



EB-2006-0352

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF section 99(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Hydro One Networks Inc. for authority to expropriate land for the purposes of an overhead transmission line for the Toyota Woodstock Transmission Interconnection project.

BEFORE: Cathy Spoel
Presiding Member

Bill Rupert
Member

DECISION AND ORDER

Hydro One Networks Inc. (the "Applicant" or "Hydro One") filed an application with the Ontario Energy Board (the "Board") under section 99 of the *Ontario Energy Board Act 1998*, S.O. 1998, c. 15 (Schedule B) (the "Act") for approval to expropriate lands to construct an overhead 115 kilovolt (kV) transmission line (the "Application"). The purpose of the line is to supply electricity to an automotive plant being built by Toyota Motor Manufacturing Canada Inc. ("Toyota") in the City of Woodstock.

In support of the Application, the Applicant filed a brief of documents which included a Class Environmental Assessment Environmental Study Report, descriptions and copies of registered plans of the permanent and temporary easements sought, and a copy of its Electricity Transmission Licence (collectively the "pre-filed evidence brief").

A Notice of Application and Hearing (the “Notice”) was issued by the Board and Hydro One served the Notice, the Application and the pre-filed evidence brief on all parties identified as having an interest in the lands directly affected by the Application (the “interested parties”). An affidavit setting out the search of title for each property and the service upon all interested parties was filed with the Board Secretary.

On June 19, 2007 an oral hearing was held in Woodstock to hear evidence and submissions from the Applicant and certain of the Intervenor. After consideration of the oral and pre-filed evidence, and after hearing and reading the oral and written submissions of the Applicant and certain of the Intervenor, the Board finds the expropriation of the properties affected by the Application to be in the public interest. The reasons for that decision are set out below.¹

THE PROPOSED TRANSMISSION LINE

The proposed overhead transmission line is 1.6 kilometers in length. It will be tapped from an existing nearby 115 KV transmission line on Towerline Road and will proceed north to cross the Highway 2/Highway 401 interchange to connect with a transformer station located on the Toyota lands.

The transmission line will be located on lands subject to permanent easements to accommodate the line and supporting structures, and future accommodation for a second circuit on the same structures. Temporary easements will also be required during the period of construction. Maps and copies of registered plans locating the temporary and permanent easements were filed as part of the Application.

THE INTERVENORS AND THE PROPERTIES TO BE EXPROPRIATED

There are four properties for which expropriations of temporary and permanent easements are requested.

¹ Prior to the oral hearing, the Board rendered three interim decisions with reasons which are attached as Appendices A, B and C. Those decisions confirmed Toyota’s status as an intervenor; ordered an oral hearing; ordered that route selection would not be an issue at the hearing; and ordered that a redacted copy of the Connection and Cost Recovery Agreement between the Applicant and Toyota (the “Agreement”) be placed on the public record. The Agreement was filed and made Exhibit J.2 at the hearing.

Property 1 is a 171.4 acre parcel belonging to Rebecca Mae and Andrew Henry Streutker (the “Streutker property”). The permanent and temporary working easements sought for the Streutker property require 7.061 acres and 0.386 acres respectively. Mr. and Mrs. Streutker were granted intervenor status. Mr. Streutker was a witness, and was represented by counsel, at the hearing.

Property 2 is a 38.7 acre parcel belonging to William Bruce Forster (the “Forster property”). The permanent and temporary working and access easements sought for the Forster property require 0.543 acres, 1.031 acres and 1.110 acres respectively. Mr. Forster was granted intervenor status. He did not attend the hearing and his counsel did not attend the hearing.

Property 3 is a 35.8 acre parcel belonging to Douglas Herbert Ede (the “Ede property”). The permanent and temporary working and access easements sought for the Ede property require 1.517 acres, 1.092 acres and 0.41 acres respectively. Mr. Ede did not seek intervenor status and did not participate in the hearing.

Property 4 is an 11.97 acre parcel belonging to Ted and Ingrid Tuns (the “Tuns property”). The permanent and temporary working easements sought are 0.284 acres and 0.635 acres respectively. Mr. and Mrs. Tuns were granted intervenor status and participated in the hearing through their counsel.

Toyota was granted intervenor status and participated in the hearing through its counsel.

