency Name	Phase	Permit Status
Scaling Agreement	Ministry of Natural Resources	Phase 1	Approved
Section 28 Development Permit (Access)	Lakehead Region Conservation Authority	Phase 1	Approved
Section 28 Development Permit (Structure)	Lakehead Region Conservation Authority	Phase 1	Approved
Nav Waters Notification	Transport Canada	Phase 1	Partially Approved
Temporary Use and Access Agreement	Infrastructure Ontario	Phase 1	Approved
Work Permit - Bridge or Culvert Installation	Lakehead Region Conservation Authority	Phase 1	Approved
Well Decommissioning Record	Ministry of the Environment, Conservation and Parks	Phase 2	Planned
Environmental Compliance Approval	Ministry of the Environment, Conservation and Parks	Phase 2	Submitted
Section 99 Expropriation	Ontario Energy Board	Phase 2	Planned
Land Use Permit	Ministry of Natural Resources	Phase 2	Submitted
Aeronautical Assessment	Transport Canada	Phase 2	Approved
Land Use Evaluation	NAV Canada	Phase 2	Approved
Building and Land Use Permit	Ministry of Transportation of Ontario	Phase 2	Submitted
Tree Removal/Bylaw	Ministry of Natural Resources	Phase 2	Approved
Letter of Conformity	Ministry of Municipal Affairs and Housing	Phase 2	Approved
Notice of Project	Ministry of Labour	Phase 2	Started
Access Crossing	Multiple	Phase 2	Planned
Aeronautical Obstruction Assessment	Transport Canada	Phase 2	Planned
Aggregate Approvals	Multiple	Phase 2	Planned
Approval to Commence Harvesting	Ministry of Natural Resources	Phase 2	Planned
Authority to Haul Unscaled Trees	Ministry of Natural Resources	Phase 2	Planned
Beaver Dam Removal Permit	Ministry of Natural Resources	Phase 2	Planned
Code of Practice Notification	Department of Fisheries	Phase 2	Planned
Forest Resource License	Ministry of Natural Resources	Phase 2	Planned
Land Acquisition	Private Landowners	Phase 2	Planned
License to Harvest Forest Resources	Ministry of Natural Resources	Phase 2	Planned
MECP Work Permit/Crown Land	Campus Lake Conservation Reserve	Phase 2	Planned
MECP Work Permit/Crown Land	Turtle River Provincial Park	Phase 2	Planned
Mining Claim Holder Consents	Ministry of Mines	Phase 2	Planned
Timber Clearance Letter	Ministry of Natural Resources	Phase 2	Planned
MNRF Work Permit/Crown Land	Campus Lake Conservation Reserve	Phase 2	Planned

Permit Name	Agency Name	Phase	Permit Status
MNRF Work Permit/Crown Land	Turtle River Provincial Park	Phase 2	Planned
Work Permits - WC	Ministry of Natural Resources	Phase 2	Planned
Access consent (Aggregate Sites)	Ministry of Transportation of Ontario	Phase 2	Planned
Overhead Crossing - COM	Multiple	Phase 2	Planned
Permit to Injure or remove trees	City of Dryden	Phase 2	Planned
Permit to Injure or remove trees	Town of Atikokan	Phase 2	Planned
Reclamation Work Permits	Ministry of Natural Resources	Phase 2	Planned
Road Use Agreement	Multiple	Phase 2	Planned
Scaling Agreement	Ministry of Natural Resources	Phase 2	Planned
Nav Waters Notification	Transport Canada	Phase 2	Planned
Temporary Use and Access Agreement	Infrastructure Ontario	Phase 2	Planned

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Condition 2 Status

This condition has been satisfied as construction of Phase 1 has commenced. Please refer to part (b) of this response below.

Condition 3 Status

Hydro One is not presently aware of any material changes to the Project that would trigger this condition.

Condition 4 Status

Hydro One intends on satisfying this condition once the Project construction is complete.

Condition 5 Status

Hydro One satisfied this condition on April 18, 2024.²

- b) Clearing activities for Phase 1 construction started in December 2024 and at locations where all necessary approvals, permits, licenses, certificates and land agreements have been obtained.
- c) Expedited timing of this Application is necessary in order to meet the IESO's recommendation that Phase 1 of the Project is completed and in-service as close to the end of 2025 as possible. If the requested expropriation authorization relief is delayed, this will prevent construction activities to proceed on these properties which

² Hydro One's letter to OEB entitled EB-2023-0198 - Hydro One Networks Inc. Leave to Construct Application – Waasigan Project – Notification of the Project Manager, dated April 18, 2024.

1 will cause Hydro One and its contractor to carry out changes in work-front ordering
2 and additional costs/delays arising from construction activities shifting from different
3 areas along a work-front – as opposed to more cost-efficient contiguous construction
4 practices.

5

6 Hydro One's efforts to avoid this outcome is in part why it is submitting these
7 Interrogatory Responses as quickly as possible (i.e. 5 days earlier than the timeline
8 specified in Procedural Order No. 1).

OEB STAFF INTERROGATORY - 02

Reference:

1. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1-1, paragraph 10, Page 3.
2. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1, Appendix 3: Hydro One's Waasigan Project - Land Acquisition Compensation Principles.
3. Letter from Hydro One to the OEB, dated January 30, 2025, Proof of Delivery.
4. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1 Appendix 4: Description of Lands and Specific Interests in Lands.

Preamble:

At Reference 1, Hydro One stated that it "notified all directly affected landowners impacted by the Project of its intention to present offers to voluntarily acquire required Project land interests." Hydro One stated that "all voluntary offers presented to landowners were consistent with Hydro One's Waasigan Project Land Acquisition Compensation Principles" (Reference 2).

In Reference 3, Hydro One stated that it had reached voluntary land acquisition agreements with the owners of four properties listed in its updated application and is "continuing its efforts to negotiate additional voluntary land acquisition agreements with other property owners".

Interrogatory:

- a) Please provide an update on negotiations with the registered landowners of the subject properties, using the same format as Reference 4. For each of the affected properties, please also include a complete description of communication and negotiations between Hydro One's land agents and the landowners from the start, including a record of communication dates and form (i.e. phone call, personal visit, e-mail), a brief description of the nature and content of the information exchanges with the landowners, outcomes of communication and planned follow-ups.
- b) Please identify the number of properties required for the Project whose registered owners are not private individuals, such as Crown and government agencies.
- c) Please comment on the form of agreements that Hydro One offered to the registered landowners who are not private individuals, such as Crown and government agencies.
- d) For landowners who have not reached agreement with Hydro One, please confirm what form of agreement has been offered to each one.

1 e) Recognizing that the forms of agreement previously approved by the OEB include
2 obligations on the part of Hydro One relating to land restoration post-construction or
3 subsequently to abandonment and decommissioning, what obligations should be
4 applied as conditions of approval, if the OEB approves the requested expropriation?
5

6 **Response:**

7 a) An update on negotiations between Hydro One and landowners is provided in
8 Attachment #1 to this response. Attachment 1 reflects the current status of Hydro
9 One's efforts to acquire Project Phase 1 land rights, which is in the same format as
10 Appendix 4 to this Application. Column H describes the negotiation status for each
11 property right Hydro One is seeking relief for in this Application.
12

13 Records of Consultation are provided in Attachment 2. Where a voluntary settlement
14 has been reached, as indicated in Attachment 1, Hydro One has not provided those
15 Records of Consultation in Attachment 2, as the land right acquisition is considered
16 satisfactorily settled and pending closure. However, because the transaction has not
17 closed, Hydro One is still requesting expropriation authorization relief so that in the
18 unlikely event the transaction closing cannot occur in a timely manner, it will facilitate
19 the registration of Hydro One's permanent land rights agreement (e.g. property title
20 issue).
21

22 b) As outlined in the Waasigan Project - Leave to Construct Application¹, Phase 1 of the
23 Project will require Hydro One to acquire land rights from 5 Crown properties, 1
24 municipally held property and 2 railway crossings.
25

26 c) The forms of agreements provided to Hydro One by the Crown and government
27 agencies are typically standardized and are not subject to negotiation.
28

29 d) Hydro One confirms that each landowner affected in this Application was offered one
30 of the OEB-approved standard forms of agreement included in the Waasigan Project's
31 s.92 OEB Leave to Construct approval.
32

33 Subsequent to the receipt of the OEB's s.92 Leave to Construct approval and the
34 approval of the Project's Environmental Assessment, certain terms within the Hydro
35 One-provided standard forms of agreement were modified at the request of certain
36 landowners and which were acceptable to Hydro One. These modifications did not
37 impact the underlying grant of easement or purchase and sale of the required lands
38 described in the forms of agreement approved by the Board. As an example,

¹ EB-2023-0198, Waasigan Project - Leave to Construct Application, Exhibit E, Tab 1, Schedule 1, p. 3, lines 4 to 7.

