

**Hydro One Networks Inc.**

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**Susan Frank**

Vice President and Chief Regulatory Officer  
Regulatory Affairs

BY COURIER

March 30, 2007

Ms. Kirsten Walli  
Secretary  
Ontario Energy Board  
Suite 2700, 2300 Yonge Street  
P.O. Box 2319  
Toronto, ON.  
M4P 1E4

Dear Ms. Walli:

**EB-2007-0051 – Hydro One Networks' Section 98 Early Access Application re: Bruce – Milton  
Transmission Reinforcement project – Application**

I am attaching ten (10) copies of the Hydro One Networks' Application pursuant to Section 98 of the Ontario Energy Board Act for authority providing early access to land related to an application for leave to construct a new 500 kV transmission line between Bruce and Milton, filed with the OEB on March 29, 2007 (docket number EB-2007-0050). An electronic copy (text searchable Acrobat format on CD) is provided with this letter.

Hydro One Networks' contacts for service of documents associated with this Application are listed in Exhibit A, Tab 1, Schedule 1.

Sincerely,

A handwritten signature in cursive script that reads "Susan Frank".

Susan Frank

Attach.

# ONTARIO ENERGY BOARD

**And in the matter of** an Application by Hydro One Networks Inc., pursuant to subsection 98(1.1)(a) of the *Ontario Energy Board Act, 1998*, for an Interim Order granting access to land in connection with the Applicant's request for leave to construct a new transmission line in southwestern Ontario and the Greater Toronto Area, from the Bruce Power Complex on Lake Huron to the town of Milton.

1. The Applicant is Hydro One Networks Inc. (“Hydro One”), a subsidiary of Hydro One Inc. The Applicant is an Ontario corporation with its head office in the City of Toronto. Hydro One carries on the business, among other things, of owning and operating transmission facilities within Ontario.
2. Hydro One hereby applies under subsection 98(1.1)(a) of the *Ontario Energy Board Act, 1998* (the “Act”) for an Interim Order of the Board providing for access by Hydro One and its agents to land affected by the Applicant’s proposed Bruce to Milton 500 kV transmission line, prior to receiving the Board’s approval for leave to construct that line pursuant to section 92 of the *Act*. The land access being sought is for the limited purpose of conducting legal and engineering surveys, soil testing, property appraisals, biological and archaeological surveys and environmental investigations, together with route access for testing-related vehicles and equipment (collectively, the “Early Access Activities”). The information to be obtained is necessary for fixing the site of the work of the new transmission line. The information obtained will be used in the approvals processes associated with the new line, including proceedings under

1 the *OEB Act*, *Environmental Assessment Act* and *Expropriations Act*. Access prior to  
2 obtaining leave to construct is required to enable the Early Access Activities to  
3 commence in the spring of 2007, in order to meet the target in-service date for the new  
4 line of December, 2011.

5  
6 3. The Applicant's section 92 application in relation to the new line was filed on March  
7 29, 2007, under OEB docket number EB-2007-0050. That section 92 application  
8 requests leave to construct a 500 kV transmission line in Bruce, Grey, Wellington,  
9 and Dufferin counties, in the Regional Municipality of Halton, and in the  
10 municipalities of Kincardine, Brockton, Hanover, West Grey, Southgate, Wellington  
11 North, Erin, East Luther Grand Valley, East Garafraxa, Halton Hills and Milton. A  
12 map showing the general location of the proposed line is included as Attachment A.

13  
14 4. The new line is required to meet the need identified by the Ontario Power Authority  
15 (OPA) to increase the transmission transfer capability from the Bruce to the Greater  
16 Toronto Area. That need is related to an expected shortfall between transmission  
17 capability and the forecasted available generating capacity in the Bruce area. The  
18 OPA's analysis is filed in EB-2007-0050 at Exhibit B, Tab 6, Schedule 5, Appendix  
19 1.

20  
21 5. In a letter dated March 23, 2007, the OPA advised Hydro One to initiate the activities  
22 necessary to construct the new line and further indicated that it is crucial that  
23 implementation work on the line proceed as quickly as possible, in order to meet the  
24 earliest possible in-service date of December, 2011. The OPA's letter is included in  
25 EB-2007-0050 at Exhibit B, Tab 6, Schedule 5, Appendix 4. Attachment B includes  
26 a schedule of the key activities for the new line required to achieve the target in-  
27 service date, taken from Exhibit B, Tab 5, Schedule 2 of EB-2007-0050.

1 6. The new line will require a 53m to 61m (175 ft to 200 ft) widening of the existing  
2 transmission corridor running from the Bruce Power Complex to Hydro One's Milton  
3 Switching Station, a distance of approximately 180 kilometres. There are  
4 approximately 400 different private, public and corporate land parcels affected by the  
5 widening. Detailed maps of the affected properties are included in Exhibit B, Tab 6,  
6 Schedule 11 of EB-2007-0050. A template of the temporary access agreement to be  
7 made with landowners is included in that application in Exhibit B, Tab 6, Schedule  
8 10, Appendix 7, and included below as Attachment C.

9  
10 7. Many of the Early Access Activities, such as archaeological and biological surveys,  
11 are needed as inputs for the Applicant's Environmental Assessment (EA) process,  
12 which will be ongoing in 2007 and 2008. If the Applicant were to wait to begin  
13 collecting EA data until receiving leave to construct from the Board, expected by  
14 October 2007, almost the entire 2007 data-gathering season would be lost.  
15 Furthermore, as the collection of information for the EA requires the ground to be  
16 bare, the time period for gathering data in the Fall of 2007 would likely be short, with  
17 the imminent onset of winter. This would lead to a postponement in the bulk of the  
18 EA information collection process to the 2008 season, beginning in the Spring. Such  
19 a delay would cause a delay to the EA process and in fixing the route of the new line,  
20 and would lead to EA approval that would likely occur beyond the Fall 2008 EA  
21 approval date required to allow construction of the line to begin in early 2009, to  
22 meet the target in-service date of late Fall 2011. Accordingly, early access to land is  
23 required to meet the timelines for the EA approval process.

24  
25 8. The Early Access Activities relating to property appraisals and legal surveying are  
26 required for negotiations with landowners to commence and for an expropriation plan  
27 to be developed and filed. The expropriation plan must be approved and registered  
28 under the *OEB Act* and *Expropriations Act*, respectively, prior to construction of the

1 line commencing in early 2009. As legal surveys on the approximately 400  
2 properties involved in the widening of the transmission corridor are expected to take  
3 more than one year to complete, the surveys must begin prior to the Fall of 2007.  
4 This will enable the surveys to be completed and the final expropriation plan to be  
5 developed, approved and registered by the Fall of 2008, prior to the start of line  
6 construction in early 2009. Waiting to commence the Early Access Activities until  
7 the Board grants leave to construct would provide insufficient time to complete  
8 property appraisals, undertake property negotiations, complete the legal survey work  
9 and register the expropriation plan, even if leave to construct were granted by the Fall  
10 of 2007. This would put in jeopardy the construction and in-service dates for the new  
11 line.

12  
13 9. In a letter to Hydro One dated December 22, 2006, and filed as Exhibit B, Tab 6,  
14 Schedule 5, Appendix 2 in EB-2007-0050, the OPA noted that, subject to a technical  
15 viability study, the use of series compensation as a stop-gap measure may be  
16 considered if approvals for the new line are unduly delayed. The cost of series  
17 compensation is currently estimated at approximately \$100 million (see OPA  
18 Transmission Discussion Paper #5, p. 51 filed as Exhibit B, Tab 6, Schedule 5,  
19 Appendix 5 in EB-2007-0050). Waiting to commence the Early Access Activities  
20 until the Board grants leave to construct could accordingly have a significant  
21 financial consequence for electricity ratepayers in the Province, if delays to the  
22 approvals processes were to lead to a decision by the OPA to request or to accelerate  
23 the request for installation of series compensation.

24  
25 10. Prior notification will be given to affected landowners of the Early Access Activities  
26 and Hydro One will make best efforts to schedule the Early Access Activities to  
27 minimize interference with farm operations. Hydro One will also repair at its  
28 expense any damage caused to landowners' infrastructure or property, including crop

1 damage, as a result of the Early Access Activities. This is in accordance with  
2 subsection 98(2) of the *Act*, under which landowners are to be compensated for  
3 damages.  
4

5 11. For the reasons advanced above, Hydro One submits that is in the public interest for  
6 the requested Interim Order for access to land to be granted and respectfully requests  
7 the Board to do so.  
8

9 12. Hydro One requests a written hearing for this proceeding.  
10

11 1. Hydro One requests that a copy of all documents filed with the Board be served on the  
12 Applicant and the Applicant's counsel, as follows:  
13

14 a) The Applicant:  
15

16 Mr. Glen MacDonald  
17 Senior Advisor - Regulatory Research and Administration  
18 Hydro One Networks Inc.  
19

20 Mailing Address: 8<sup>th</sup> Floor, South Tower  
21 483 Bay Street  
22 Toronto, Ontario M5G 2P5  
23 Telephone: (416) 345-5913  
24 Fax: (416) 345-5866  
25 Electronic access: glen.e.macdonald@HydroOne.com  
26

1     b)     The Applicant's counsel:

2

3             Mr. James H. Smellie

4             Osler, Hoskin and Harcourt LLP

5

6             Mailing Address:             Suite 2500, TransCanada Tower

7                                     450 First Street S.W.