THE EVIDENCE

The Applicant

In its pre-filed evidence brief, the Applicant submitted that the proposed expropriations are required to complete the easement rights for the construction of the transmission line needed to provide a safe and reliable supply of electricity to the automotive plant being built by Toyota in the City of Woodstock.

The Applicant also stated that it has complied with the class assessment provisions of the *Environmental Assessment Act* by submitting an Environmental Study Report to the Ministry of the Environment on September 29, 2006.

As part of the environmental assessment, two Public Information Centres were held and there was a thirty-day public and agency period for review of the draft Environmental Study Report. At the Public Information Centres and during the thirty-day public and agency review period, property owners affected by the proposed transmission line were given the opportunity to voice their concerns, if any, and these comments were taken into account in determining the preferred route for the transmission line.

In addition to relying on the Application and the pre-filed evidence brief, the Applicant called Glen Høglund, the Manager of project management for engineering and construction services, as a witness. Mr. Høglund gave evidence that the Applicant's Electricity Transmission Licence and section 26 of the *Electricity Act, 1998*, S.O. 1998, chapter 15, Schedule A, require the Applicant to provide access to the Applicant's transmission system and to convey electricity when requested to do so by a consumer, generator or retailer. Toyota's request for service was the impetus for the Connection and Cost Recovery Agreement entered into between the Applicant and Toyota². The transmission line is for the exclusive use of Toyota.

Mr. Høglund's evidence was that a large automotive manufacturing facility requires a significant amount of energy to build and to operate, and the only reliable source of such energy would be a high voltage transmission line.

Mr Høglund testified that it is Hydro One's practice to request the minimum property rights that are required; in this case, where there is a need to build, operate and maintain a high voltage transmission line, a limited-right easement is sufficient for the purpose.

In response to a request by counsel for Streutker and Tuns, Hydro One produced a document titled "Draft Policy and Process" which deals with real estate acquisitions. This policy has not yet been approved by Hydro One's Executive Committee but is in the form that will be submitted for approval. The draft policy states that Hydro One will acquire the minimal rights required to meet operational needs. If the acquisition of a limited interest (i.e. an easement) renders the real estate uneconomic to the affected property owner or the construction proposed requires it, Hydro One will acquire the fee simple. Hydro One is not relying on the draft policy for the purpose of arguing that it

² See footnote 1.

should be permitted to take only the easement and not the fee, rather, it relies upon the evidence of Mr. Hoglund.

The Applicant gave consideration to alternative means of supplying the electricity to the Toyota plant, involving a combination of low-voltage and high-voltage facilities. While aware of the existence of anaerobic facilities where methane gas is created from animal waste and used to generate electricity, Hydro One did not consider using an anaerobic facility to generate electricity to supply the Toyota plant. It was Mr. Hoglund's evidence that such a facility could not provide a reliable supply of electricity.

If Hydro One is granted the expropriation order, the transmission line and related structures placed upon the four properties will consist of a combination of four lattice transmission structures and four single pedestal steel poles.

The width of the permanent easements will be 30 metres in total. The width is needed for maintenance and to ensure that the conductors will not swing out beyond the edge of the right of way when blown by high winds. If the structures are put in place, Hydro One will not restrict the type of farming operations that can continue within the right of way. There is no need for permanent roadways for access for maintenance.

If Hydro One is granted the expropriation order, the Tuns property will have three lattice transmission structures. Those structures will have a footprint of between 6 to 8 feet and a height of 50 to 60 feet. They are required to connect the new section of line to the existing transmission line along Towerline Road. The Tuns property currently has two transmission towers located on a permanent easement which runs parallel to Towerline Road. Those towers have been on the property for approximately ninety years.

If Hydro One is granted the expropriation order, the Streutker lands would have one lattice transmission structure and three single pedestal steel poles.

Intervenor Evidence

Andrew Streutker was called as a witness. Mr. Streutker's father purchased the property in 1956 or 1957, when Highway 401 was a gravel road. Mr. Streutker purchased the farm in 1991 or 1992, by which time Highway 401 was fully developed.

The Streutker property is 172 acres and is bounded by Towerline Road on the south, a CN rail line on the north and Highway 401 on the east. It has always been a dairy operation. Corn is cultivated to feed the herd of 250 dairy cows, and there is some pasture. There are three houses on the property, one occupied by Mr Streutker's parents, one occupied by him and his family, and one occupied by farm workers. There are also several farm buildings. None of the buildings are located in the areas over which easements are sought.