1 modifications related to the need for an option to acquire the underlying easement or
2 purchase and sale, and conversion to an agreement to acquire the requisite land
3 rights.

4

5 e) Terms and Conditions relating to the land restoration post-construction are addressed
6 in the approved Environmental Assessment for this Project. As such, Hydro One does
7 not consider it necessary for any additional conditions to be imposed as part of the
8 applied for relief. With respect to decommissioning, given the expected service life of
9 the newly constructed Project facilities, decommissioning is not expected in the
10 foreseeable future and best addressed if and when these circumstances arise.
11 Hydro One therefore submits that it would be inappropriate for the Board to address
12 this type of potential outcome as conditions to any approval granted in this proceeding.

Filed: 2025-03-05
EB-2024-0319
Exhibit I
Tab 1
Schedule 2
Page 4 of 4

1

This page has been left blank intentionally.

APPENDIX 4 - DESCRIPTION OF LANDS OVER WHICH AUTHORITY TO EXPROPRIATE IS BEING REQUESTED

Municipality	Hydro One File No.	Registered Property Owner Name(s)	Legal Description of Interest to be Expropriated	General Description of Interest to be Expropriated	Voluntary Settlement Signed (Closing Pending)	Negotiation Update	Other Registered Interests on Title	Interest
1 Shuniah	SH01	[REDACTED]	Part of Mining Location 6E (White's Survey), Twp of Macgregor, designated as Part 2 on Plan 55R-15318; Shuniah being part of PIN 62506-0452	Permanent Easement (Corridor)	No	Negotiations have reached an impasse and a settlement has not been reached.	[REDACTED]	Easement
2 Shuniah	SH02	[REDACTED]	Part of Mining Location 6E (White's Survey), Twp of Macgregor, designated as Part 1 on Plan 55R-15318; Shuniah being part of PIN 62506-0198	Permanent Easement (Corridor)	No	Negotiations have reached an impasse and a settlement has not been reached.	[REDACTED]	Easement