8                                     Calgary, Alberta

9                                     T2P 5H1

10

11             Telephone:             (403) 260-7013

12             Fax:             (403) 260-7024

13             Electronic access:     [jsmellie@osler.com](mailto:jsmellie@osler.com)

14

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**ATTACHMENT A**

Map of Proposed 500 kv Line



# Location Map Bruce to Milton Transmission Reinforcement Project

## Bruce Transformer Station to Milton Switching Station

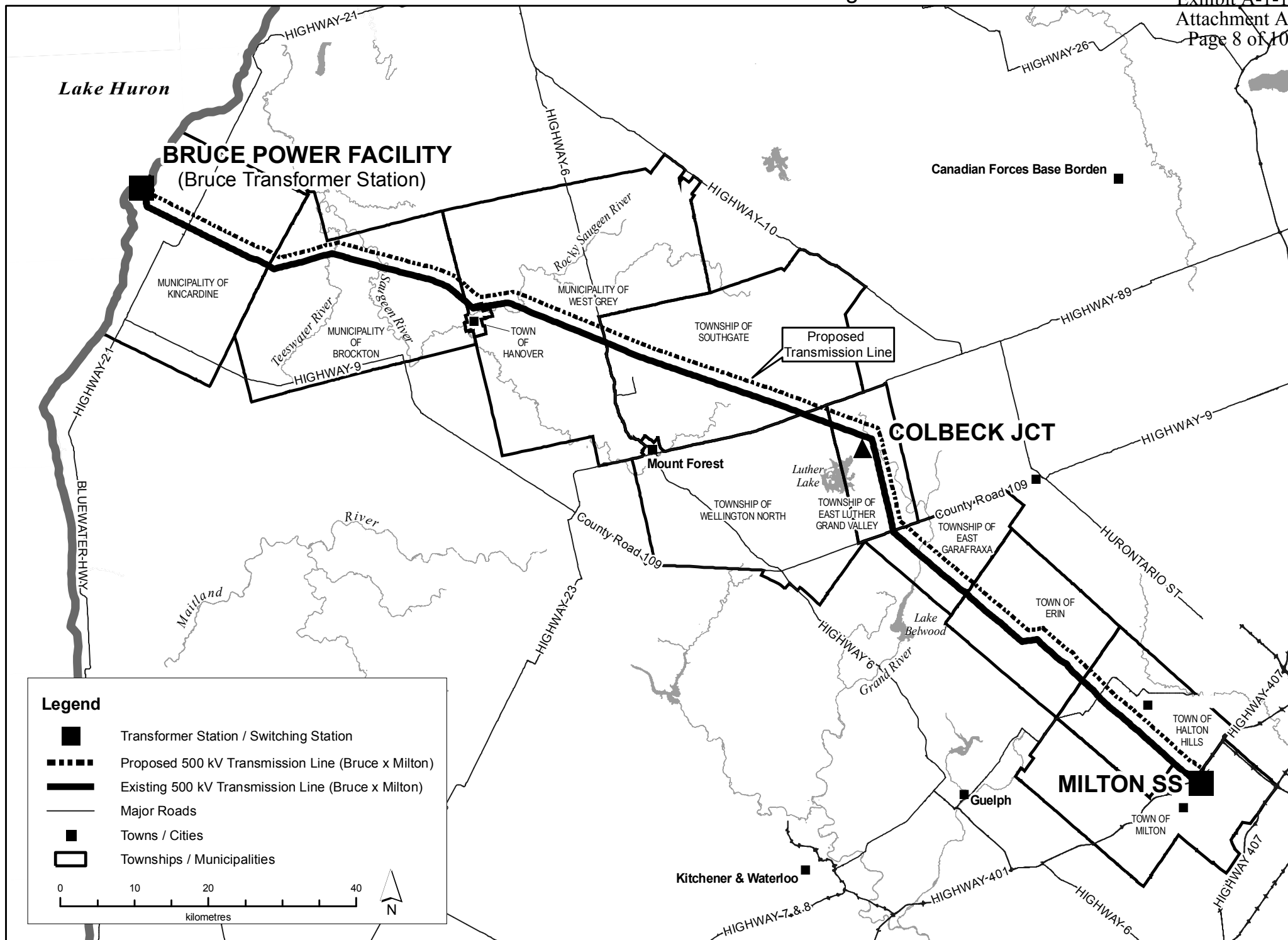
Filed: March 30, 2007

EB-2007-0051

Exhibit A-1-1

Attachment A

Page 8 of 10



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2  
3  
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**ATTACHMENT B**  
**Schedule of Key Activities**  
**Bruce to Milton 500 kV line project**

