



Hydro One Networks Inc.

**Application for approval to expropriate certain lands in
municipalities in northwestern Ontario**

PROCEDURAL ORDER NO. 3

March 20, 2025

On November 8, 2024, Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) under section 99 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (OEB Act), for an order granting approval to expropriate interests in certain lands in the Municipality of Shuniah and the Town of Atikokan that are needed to facilitate the first phase of an electricity transmission project (Project).

On January 29, 2025, the OEB issued Procedural Order No. 1 (PO1) which set out the schedule for the proceeding¹.

On February 21, 2025, the OEB issued Procedural Order No. 2 and Decision on Issues List (PO2) which set out the approved issues list for the proceeding, approved Kurt Krause's intervention request, and confirmed his eligibility to apply for a cost award².

On February 24, 2025, OEB staff submitted interrogatories to Hydro One, as required by PO1. Hydro One filed its responses to the interrogatories on March 5, 2025.

Kurt Krause's Interrogatories

On March 11, 2025, Kurt Krause submitted interrogatories to Hydro One.

In its letter of March 11, 2025³, Hydro One advised the OEB that it did not object to responding to Mr. Krause's questions but submitted that the timing of its responses should not delay the March 24, 2025 deadline for OEB staff and intervenor submissions as set out in PO1.

On March 14, 2025, Hydro One filed its responses to interrogatories from Mr. Krause.⁴

¹ EB-2024-0319 [Procedural Order No. 1](#)

² EB-2024-0319 [Procedural Order No. 2 and Decision on Issues List](#)

³ EB-2024-0319 [Correspondence](#)

⁴ EB-2024-0319 [Applicant Response to Interrogatories](#)

The OEB notes that Mr. Krause's interrogatories were filed beyond the deadline of February 24, 2025, as set out in PO1. However, Mr. Krause was not formally accepted as an intervenor in the proceeding until the OEB issued PO2 on February 21, 2025.

On March 17, 2025, Mr. Krause submitted a second set of interrogatories. Those interrogatories appear to focus on the interplay between Hydro One's efforts to achieve voluntary agreements to acquire land rights necessary for the transmission project and its application to expropriate land rights where it has been unable to reach voluntary agreements.

The OEB will not require Hydro One to provide responses to those interrogatories. Voluntary agreements and expropriation are two methods available to Hydro One to acquire the land rights necessary for the transmission project. The OEB has previously granted Hydro One leave to construct the project, which included consideration of when the project needs to be operational. As part of that decision, the OEB approved the form of agreements to be offered by Hydro One to affected landowners. If Hydro One is unable to acquire all the land rights it needs, on a voluntary basis, in time to meet the construction timeline for the project, it is entitled to seek an expropriation order from the OEB. Failure to achieve voluntary agreements is not a barrier to expropriation. In this proceeding, where voluntary agreements have not been achieved, the OEB must determine the land rights required for the transmission project. Any failure to achieve a voluntary agreement is not a barrier to determining the question of what land rights are required to be expropriated. Rather, the failure to reach voluntary agreement is what gives rise to the need to expropriate. To the extent that the right to expropriate is granted, it is still open to landowners to negotiate with Hydro One for reasonable compensation for the expropriated land rights. Failing such agreement, landowners will have recourse to the Ontario Land Tribunal to determine reasonable compensation under the Expropriations Act.⁵

The discovery phase of this proceeding is now over and the OEB will not provide any further opportunity for interrogatories.

Given the timing of the OEB's decision to grant Mr. Krause intervenor status, the OEB is amending the procedural schedule to ensure that Mr. Krause has sufficient time to file written submissions. Written submissions from intervenors and OEB staff will be due no later than March 28, 2025 and Hydro One's reply argument will be due no later than April 11, 2025.

⁵ OEB Act s. 100

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by March 28, 2025.
2. Any written reply submissions from Hydro One shall be filed with the OEB and served on intervenors by April 11, 2025.

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-2024-0319** 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, Jeffrey Sauer at Jeffrey.Sauer@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, **March 20, 2025**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar