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March 17, 2025

Via Email and RESS

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

Dear Ms. Marconi:

**Re: Hydro One Networks Inc. (“Hydro One”)
Waasigan Transmission Project – Expropriation Application
OEB File Number: EB-2024-0319**

We are writing on behalf of Hydro One and in response to the comments provided to the Ontario Energy Board (“OEB” or “Board”) from Ms. Joanne Drew and Mr. Ted Jedruch in emails dated March 13, 2025 and March 10, 2025.

Response Ms. Drew’s March 13, 2025 Email

At the outset, Ms. Drew states that Hydro One “expects the OEB to rubber stamp their request and a hearing for permission is just theatre they must participate in.” Hydro One strongly disputes this assertion. The Board is an independent, quasi-judicial body. Hydro One expects that any decision granting or denying the relief sought in this application will be based on the Board exercising its expertise and through its careful review of the evidence.

Regarding Hydro One’s response to OEB Staff Interrogatory-01, Ms. Drew raises concerns with the approach Hydro One is taking in obtaining all necessary regulatory approvals to carry out Project construction across all work fronts. As the Board is aware, when major electricity transmission projects are developed in the province, the main regulatory approvals obtained prior to construction commencing are: (a) leave being granted from the OEB in accordance with section 92 of the OEB Act and (b) environmental assessment approvals issued by the Minister of the Environment, Conservation and Parks. Ancillary, site specific approvals are then obtained from local authorities based on specific construction conditions encountered along specific work fronts. These local approval requirements arise when detailed construction plans are developed and are being implemented.

Ms. Drew’s suggestion that Hydro One must obtain all approvals across all work front locations prior to commencing any Project construction activities does not align with the practical realities associated with electricity transmission linear construction and the local permit approval processes. Local approvals are, again, intended to address site specific concerns that are of

specific concern to the regulatory authority and which relate directly to construction methods and techniques that are intended on being deployed. These types of issues and concerns require specific context associated with the construction conditions along a specific work front and could not practicably be known and planned along all work fronts before construction commences anywhere along the Project. Hydro One submits that Ms. Drew's approach, if adopted, would result in inordinate delays and prevent necessary transmission projects from being completed in a timely and cost-effective manner.

Ms. Drew's second concern appears somewhat similar, challenging Hydro One on whether any Project construction may commence without Hydro One having first obtained agreements for the acquisition of all necessary land rights.

Hydro One has made good faith attempts to negotiate voluntary land acquisition agreements prior to and following the Board's Leave to Construct Decision. While the large majority of required land interests have been obtained through this process, Hydro One is now pursuing the relief found in section 99 of the *Ontario Energy Board Act* for expropriation authorization over the remaining and required property interests.

Hydro One submits it would be non-sensical for the Board to find that any Project construction – including activities on lands which Hydro One has already obtained voluntarily – cannot commence before the Board makes a determination of the expropriation relief sought on the remainder interests. Pragmatically, this approach would mean landowners who have not reached voluntary agreements would have the ability to prevent timely construction of the Project on lands in which they have no interest in and in which the affected landowners have agreed to allow construction of the Project. Pursuing the approach advocated by Ms. Drew eliminates all incentives for Hydro One and landowners to negotiate and reach mutually acceptable agreements as early as possible.

Hydro One submits that section 99 applications are not proceedings intended to revisit the route and need for the Project approved in the Leave to Construct Decision. The process instead is narrow in scope, intended to address detailed routing concerns and site specific land requirements with parties who have not been able to reach voluntary land acquisition agreements. The merits and issues in this process have no bearing upon the land interests which Hydro One has obtained and which rights have allowed it to proceed with construction activities on those lands and with landowner agreement.

Ms. Drew's remarks concerning Hydro One's response to OEB Staff Interrogatory 2(a) relate to whether complete records of communication were attached to this response. The concern appears to be that Ms. Drew now seeks to review the completeness of these records, and potentially supplement this information with additional facts and circumstances that have not been captured by Hydro One.

In response, the record of consultation that Hydro One filed contains personal and confidential information. Hydro One understands that it is not permitted to file this information publicly and on an unredacted basis, and because the questions were asked of Board Staff, no directions were provided to Hydro One requiring disclosure to Ms. Drew. Notwithstanding, Hydro One has no objection to Ms. Drew being permitted access to the communication records related to the two property Pins in which Ms. Drew has an ownership interest, should the Board so decide.

In making this decision, Hydro One submits it would be appropriate and helpful for the Board to provide guidance on how this information is intended to be considered during this proceeding. Specifically, Hydro One submits disclosure and scrutiny of the communication record regarding why settlements may not have achieved are issues not relevant to this proceeding and could undermine Hydro One's efforts of obtaining voluntary settlements with landowners going forward.

Hydro One submits that the issues in this proceeding should remain focused on whether expropriation authorization over the land interests sought in this application are necessary and required in order to allow Hydro One the ability to complete the construction and in-service the operation of the approved Waasigan Transmission Project.

Response to Ms. Drew and Mr. Jedruch's March 10th, 2025 Email

Ms. Drew and Mr. Jedruch assert that Hydro One acted improperly by serving notice of its Section 99 Expropriation Authorization Application on persons who are not affected landowners. Specifically, persons who were previously listed on title as having registrable interests in the lands now held by Ms. Drew and/or Mr. Jedruch.

Hydro One submits that mistakenly serving notice of its Application on persons who previously held interests in the lands has not been demonstrated to cause any privacy concerns to Ms. Drew and/or Mr. Jedruch. Hydro One's primary concern was ensuring all persons having registrable interests in the lands were provided with notice of its Application. When Hydro One notified the prior interest holders, it relied on land title information that subsequently changed. Broader notification of the Application, through service of the notice on prior interest holders, has not been the subject of concern or criticism by the prior owners or has been demonstrated to cause any real prejudice to Ms. Drew or Mr. Jedruch.

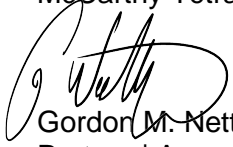
Ms. Drew and Mr. Jedruch's second issue appears to relate to the affidavit attestation provided by Mr. Martin Webster, and whether service of the application was properly effected on Mr. Jedruch.

In support of this view, Ms. Drew and Mr. Jedruch refer to exchanges that took place while they and Mr. Webster were in separate vehicles within the laneway leading to Ms. Drew's residence. Hydro One has now confirmed that Mr. Webster may not have expressly asked whether the individual accompanying Ms. Drew was, in fact, Mr. Jedruch. That was an error made on Mr. Webster's part.

However, and as it relates to the issue of service, following this exchange, further correspondence (attached) was received from Ms. Drew and Mr. Jedruch. This correspondence, along with their participation in this hearing process, confirms both individuals received and have been aware of the Application, notwithstanding Mr. Webster's mistaken belief. On behalf of Mr. Webster, Hydro One apologizes for any confusion arising from the steps taken. Hydro One respectfully requests the Board resolve these concerns by confirming Ms. Drew and Mr. Jedruch have been made aware of the Application and are actively participating in this proceeding, based on this knowledge and thus alleviating the need for any further attestation steps.

Yours very truly,

McCarthy Tétrault LLP



Gordon M. Nettleton
Partner | Associé

Attachments