<b>TASK</b>	<b>START</b>	<b>FINISH</b>
Submit Section 92 Application to OEB		March 2007
Submit Section 98 Early Access Application to OEB		March 2007
Obtain Section 92 Approval from OEB		October 2007
Submit Section 99 Expropriation Application to OEB		December 2007
Obtain Expropriation Approval from OEB		June 2008
Obtain EA Approval		September 2008
Register Plans under Expropriation Act		September 2008
Obtain Access to Property under Expropriation Act		December 2008
Line Construction	January 2009	September 2011
Project In-Service		September 2011

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**ATTACHMENT C**  
**Agreement**  
**Testing and Associated Access Routes**

Access – Testing and Associated Access Routes

THIS AGREEMENT made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

B E T W E E N:

**HYDRO ONE NETWORKS INC.**

(hereinafter called “HONI”)  
OF THE FIRST PART

-and-

(hereinafter called the “Owner”)  
OF THE SECOND PART

WHEREAS:

1. The Owner is the registered owner of the lands legally described as

(the “Lands”).

2. HONI desires to enter onto the Lands to perform certain tests, inspections, studies, and surveys (collectively, the “Tests”) on the Lands; and, to construct and utilize access routes (“Access Routes”) that may be required to conduct such Tests on the Lands, in connection with its “Bruce to Milton Transmission Reinforcement Project” (the “Project”).

3. The Owner is agreeable to allowing HONI to enter onto the Lands for these purposes, subject to the terms and conditions contained herein.

**NOW THEREFORE THIS AGREEMENT WITNESSES THAT** in consideration of the sum of Two Dollars (\$2.00) now paid by each party to the other and the respective covenants and agreements of the parties hereinafter contained (the receipt and sufficiency of which are hereby acknowledged by the parties hereto), the parties hereto agree as follows:

1. The Owner hereby grants to HONI: a) the right to enter upon the Lands, as of the date hereof, for the purpose of conducting such Tests as HONI, in its sole discretion and acting reasonably, deems necessary to determine the suitability of the Lands for the

- Project; and, b) the right to enter upon the Lands to construct and utilize Access Routes necessary to conduct such Tests.
2. HONI agrees that it shall take all reasonable care in the conduct of the Tests, and that it shall : a) compensate the Owner for any crop damage to the Lands caused by the Tests and/or Access Routes; b) restore the Lands to its prior condition so far as possible and practicable following such Tests; c) compensate the Owner for any land compaction relief required to reinstate the Lands' soil to its original condition, to the extent possible and practicable; and, d) place within the Access Routes area any necessary drainage works to maintain any required water flows.
  3. All agents, representatives, officers, directors, employees and contractors and any property of HONI located at any time on the Lands shall be at the sole risk of HONI and the Owner shall not be liable for any loss or damage or injury (including loss of life) to them or it however occurring except and to the extent to which such loss, damage or injury is caused by the negligence or wilful misconduct of the Owner.
  4. HONI agrees that it shall indemnify and save harmless the Owner from and against all claims, demands, costs, damages, expenses and liabilities (collectively the "Costs") whatsoever arising out of HONI's presence on the Lands or of its activities on or in connection with the Lands arising out of the permission granted herein except to the extent any of such Costs arise out of or are contributed to by the negligence or willful misconduct of the Owner.
  5. This Agreement and the permission granted herein shall automatically terminate upon the completion by HONI of the Tests and the removal of the Access Routes.
  6. This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable herein. The parties hereto submit themselves to the exclusive jurisdiction of the Courts of the Province of Ontario.
  7. Any amendments, modification or supplement to this Agreement or any part thereof shall not be valid or binding unless set out in writing and executed by the parties with the same degree of formality as the execution of this Agreement.
  8. This Agreement and everything herein contained shall operate to the benefit of, and be binding upon, the respective heirs, successors, permitted assigns and other legal representatives, as the case may be, of each of the Parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by the signatures of their proper officers duly authorized in that behalf.

**OWNER**

SIGNED  
IN THE PRESENCE OF :

Per: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**HYDRO ONE NETWORKS INC.**

Per: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

I have authority to bind the corporation.