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**Susan Frank**

Vice President and Chief Regulatory Officer  
Regulatory Affairs

BY COURIER

February 26, 2010

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

Dear Ms. Walli:

**EB-2010-0023 – Hydro One Networks' Section 99 Bruce to Milton Transmission Reinforcement project – Application Filing**

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I am attaching ten (10) copies of the Hydro One Networks' Application made pursuant to Section 99 of the Ontario Energy Board Act for authority to expropriate interests in land for the purposes of constructing and operating the Bruce to Milton Transmission reinforcement Project. As you are aware, the Bruce to Milton Project was approved pursuant to Board Decision EB-2007-0050.

An electronic copy of the Application (text searchable acrobat format on CD) is also provided with this letter.

Hydro One requests that documents filed with the Board in this proceeding be served on the Applicant and the Applicant's counsel, as follows –

The Applicant: Ms. Anne-Marie Reilly  
Senior Regulatory Coordinator - Regulatory  
Research and Administration  
Hydro One Networks Inc.

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The Applicant's counsel: Mr. Gordon M. Nettleton  
Osler, Hoskin and Harcourt LLP

Mailing Address: 100 King Street West  
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Suite 6100, P.O. Box 50  
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Sincerely,

ORIGINAL SIGNED BY SUSAN FRANK

Susan Frank

Attach.

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**ONTARIO ENERGY BOARD**

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

**AND IN THE MATTER OF** section 99 (1) of the Act

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. for authority to  
expropriate land for the purpose of constructing and operating a 500 kilovolt double circuit  
transmission line between Kincardine, Ontario and Milton, Ontario

**APPLICATION**

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February 26, 2010

1     **A.     Introduction**

2             1.     Hydro One Networks Inc. (“Hydro One”) hereby applies to the Ontario  
3             Energy Board (“Board”) pursuant to section 99(1) of the *Ontario Energy*  
4             *Board Act, 1998*, for authority to expropriate certain interests in the lands as  
5             more particularly described and shown in the plans and descriptions attached  
6             hereto. Hydro One requires expropriation authorization so that it may  
7             construct and operate a new 500 kilovolt double circuit transmission line  
8             known as the Bruce to Milton Transmission Reinforcement Project (the  
9             “Project”) located between the Bruce Power Complex in Kincardine,  
10            Ontario and Hydro One’s switching station in Milton, Ontario.

11    **B.     Nature of the Project**

12            2.     Hydro One obtained leave of the Board to construct the Project on  
13            September 15, 2008 pursuant to Ontario Energy Board Decision EB-2007-  
14            0050. The Project will be constructed immediately adjacent to the existing  
15            transmission corridor extending from the Bruce Power Complex on the Lake  
16            Huron shore in the Municipality of Kincardine and will proceed in a south  
17            by south-east direction to Hydro One’s Milton Switching Station located  
18            south-east of the interchange of James Snow Parkway and Highway 401 in  
19            the Town of Milton. Station modifications at the Bruce Power Complex and  
20            Milton will also be required to accommodate the Project transmission line.  
21            Attached hereto as Appendix “1” is a map showing the location of the  
22            approved route for the Project and the locations of the stations.

23            3.     On November 27, 2009, the Ontario Minister of the Environment granted  
24            Notice of Approval to Proceed with the Undertaking in respect of the Project  
25            in accordance with section 9 of the *Environmental Assessment Act*, R.S.O.  
26            1990 c. E-18. Attached hereto as Appendix “2” is a copy of the Notice of  
27            Approval. The Minister’s approval was based on a review of Hydro One’s

1 environmental assessment of the Project. The approval confirmed Hydro  
2 One's conclusions that on balance, the advantages of the Project outweigh  
3 its disadvantages and that the environmental effects of the Project can be  
4 appropriately prevented, changed and mitigated or remedied. Approval of  
5 Hydro One's environmental assessment therefore affirms the environmental  
6 acceptability of the Project, including its location on lands that are now the  
7 subject-matter of this Application. Approval from the Lieutenant Governor-  
8 in-Council was granted by O.C. No. 2027/2009 on December 16, 2009.

9 **C. Project Land Requirements**

10 4. New permanent easement interests in land will typically be required for the  
11 construction and ongoing operation of the Project. Temporary easements  
12 will also be required during the period of construction for off-corridor  
13 access and construction activities. The new permanent easements will range  
14 from 53 to 61 metres in width depending on the width of the adjacent  
15 existing transmission corridor and in order to accommodate the overhead  
16 transmission line and supporting structures. In limited circumstances Hydro  
17 One is seeking authority to expropriate the fee simple interest in the owner's  
18 full parcel, where so requested and where either (i) major farm buildings or  
19 residences are located on the required lands and removal of those structures  
20 is necessary for the safe construction and operation of the line, or (ii) need  
21 for the required lands is deemed to negate the development potential of the  
22 full vacant parcel.