Mr. Streutker testified that the effect of an easement down the centre of his property would be an "inconvenience, to say the least." He testified that these days a farmer has to be a large operator and cultivate lots of land in order to feed all the animals, and that equipment gets bigger all the time. Farmers want large fields for speed and efficiency. His view was that with towers in the way, it would be more difficult to work efficiently.

Mr Streutker also testified that he has a concern about the possible effect of stray voltage on his cows. He stated that "Holstein cows are ten times more susceptible to stray voltage than human beings are, so they can sense it a lot quicker and it has a large effect on them with reproduction, production and feed consumption. It's not to say, I don't have that issue now, but at any time they say you mess with -- or mess -- you work with Hydro in any which way, something like that could happen."

In cross examination, Mr. Streutker said he understood that Hydro One does attempt to provide solutions to any problems that may occur with stray voltage.

Counsel for Streutker and Tuns also filed two documents dated March 22, 2007. The documents reflect that offers were made by Streutker and Tuns to sell the entire fee of their property to the Applicant. The offers were not accepted.

POSITIONS OF THE PARTIES

The Applicant

It was the Applicant's position that as it had complied with all of the administrative and filing requirements of section 99 of the Ontario Energy Board Act, the only issue to be determined was whether the expropriation of the land sought was in the public interest.

Counsel for Hydro One submitted:

- the expropriation powers of the Board should be read in the context of the objects and purposes of the Act rather than in the context of expropriation law in general;
- the interest of the public in having the Toyota plant operate in Woodstock and the economic benefits that would flow from the plant operation constituted the “public interest” in this case;
- a limited easement was what was sought and what should be granted as a smaller footprint on the land is a better footprint;
- the land can be used productively for dairy farming and corn production if a limited easement is granted;
- the Board should take judicial notice that transmission corridors and transmission lines have been constructed throughout the province using the smallest footprint possible, and that this is not a case in which to depart from that general principle; and
- use of a methane gas plant as an alternative source of power is not a solution.

Toyota

Counsel for Toyota submitted:

- a specific individual’s or locale’s interest should be weighed against general public interest;
- if something is in the greater public interest the specific interest must give way particularly when the harm to the specific interests is of a compensable nature;
- a high voltage line is necessary for the Toyota plant to function, and without electricity sufficient to operate the entire facility, all of the public benefits of the project cannot be achieved;

- “public benefits” are the direct and indirect economic benefits connected with the provision of goods and services to the plant, both during the construction period and during the life of the plant;
- Hydro One is obligated to connect a high voltage transmission line in order to fulfill its legal obligations; and
- Toyota is not a generator and should not be required to place an anaerobic digester on property assembled solely for the purpose of manufacturing cars; in any event, an anaerobic digester would not be a reliable source of electricity for Toyota, and a transmission solution would be required.

The Intervenors Streutker and Tuns

As background to his submissions, counsel for Streutker and Tuns read the following paragraph from *Dell Holdings v. Toronto Area Operating Authority*:

*The expropriation of property is one of the ultimate exercises of governmental authority. To take all or part of a person’s property constitutes a severe loss and a very significant interference with a citizen’s private property rights. It follows that the power of an expropriating authority should be strictly confined in favour of those whose rights have been affected. This principle has been stressed by eminent writers and emphasized in the decisions of this Court.*³

Counsel for Streutker and Tuns submitted:

- Hydro One should be directed to examine whether or not an anaerobic digester could be incorporated into the Toyota plant;
- if that is not feasible or Hydro One and Toyota do not want to use an anaerobic digester, the Board should order Hydro One to expropriate the entirety of the Streutker property and the fee of the Tuns property;
- the Board should consider whether placing the transmission tower and poles on the Streutker property renders its continued operation as a dairy farm uneconomic, so making the taking of the property as a whole appropriate;

³ [1997] S.C.J. No. 6 para. 20.

- the placing of the transmission tower and poles on the Streutker property makes the movement of farm equipment difficult, and may cause stray voltage, both consequences which ought not to be permitted and which work an unfairness that can be alleviated by an order directing Hydro One to acquire the entire property; and
- a consideration of public interest must always include a consideration of fairness, and the Board should decide whether or not in these circumstances there has been any fairness shown to the property owners.