APPENDIX 4 - DESCRIPTION OF LANDS OVER WHICH AUTHORITY TO EXPROPRIATE IS BEING REQUESTED

Municipality	Hydro One File No.	Registered Property Owner Name(s)	Legal Description of Interest to be Expropriated	General Description of Interest to be Expropriated	Voluntary Settlement Signed (Closing Pending)	Negotiation Update	Other Registered Interests on Title	Interest
Thunder Bay	TB01		Part of Southeast 1/4 of Mining Location N8, Twp of Gorham, designated as Parts 1 & 2 on Plan 55R-15327; Thunder Bay being part of PIN 62325-0254	Permanent Easement (Corridor)	No	Despite Hydro One's best efforts, the landowner has refused to enter into negotiations.		Easement Charge
Thunder Bay	TB04		Part of Mining Locations A.L 42, Twp of Gorham, designated as Parts 1 & 2 on Plan 55R-15145; Thunder Bay being part of PIN 62325-0286	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		Easement Easement Easement
Thunder Bay	TB16		Part of Lot 13 Concession 1, Twp of Gorham, designated as Part 3 on Plan 55R-15175; Thunder Bay being part of PIN 62324-0248	Permanent Easement (Corridor)	Yes	Settlement reached - pending closing.		Easement Easement
Thunder Bay	TB17		Part of Lot 14 Concession 1, Twp of Gorham, designated as Parts 1 & 2 on Plan 55R-15323; Thunder Bay being part of PIN 62324-0362	Permanent Easement (Corridor)	Yes	Settlement reached - pending closing.		Easement Easement
Thunder Bay	TB22		Part of Lot 16 Concession 2, Twp of Gorham, designated as Part 9 on Plan 55R-15288; Thunder Bay being part of PIN 62324-0104	Permanent Easement (Corridor)	Yes	Settlement reached - pending closing.		Easement Easement Charge
Thunder Bay	TB23		Part of Lot 17 Concession 2, Twp of Gorham, designated as Part 8 on Plan 55R-15288; Thunder Bay being part of PIN 62324-0056	Permanent Easement (Corridor)	Yes	Settlement reached - pending closing.		Easement Easement
Thunder Bay	TB24		Part of Lot 17 Concession 2, Twp of Gorham, designated as Part 7 on Plan 55R-15288; Thunder Bay being part of PIN 62324-0057	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		Easement Easement
Thunder Bay	TB44		Part of North 1/2 Lot 6 Concession 2, Twp of Ware, designated as Part 6 on Plan 55R-15178; Thunder Bay being part of PIN 62322-0331	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		Easement Charge
Thunder Bay	TB60		Part of Lot 11 Concession 3, Twp of Ware, designated as Parts 1 & 4 on Plan 55R-15154; Thunder Bay being part of PIN 62321-0168	Permanent Easement (Corridor)	Yes	Settlement reached - pending closing.		Easement Easement Easement Charge Claimant
Thunder Bay	TB64		Part of South 1/2 Lot 13 Concession 3, Twp of Ware, designated as Parts 1 & 2 on Plan 55R-15321; Thunder Bay being part of PIN 62321-0162	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached. Landowner unresponsive since December, 2024.		Easement Easement Easement
Thunder Bay	TB73		Part of North 1/2 Lot 18 Concession 3, Twp of Ware, designated as Part 1 on Plan 55R-15326; Thunder Bay being part of PIN 62321-0140	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		Easement
Thunder Bay	TB80		Part of South 1/2 Lot 13 Concession 1, Twp of Forbes, designated as Part 1 on Plan 55R-15325; Thunder Bay being part of PIN 62318-0110	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		Easement Easement Easement Notice of Security Agreement

APPENDIX 4 - DESCRIPTION OF LANDS OVER WHICH AUTHORITY TO EXPROPRIATE IS BEING REQUESTED

Municipality	Hydro One File No.	Registered Property Owner Name(s)	Legal Description of Interest to be Expropriated	General Description of Interest to be Expropriated	Voluntary Settlement Signed (Closing Pending)	Negotiation Update	Other Registered Interests on Title	Interest
15 Thunder Bay	TB106	[REDACTED]	Part of Lot 30 Concession 2, Twp of Dawson Road Lots, designated as Parts 5 & 6 on Plan 55R-15316, Thunder Bay being part of PIN 62319-0131	Permanent Easement (Corridor)	No	Property owner deceased. Despite Hydro One's best efforts, the deceased landowner's next of kin is unwilling to become involved in matters related to the subject property. Property is eligible for forfeiture to the Crown as of November, 2024.	[REDACTED]	Easement Charge Claimant re Unpaid Taxes Applicant re Unpaid Taxes
16 Thunder Bay	TB149	[REDACTED]	Part of Mining Locations AL-641, Twp of Haines, designated as Part 1 on Plan 55R-15328, Thunder Bay being part of PIN 62505-0591	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.	[REDACTED]	Easement
17 Thunder Bay	TB155	[REDACTED]	Part of Mining Location 71-Z, Twp of Haines, designated as Part 8 on Plan 55R-15201, Thunder Bay being part of PIN 62505-1124	Permanent Easement (Corridor)	Yes	Settlement reached - pending closing.	[REDACTED]	Option Lien Claimant

APPENDIX 4 - DESCRIPTION OF LANDS OVER WHICH AUTHORITY TO EXPROPRIATE IS BEING REQUESTED

Municipality	Hydro One File No.	Registered Property Owner Name(s)	Legal Description of Interest to be Expropriated	General Description of Interest to be Expropriated	Voluntary Settlement Signed (Closing Pending)	Negotiation Update	Other Registered Interests on Title Name	Interest
Atikokan	AT19		Part of Mining Claim FF-5274, designated as Part 7 on Plan 23-32-118-00, Rainy River being part of 56066-2344	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		Easement
Atikokan	AT20		Part of Mining Claim FF-5274, designated as Part 6 on Plan 23-32-118-00, Rainy River being part of 56066-1914	Permanent Easement (Corridor)	No	Negotiations are ongoing, however a settlement has not yet been reached.		

