

**IN THE MATTER OF the** Ontario Energy Board Act, 1998;

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc., pursuant to subsection 98 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 transmissions line in southwestern Ontario and the Greater Toronto Area, from Bruce Power Complex on Lake Huron to the town of Milton.

**POWER WORKERS' UNION'S RESPONSE TO MOTIONS FILED BY  
POWERLINE CONNECTIONS AND LANDOWNERS REPRESENTED  
BY FALLIS FALLIS & McMILLAN**

**Introduction**

1. On March 29, 2007, Hydro One Networks Inc. ("Hydro One" or the "applicant") filed a leave to construct application (the "section 92 application" or the "leave to construct application") pursuant to section 92 of the Ontario Energy Board Act, 1998 (the "Act). On March 30, Hydro One filed an application for an interim order for access to land pursuant to section 98 of the Act (the "section 98 application" or the "access to land application").

2. On June 11, 2007, preliminary motions ( the "Motions") were filed by Powerline Connections and landowners represented by Fallis Fallis & McMillan ("Fallis") (together the "Moving Parties") relating to the application for early access to land pursuant to s. 98 of the Act by Hydro One. Procedural Order No. 1 requires that all parties wishing to respond to these motions must file written responses with the Ontario Energy Board (the "Board") by June 18, 2007. The following is the submission of the Power Workers' Union ("PWU").
3. The PWU seeks the permission of the Board for this late filing. A number of other commitments, including matters before this Board, were the cause of the delay.

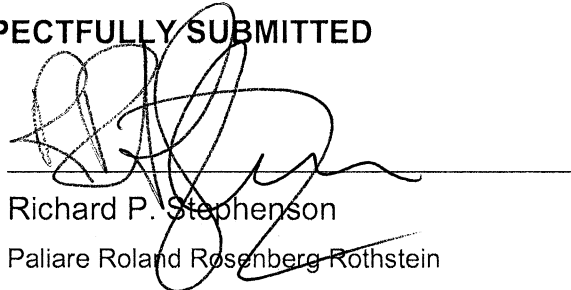
### **Submission**

4. The PWU supports the submissions filed on behalf of Board Staff, APPrO and the IESO. The Motions should be dismissed.
5. What is sought is in effect a stay of Hydro One's application for an interim access order. A stay is an extraordinary remedy which should be granted only where necessary to avoid the occurrence of irreparable harm. No such harm has or can be demonstrated here.
6. The interim access order sought by Hydro One pursuant to s. 98 would grant Hydro One very limited and non-intrusive rights in respect to the subject lands. The granting of the interim order in no way pre-judges the eventual outcome of the s. 92 application before the Board.
7. On the other hand, the failure to consider Hydro One's application for the interim order, and in fact the failure to grant the order, will almost certainly result in a significant delay in Hydro One's ability to complete the work necessary to bring its s. 92 application to the Board on a timely basis.
8. All affected parties will have their right to make their case to the Board on the merits of the s. 92 application, and to make their best case as to why

the application should or should not be granted. Nothing in the interim access order will prevent that.

9. Given the strong evidence with respect to the provincial need for timely construction of this project, it is submitted that Hydro One's ability to make its case on the merits should not be thwarted by tactical considerations.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**



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