Applicant's Reply Submissions

Counsel for the Applicant submitted:

- the *Dell* case is support for the proposition that an expropriating authority should not take a greater interest or more land than it needs, should not take farmland out of production when it is not necessary to do so, and should not take a fee simple when a simple easement will do;
- Mr. Hoglund stated clearly that anaerobic digestion generation is not a viable alternative; and
- there is no evidence that supports an allegation that the real estate of the property owners would be rendered uneconomic if an easement was ordered.

THE BOARD'S AUTHORITY AND FINDINGS

The Legislative Scheme

The exercise of the Board's powers is informed by the objectives contained in the Act. The objectives in relation to electricity are found in subsection 1(1) which reads as follows:

1. (1) The Board, in carrying out its responsibilities under this or any other Act in relation to electricity, shall be guided by the following objectives:
 1. To protect the interests of consumers with respect to prices and the adequacy, reliability and quality of electricity service.

2. To promote economic efficiency and cost effectiveness in the generation, transmission, distribution, sale and demand management of electricity and to facilitate the maintenance of a financially viable electricity industry.

The Board derives its authority to deal with matters of expropriation under section 99 of the Act.

99. (1) The following persons may apply to the Board 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 from the requirement to obtain leave by the Board under section 95 or a regulation made under clause 127 (1) (f).
- (2) The Board shall set a date for the hearing of the application, but the date shall not be earlier than 14 days after the date of the application.
- (3) The applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land.
- (4) Repealed.
- (5) If after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land.

As the proposed transmission line is under two kilometers in length, the Applicant is within the exemption referred to in s. 99(1) 2.

Prior Board and Court Decisions Involving the Public Interest

Section 99 (5) of the Act provides that if after the hearing, the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land.

This Board has previously considered the phrase “the public interest”. In one decision the Board noted:

Clearly there are no firm criteria for determining the public interest which would hold good in every situation. Like 'just and reasonable' and 'public convenience and necessity', the criteria of public interests in any given situation are understood rather than defined, and it may well not serve any purpose to attempt to define these terms too precisely. Rather, it must be left to those who have to arrive at a conclusion to strike the balance of puts and takes, pluses and minuses, that at the particular point in time are considered appropriate.

The public interest is dynamic, varying from one situation to another, if only because the values ascribed to the conflicting interests alter. It follows that the criteria by which the public interest is served may also change according to the circumstances.⁴

In another decision, the Board made the following observations regarding the definition of “the public interest”:

In the opinion of the Board, the public interest can only be more particularly defined by examining the facts and nature of the situation in which the test is to be used. The public interest will consistently take the form of the facts to which it is applied, moulding itself to the specific use to which it is to be put.

Having determined that the public interest is not generally definable, the Board would add that in spite of its elusiveness, when it is applied to a specific set of facts the reasonable man of the common law has no trouble determining if a particular act meets the test. A transmission tower, by this test, might be located in a productive, peaceful countryside, in spite of the residents' objections, if the tower is found to be in the public interest of a nearby population centre. The public interest of the urban residents may be said to outweigh the local interests of the rural public in those circumstances.

Lord Coke put it succinctly when he wrote: 'The law prefers the public good to the private good, and if it has to choose between prejudice to the many and mischief particular to the individuals, the individuals must suffer.'⁵

⁴ 2 E.B.R.O 1985, cited in Robert W. Macaulay, Q.C. and James L.H. Sprague, *Practice and Procedure Before Administrative Tribunals*, Vol. 1, Ch. 8, “The Public Interest”, p. 8-4. The cite for the decision, taken verbatim from the textbook, is incomplete.

⁵ Re E.B.O, 118, 119, reported January 1985, cited in Robert W. Macaulay, Q.C. and James L.H. Sprague, *Practice and Procedure before Administrative Tribunals*, Vol. 1, Ch. 8, “The Public Interest”, p. 8-5.

In *Union Gas Ltd. v. Township of Dawn* the Divisional Court dealt with an appeal of a Board decision made in the public interest, and in its reasons stated: “The words ‘in the public interest’ ... would seem to leave no room for doubt that it is the broad public interest that must be served.”⁶

As noted previously, section 99 (5) of the Act provides that if after the hearing, the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land.