Summary Information

19	Total Properties Over Which Authority to Expropriate is Being Requested
13	No Voluntary Settlements Achieved
6	Voluntary Settlements Signed (Closings Pending)

ATTACHMENT 2 – RECORDS OF CONSULTATION

1
2
3
4

This attachment, in its entirety, has been filed confidentially with the OEB in accordance with its Practice Direction on Confidential Filings.

OEB STAFF INTERROGATORY - 03

Reference:

1. Letter from Hydro One to the OEB, dated December 19, 2024, Affidavit of Service
2. Letter from Hydro One to the OEB, dated January 30, 2025, Proof of Delivery

Preamble:

At Reference 1, Hydro One advised the OEB that it had been unable to effect service on one interest holder in the property identified as TB106 in Hydro One's updated application. Hydro One advised that it performed a title search, obituary search, property tax roll search, and inquiries with the law firm that prepared the charge. According to Hydro One's letter, the registered owner of the property is deceased, and the property owner's next of kin declines to be involved with the estate or matters related to the subject property.

At Reference 2, Hydro One advised the OEB of two properties, whose owners or interest holders it was unable to effect service upon (identified as TB60 and TB73). At Reference 1, Hydro One did not advise that it had not been able to effect service on the owners or interest holders of these two properties.

Interrogatory:

- a) Please explain why the two references identify different properties and confirm which owners or interested parties have not been served as of the date of filing of this response.

Response:

- a) References 1 and 2 together, identify three properties; TB106, TB60, and TB73, whose owners or interest holders Hydro One was unable to effect service.

The registered owner of property TB106 is confirmed to be deceased as noted in Reference 1. Hydro One successfully contacted next of kin, who advised that they were unwilling to become involved in matters related to the subject property or the deceased's unsettled estate. Hydro One's title searching efforts also revealed that the subject property is eligible for forfeiture to the Crown for unpaid taxes as of November 2024. It is therefore expected that the Crown may assume ownership of the property, although the timing of this potential outcome is not known.

The Chargee with an interest registered against the title to the TB60 property is also confirmed to be deceased as noted in Reference 2. Hydro One attempted to locate the next of kin of the Chargee to determine if they had carriage of registered interest but with no success. Hydro One also consulted with the registered owner to the subject

1 property and was advised that the underlying financial obligation giving rise to the
2 registrable interest had been fulfilled. However, the owners have not been able to
3 remove the charge from title due to the death of the Chargee. The owners and
4 Chargee were personal friends, and they have advised Hydro One that no next of kin
5 were available to take carriage of the affairs of the deceased.

6
7 For the service of Notice to the registered owner of property TB73, the delivery/service
8 of Notice was attempted multiple times, as documented in Reference 2. However, the
9 owner is an active participant in this proceeding and the owner was granted intervener
10 status by the OEB on February 21, 2025¹. Hydro One submits that the owner's
11 participation in this proceeding demonstrates direct knowledge of the application and
12 thus achieves the objectives intended by the Board's December 2, 2024 Directions².

¹ EB-2024-0319, OEB Procedural Order No. 2 and Decision on Issue List, dated February 21, 2025.

² EB-2024-0319, OEB Letter of Direction, dated December 5, 2024.

OEB STAFF INTERROGATORY - 04

Reference:

1. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1-1, paragraph 9, Page 3.
2. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1, Appendix 4, Description of Lands and Specific Interests in Lands.

Preamble:

Hydro One seeks the authority to expropriate Permanent Corridor Easements required for construction and ongoing operation and maintenance of the Waasigan Project. The Right-of-Way width is approximately 46 metres depending on location of structures, terrain, length of span and other external site factors.

Interrogatory:

- a) For each of the properties identified in Reference 2, please explain the criteria and standards that Hydro One applied to determine the size of the Right-of-Way.
- b) On what basis does Hydro One establish that it seeks the minimum amount of land rights necessary to implement the transmission project?