23 5. Following the issuance of Board Decision EB-2007-0050, Hydro One  
24 notified all directly affected land owners of its intention to present offers to  
25 voluntarily acquire land interests required for the Project. All voluntary  
26 offers presented to private property owners were consistent with Hydro  
27 One's Bruce to Milton Land Acquisition Compensation Principles

1 (“LACP”) which was filed with the Board during the EB-2007-0050  
2 proceedings. The LACP provided financial incentives and choices to  
3 private property owners in exchange for early and voluntary acquisition and  
4 resolution of land requirements necessary for the Project.

5 6. As of February 22, 2010, Hydro One has reached agreement to voluntarily  
6 acquire necessary land rights to 226 properties out of a total number of 355,  
7 or approximately 64% of all properties affected by the Project.

8 7. Despite Hydro One’s ongoing efforts and preference to pursue voluntary  
9 acquisitions with property owners, Project scheduling and construction  
10 timing concerns now require all remaining property interests to be obtained  
11 through expropriation. Hydro One confirms property owners affected by  
12 this Application have been notified in writing of Hydro One’s intentions to  
13 proceed and seek the relief now requested under this Application.

14 **D. Description of the Land Interests to be Expropriated**

15 8. A description of the lands and the specific interests in lands to be  
16 expropriated is attached as Appendix “3”. This list is inclusive of all  
17 remaining land interests Hydro One requires to access, construct and operate  
18 the Project. Hydro One has conducted a search of title sufficient to identify  
19 the current registered property owners, those who hold encumbrances on the  
20 lands, and those with any interest in the lands directly affected by this  
21 Application. The names of these individuals are listed, by property, in  
22 Appendix “3”.

23 9. Attached hereto as Appendix “4” are copies of the ortho-rectified aerial  
24 maps/plans showing the lands over which authority to expropriate the  
25 interests set out in Appendix “3” is being requested and the registered  
26 owners thereof.

1           10.    In certain circumstances, final negotiations and formal transaction closings  
2                    are underway with some of the registered property owners listed in  
3                    Appendix “3”. Inclusion of these properties and owners in Appendices “3”  
4                    and “4” is based on the fact that transactions have not been completed as of  
5                    this filing date. Following the issuance of any hearing process order into  
6                    this Application, Hydro One will file an update to Appendices “3” and “4”  
7                    in the event additional transactions have closed.

8           11.    Hydro One can also advise the Board that the Niagara Escarpment  
9                    Commission’s decision to grant a development permit for the Project is  
10                   currently under appeal. As a result, 13 properties within the Niagara  
11                   Escarpment Planning Area have not been included in this Application.  
12                   Depending on the timing and outcome of this appeal, Hydro One will advise  
13                   the Board of whether revisions will be made to this Application or if a  
14                   separate application for expropriation authority in respect of such properties  
15                   will be necessary.

16    **E.    Public Interest**

17           12.    The expropriation authority requested herein is required in order for Hydro  
18                   One to complete the safe and timely construction of the Project. The Project  
19                   has been found to be in the public interest and was approved for  
20                   construction pursuant to Ontario Energy Board Decision EB-2007-0050.  
21                   Notice of Approval to Proceed with the Project has been granted by the  
22                   Minister of the Environment and the Lieutenant Governor-in-Council which  
23                   further affirms the public interest of the Project and in particular, the  
24                   environmental acceptability of locating the Project on lands that are now the  
25                   subject-matter of this Application.

26           13.    The Project facilities are needed to maintain a safe, reliable and adequate  
27                   supply of electricity in the Province. The rights in the lands requested



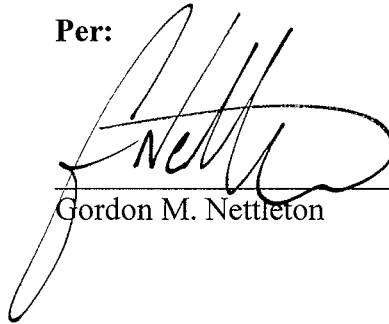
1           16.    This Application is respectfully submitted to the Board on February 26,  
2                    2010.

**Hydro One Networks Inc.**

by its solicitors

**Osler Hoskin & Harcourt LLP**

**Per:**

A handwritten signature in black ink, appearing to read "G. Nettleton", is written over a horizontal line. The signature is stylized and cursive.

Gordon M. Nettleton