As was stated in its prior decisions, in forming this opinion the Board cannot rely on predetermined criteria and must consider the specific facts and circumstances of the case before it.

The Board must take into account the objects and purposes of its Act, the broad public interest, the interests of each of the parties to the application (the landowners, the Applicant and Toyota), and the obligation to serve imposed upon the Applicant by the terms of its licence and section 26 of the *Electricity Act, 1998*. The Board must consider and weigh each of the competing interests in forming its opinion.

The Toyota Project

The Environmental Study Report (the “ESR”) indicated that Woodstock has manufacturing and construction as its largest industry. According to the City of Woodstock’s Economic Development profile for 2005, 31% of the manufacturing and construction industries are automotive related. The ESR also notes that the unemployment rate of Woodstock is 7.1% compared to 5.8% for the County of Oxford.

While no evidence was led at the hearing on the specifics of the manufacturing facility being built by Toyota in the City of Woodstock, it is a matter of public record and the Board accepts that it will contribute to the expansion and diversification of the already established automotive manufacturing base in the Woodstock area, and will provide direct and indirect employment and economic benefits to the City of Woodstock and the Province of Ontario.

⁶ [1997] O.J. No. 2223 (Div. Ct.), para. 29,

Power Supply Options

The Board accepts the evidence of the Applicant that low voltage alternatives would provide insufficient capacity to operate the manufacturing facility and that a high voltage transmission line is necessary to provide a reliable supply of power to the plant.

In his closing submissions, counsel for Streutker and Tuns asked the Board to require Hydro One to examine whether an anaerobic digester, supplied by animal waste from farms in the surrounding area, could be incorporated into the Toyota manufacturing facility to generate the electricity required to run the facility.

The Board accepts the evidence of the Applicant that an anaerobic digester could not provide sufficient and reliable power to the manufacturing facility and finds that it is not a viable option.

The Board also finds that it has no authority to require either the Applicant or Toyota to build generation facilities of any kind, and that the Applicant's licence specifically prohibits it from doing so.

The Proposed Route

The landowners requested that the question of route selection be made an issue in the proceeding.

The preferred route for the transmission line was identified and approved through the environmental assessment process. As noted above, this process was open to participation by the public, including the landowners affected by this application. As route has already been approved through the appropriate process, the Board determined that it was not an issue in this proceeding.

Landowner concerns

The Board accepts Mr Streutker's evidence that construction and the ongoing presence of the transmission line and related structures on his farm will result in some inconvenience to his commercial farm operations. However, there was no evidence that the expropriation of the easements required for this purpose would render the use of his or any of the other affected lands uneconomic. Rather, the evidence was that, save for

the immediate footprint of the transmission towers and poles, the lands could continue to support farming operations.

Accordingly, the Board finds that any impacts on the landowners' farm operations can be compensated for financially.

Mr Streutker also expressed concerns about the possibility of stray voltage affecting his cows as it has in some other farm operations, once the transmission line and related structures were in place. While the Board acknowledges the concerns expressed, there was no evidence that stray voltage is likely to result from the type of transmission line which is the subject of the Application.

Minister's Directive and Order in Council

On June 22, 2007, counsel for Streutker and Tuns wrote to the Board and requested that the hearing be reconvened to consider a Minister's Directive and an Order in Council, which had been the subject of news reports earlier that day.

The Minister's Directive states:

The Board shall implement such measures which, in its own discretion, having regard to the objective related to quality of electricity service provided for under paragraph 1(1)1 of the Act, are necessary to ensure electricity service to farm customers, in relation to "tingle" or "stray" voltage, is of a quality that does not unduly impact the operation of the farm (the "Directive").

The Board issued Procedural Order No. 5 on June 26, 2007, and ordered that counsel for Streutker and Tuns make written submissions on the relevance of the Directive to the issues raised in the Application and the evidence to be considered by the Panel deciding the Application. Those submissions were served on all parties, who were provided with an opportunity to respond by way of written submission, and counsel for Streutker and Tuns were provided with an opportunity to make reply submissions.

Counsel for Streutker and Tuns submitted that as the Minister had seen fit to issue a directive to the Board to implement measures concerning stray voltage, the Board should hear further evidence and argument with respect to the effect of stray voltage.

Alternatively, counsel for Streutker and Tuns requested the Board “require Hydro One to initiate the process of selecting a route having regard to the Minister’s Directive and the Order in Council”.