Response:

- a) For all the properties identified in Reference 2 an industry-typical 46m wide Right-of-Way ("ROW") was determined to be necessary and appropriate based on; voltage, local design constraints and consideration of the project-situated terrain and natural features, including the distances between the transmission structures, structure configuration, conductor type and safety requirements. The calculation of the ROW width also complies with the following standards: Canadian Standards Association CSA 22.3 No. 1 Overhead Systems, Canadian Standards Association CSA 22.3 No. 60826 (IEC 60826) Transmission Lines – Design Criteria, Electrical Power Research Institute – EPRI AC Transmission Line Reference Book – 200 kV and Above, and North American Electric Reliability Corporation NERC FAC-003 Transmission Vegetation Management.
- b) Please refer to part (a) above. Hydro One also notes that the Environmental Assessment process undertook an extensive routing assessment to optimize the location of the transmission line, ancillary components and total footprint as to minimize land rights necessary while balancing Indigenous values, socio-economic, technical, natural environment and cost criteria. In doing so, Hydro One has worked with landowners to minimize potential impacts of the Project. In addition, Hydro One

Filed: 2025-03-05

EB-2024-0319

Exhibit I

Tab 1

Schedule 4

Page 2 of 2

- 1 has intentionally planned the location of ancillary components (such as roads,
- 2 helipads, staging areas etc) off private lands wherever possible minimizing overall
- 3 rights required.

1 **OEB STAFF INTERROGATORY - 05**

2
3 **Reference:**

- 4 1. EB-2024-0319, Evidence Amended December 5, 2024, Exhibit A-1-1.
5 2. Ontario Energy Board Act, s.23.

6
7 **Preamble:**

8 Hydro One applied for an order granting it the authorization to expropriate certain rights
9 for certain lands pursuant to section 99 of the OEB Act. Reference 2 permits the OEB,
10 when making an order, to “impose such conditions as it considers proper.”

11
12 **Interrogatory:**

- 13 a) OEB staff has prepared the following draft Conditions of Approval. If Hydro One does
14 not agree to any of the draft conditions of approval noted below, please identify the
15 specific conditions that Hydro One disagrees with and explain why. For conditions in
16 respect of which Hydro One would like to recommend changes, please provide the
17 proposed changes and an explanation of the changes.

18
19
20 **Waasigan Project – Expropriation Application**
21 **Section 99 Order Granting Authority**
22 **to Expropriate Interests in Certain**
23 **Lands**

24
25
26 **DRAFT CONDITIONS OF APPROVAL**

- 27
28 1. Hydro One shall notify the OEB in writing in the event that, after this Decision and
29 Order has been issued, a negotiated settlement is reached and expropriation is no
30 longer necessary. This notice shall be filed with the OEB within ten days of the
31 settlement.
32
33 2. Hydro One shall use all reasonable efforts to provide oral and written notice to the
34 landowners a minimum of 48 hours prior to entry onto the land.
35
36 3. Reasonable accommodation shall be made in Hydro One’s schedule for landowner
37 requests/concerns to ensure that transmission facilities’ construction and associated
38 activities do not interfere with landowner operations.

- 1 4. Hydro One or its agents will consult with the landowner in advance of entry as to the
2 manner in which existing gates / fences / entryways are to be managed while entering
3 property. In the event the landowner cannot be contacted, Hydro One shall ensure that
4 gates / fences / entryways used by Hydro One personnel or its agents are left as found.
5
- 6 5. The landowners and tenants can be present to observe the transmission facilities'
7 construction and associated activities subject to Hydro One's safety policies and
8 procedures and the Occupational Health and Safety Act.
9
- 10 6. Hydro One shall keep records of the personnel attending and entering on lands, the
11 time in which entry occurred, and the locations entered.
12
- 13 7. Hydro One shall designate one of its employees as project manager who will be
14 responsible for the fulfillment of these conditions, and shall provide the employee's
15 name and contact information to the OEB and to the landowners and tenants, and shall
16 ensure that this information is clearly posted on the construction site. The project
17 manager will be responsible for the fulfilment of the conditions of approval on the site.
18
- 19 8. Hydro One shall furnish the OEB's designated representative with all reasonable
20 assistance for ascertaining whether Hydro One has complied with these conditions of
21 approval.
22

23 The OEB's designated representative for the purpose of these Conditions of Approval
24 shall be the OEB's Manager of Generation and Transmission Applications (or the Manager
25 of any OEB successor department that oversees leave to construct applications).
26

27 **Response:**

- 28 a) Draft Conditions 1, 4, and 8 proposed by OEB Staff are acceptable to Hydro One.
29 Hydro One proposes minor changes to OEB Staff's Draft Conditions 2, 3, 5, and 7 as
30 noted below. For the following reasons, Hydro One disagrees with Draft Condition 6.
31

32 The Phase 1 Waasigan Project will traverse approximately 156 privately-owned
33 properties¹. The current Application seeks expropriation rights for 19 of these
34 properties. In managing all properties involved in the Project, Hydro One has actively
35 engaged with landowners prior to construction, and provided notice of construction
36 initiation and a contact point for landowners. This approach has proven to be efficient
37 and effective. Imposing the need to monitor specific access times for personnel and
38 contractors, as well as tracking requirements for the 19 properties, would create a

¹ EB-2023-0198, Waasigan Project – Leave to Construct Application, Exhibit E, Tab 1, Schedule 1, p. 3, lines 4 to 7.

1 substantial administrative burden. There is no clear public interest benefit to justify
2 this, and more importantly, there has been no demonstrated need for such differential
3 treatment of these properties.

4
5 Hydro One commits to not initiating access or construction on any of the 19 identified
6 properties until lawful land rights have been established, either through voluntary
7 agreements or the outcome of this Application. Hydro One holds that Draft Condition
8 6 is not aligned with the established, efficient practices for construction management
9 within this Project, and it does not advance a discernible public benefit. For these
10 reasons, Hydro One rejects the Draft Condition 6 and suggests the continuation of the
11 uniform administrative protocol that has been applied to all properties thus far.

12 13 14 **Hydro One's Proposed Draft Conditions of Approval**

- 15
- 16 1. Hydro One shall notify the OEB in writing in the event that, after this Decision and
17 Order has been issued, a negotiated settlement is reached and expropriation is no
18 longer necessary. This notice shall be filed with the OEB within ten days of the
19 settlement.
20
 - 21 2. Hydro One shall use all reasonable efforts to provide oral and or written notice to the
22 landowners a minimum of 48 hours prior to the initial entry onto the land.
23
 - 24 3. Hydro One will reasonably attempt to accommodate ~~shall be made in Hydro One's~~
25 ~~schedule for landowner requests/concerns to ensure that transmission~~
26 ~~facilities' construction and associated activities do not interfere with~~ landowner
27 or tenant property operations; when Project construction activities take place,
28 subject to the Project's health, safety and security policies and procedures and
29 the Occupational Health and Safety Act.
 - 30 4. Hydro One or its agents will consult with the landowner in advance of entry as to the
31 manner in which existing gates / fences / entryways are to be managed while entering
32 property. In the event the landowner cannot be contacted, Hydro One shall ensure that
33 gates / fences / entryways used by Hydro One personnel or its agents are left as found.
34
 - 35 5. Upon providing Hydro One with reasonable prior notice, the landowner(s) and
36 tenant(s) can be present to observe the transmission facilities' construction and
37 associated activities subject to ~~Hydro One's the Project's~~ health, safety and
38 security policies and procedures and the *Occupational Health and Safety Act*.

- 1 ~~6. Hydro One shall keep records of the personnel attending and entering on lands,~~
2 ~~the time in which entry occurred, and the locations entered.~~
3
- 4 7. Hydro One shall designate one of its employees as project manager who will be
5 responsible for the fulfillment of these conditions, and shall provide the employee's
6 name and contact information to the OEB and to the landowners and tenants, and
7 shall ensure that this information is clearly posted on **the Hydro One's** construction
8 site **office**. The project manager will be responsible for the fulfilment of the conditions
9 of approval on the site.
10
- 11 8. Hydro One shall furnish the OEB's designated representative with all reasonable
12 assistance for ascertaining whether Hydro One has complied with these conditions of
13 approval.