Counsel for Hydro One submitted that the Directive has no relevance or applicability to the proceeding as the issue before the Board is whether the expropriations sought are in the public interest, and not the quality of service of electricity to farm customers,.

Alternatively, if the Board does determine this proceeding involves electricity service to farm customers, any consideration of stray voltage is premature as there is no evidence that there will be stray voltage when the transmission line is built and is operational, and no evidence that such stray voltage could not be mitigated, if it occurred.

Counsel for Toyota supported the submissions made by Hydro One.

In reply, counsel for Streutker and Tuns submitted that the Directive relates to the construction of the transmission line “which should not unduly impact the operation of the Streutker farm” and that any damage to the Streutker dairy operation should be considered immediately.

The Board has considered the Directive. Section 99(5) of the Act requires the Board to form an opinion as to whether it is in the public interest to expropriate certain lands. The Board finds that the Directive is not relevant to the forming of such an opinion and declines to order the reopening of the hearing. The Board notes that while the measures referred to in the Directive have yet to be determined or implemented, once implemented the measures will apply to all farm operations in the Province, including those of the Intervenor, in the event that stray voltage does prove to be a problem.

The Lands to be Expropriated

In his closing submissions, counsel for Streutker and Tuns asked that the Board order the expropriation of the entirety of the Streutker property and the fee of the Tuns property, if it did not order the Applicant to explore the use of an anaerobic digester as an alternative source of supply.

The Board agrees with the Applicant that in the majority of cases the best footprint is the smallest footprint. The Applicant led evidence that established the amount of land

required for the temporary and permanent easements on which the transmission line and related structures would be placed. Beyond filing documents to establish that they had offered to sell the entirety of their land to the Applicant, the landowners led no evidence that the expropriation of a greater amount of land than that required by the Applicant was necessary.

The Board finds that the temporary and permanent easements sought by the Applicant are necessary to the construction, operation and maintenance of the transmission line and related structures, and are adequate in size for those purposes.

With respect to the *Dell* case cited by counsel for Streutker and Tuns, the Board finds that while there is inevitably an interference with private property rights when expropriation occurs, the Applicant has pursued the appropriate process in determining the route, and has made efforts to minimize the disruption to the farm operations by requesting easements that are no larger than necessary. As noted previously, any inconvenience affecting commercial farm operations can be compensated for financially.

The Board finds that the landowners have been treated fairly throughout the expropriation process. They were notified of the route selection process and had an opportunity to participate in it; similarly, they were properly notified of and participated in this hearing. While the landowners may disagree with the route selected and the decision to issue an order expropriating certain of their lands, the Board is satisfied that the processes which led up to those decisions were fair.

Conclusion

In the Board's opinion, in this case the broader public interest of securing a reliable supply of power for the Toyota plant outweighs the private interests of the landowners affected by the easements requested by the Applicant. The Board is of the opinion that the expropriation of the lands is in the public interest and will make an order authorizing the expropriations.

THE BOARD ORDERS THAT:

1. The Applicant is permitted to expropriate from the landowners Streutker, Tuns, Forster and Ede the lands necessary for the permanent and temporary easements required by the Applicant and described in Plans 41R-7941, 41R-7942, and 41R-7943, which were filed as part of the Application and which were deposited with the Land Registrar for the Registry Division of Oxford (No. 41) on December 19, 2006,
2. Parties that were found eligible for an award of costs in this proceeding shall submit their cost claims by **August 10, 2007**. A copy of the cost claim must be filed with the Board Secretary and one copy is to be served on Hydro One. The cost claims must be done in accordance with section 10 of the Board's *Practice Direction on Cost Awards*.
3. Hydro One shall have until **August 24, 2007** to object to any aspect of the costs claimed. A copy of the objection must be filed with the Board Secretary and one copy must be served on the party against whose claim the objection is being made.
4. The party whose cost claim was objected to will have until **August 31, 2007** to make a reply submission as to why its cost claim should be allowed. Again, a copy of the submission must be filed with the Board Secretary and one copy is to be served on Hydro One.
5. Hydro One shall pay the Board's costs of the proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, July 19, 2007

ONTARIO ENERGY BOARD

Original Signed By

Peter H. O'Dell
Assistant Board Secretary