

Jeffrey Todd Bruce INTERROGATORY #1 List 1

Interrogatory

Applicant Reference: C. Project Land Requirements

Of the 355 properties affected by the project and the 294 voluntary settlements reached between the Applicant and land owners, how many land owners were offered a full parcel taking and how many land owners accepted a full parcel taking?

Response

There are approximately 47 properties where a full parcel taking was offered. This includes both properties with settlements and those without.

Of those 47 properties, owners of approximately 30 properties initially received an offer for a full property buyout under the mandatory buyout provisions of Hydro One's Land Acquisition Compensation Principles ("LACP"). The mandatory buyout provisions were typically applied in situations where there was a primary residence or major farm structure on the widened corridor. Owners of approximately 20 of these mandatory buyout properties have accepted Hydro One's settlement offer under the LACP. Hydro One continues to work with the 10 remaining unsigned owners to reach voluntary settlements so that timely property rights acquisition is achieved. Note that after receiving a full property buyout offer under the LACP, a small number of the owners in a mandatory buyout situation requested a partial taking offer as they decided that they wished to retain the full property and transfer easement rights to Hydro One.

Of the 47 properties referred to in line 13, owners of approximately 17 properties received a partial taking offer that included a voluntary buyout offer per the voluntary buyout provisions of the LACP. Properties in this situation were typically those where a residence was located within 75 metres of the outside edge of the new corridor. In these cases, owners were presented with a partial taking offer that included a full property purchase offer from Hydro One as a schedule to the partial taking agreement. After closing the partial taking transaction under the LACP, the owner could elect to have Hydro One purchase their property within a defined time frame.

Owners of 16 of these voluntary buyout properties have accepted Hydro One's settlement offer (either a partial taking or a voluntary buyout) under the LACP. Hydro One continues to work with the remaining unsigned owner to reach a voluntary settlement so that timely property rights acquisition is achieved.

Jeffrey Todd Bruce INTERROGATORY #2 List 1

Interrogatory

Applicant Reference: C. Project Land Requirements

Of the 294 voluntary settlements reached between the Applicant and land owners, how many land owners were not originally offered a full parcel taking but negotiated the same?

Response

Hydro One does not see the relevance of this question to the issues that have been established in this proceeding.

Please see Exhibit B, Tab 4, Schedule 1, third and fourth paragraphs. The question above is essentially applicable only to landowners with properties subject to the voluntary buyout provisions of the LACP, as with one exception all landowners with properties that were subject to the mandatory buyout provisions were provided originally with offers for a full parcel taking. The lone exception was the Bruce property, which was originally offered a partial taking and then was treated as a mandatory buyout. Please see Exhibit B, Tab 4, Schedule 24 for more information.

1 **Jeffrey Todd Bruce INTERROGATORY #3 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

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7 Of the 294 voluntary settlements reached between the Applicant and land owners, how
8 many agreements were reached pursuant to section 30 of the *Expropriations Act*? And, of
9 all the section 30 agreements, how many were for a full parcel taking and what factors,
10 criteria, and circumstances were relevant in each case to determine that such an
11 agreement was appropriate?

12
13 **Response**

14
15 Hydro One does not see the relevance of this question to the issues that have been
16 established in this proceeding.

17
18 No voluntary settlement agreements under our Land Acquisition Compensation
19 Principles have been reached pursuant to section 30 of the *Expropriations Act*.

1 **Jeffrey Todd Bruce INTERROGATORY #4 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

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7 Of the 154 properties affected by the Application, how many land owners were offered a
8 full parcel taking and how many land owners accepted a full parcel taking?

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10 **Response**

11
12 Hydro One does not see the relevance of this question to the issues that have been
13 established in this proceeding.

14
15 Of the 185 properties included in Hydro One's application filed with the Ontario Energy
16 Board on February 26, 2010, owners of approximately 25 properties had been offered a
17 full property buyout under the Land Acquisition Compensation Principles ("LACP"). Of
18 the 25 properties, a small number had in fact reached a voluntary settlement with Hydro
19 One under the LACP, however, the transaction had not yet closed when Hydro One's
20 application was filed on February 26, 2010.

21
22 Since the time the application was filed, owners of a number of the remaining properties
23 who had been given a full property buyout offer under the LACP have reached a
24 voluntary settlement with Hydro One.

Jeffrey Todd Bruce INTERROGATORY #5 List 1

Interrogatory

Applicant Reference: C. Project Land Requirements

Of the 61 properties that remain subject to the Application, how many land owners were offered a full parcel taking?

Response

Hydro One does not see the relevance of this question to the issues that have been established in this proceeding.

Of the 61 properties remaining in the application, owners of approximately 11 properties have received an offer for a full property buyout under either the voluntary (1 property) or mandatory (approximately 10 properties) buyout provisions of Hydro One's Land Acquisition Compensation Principles ("LACP").

After initially receiving a full property buyout offer under the LACP, approximately half of these owners requested a partial taking offer.

1 **Jeffrey Todd Bruce INTERROGATORY #6 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

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7 Does the Applicant admit that the provisions of its Land Acquisition Compensation
8 Principles were binding on the Applicant up to the date of its Application?

9
10 **Response**

11
12 Hydro One does not view the LACP to have any contractual force or effect and thus it is
13 not “binding” in that context.

14
15 The Land Acquisition Compensation Principles (“LACP”) was developed by Hydro One,
16 in consultation with an informal group of landowners referred to as the Power Line
17 Connections Landowner Group. The purpose of the LACP was, and has always remained
18 as, a set of principles for establishing compensation for the Project. The purpose of the
19 LACP was to address a common landowner concern that Hydro One advise of the
20 principles Hydro One would use when voluntarily acquiring land rights for the Bruce to
21 Milton Project. The LACP has not been considered by Hydro One to be anything other
22 than a public communication of the principles it would implement when negotiating
23 settlements with landowners.

24
25 If the Board approves Hydro One’s expropriation application, then Hydro One will issue
26 offers meeting the requirements of the *Expropriations Act* and not the LACP.

Jeffrey Todd Bruce INTERROGATORY #7 List 1

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Interrogatory

Applicant Reference: C. Project Land Requirements

Does the Applicant admit that it had an obligation to comply with its Land Acquisition Compensation Principles up to the date of its Application?

Response

Please refer to Exhibit B, Tab 4, Schedule 6.

1 **Jeffrey Todd Bruce INTERROGATORY #8 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

6
7 Does the Applicant admit that full parcel takings formed part of its Land Acquisition
8 Compensation Principles?

9
10 **Response**

11
12 Yes.

1 **Jeffrey Todd Bruce INTERROGATORY #9 List 1**

2
3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

6
7 Please explain the material difference in circumstances today that prevent land owners
8 subject to the Application from being able to rely on the Applicant's Land Acquisition
9 Compensation Principles, including principles regarding full parcel takings?

10
11 **Response**

12
13 Please see Exhibit B, Tab 3, Schedule 7.

14
15 Hydro One's understanding is that the voluntary settlement offer provided to the owners
16 of the Bruce property was rejected. As a result, Hydro One is proceeding with the
17 expropriation process with regard to acquiring a limited interest (partial taking –
18 easement) in the Bruce property and is not intending to adopt the LACP.

1 **Jeffrey Todd Bruce INTERROGATORY #10 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

6
7 For the 61 properties that remain subject to the Application, please explain what current
8 acquisition policies the Applicant will be relying on to determine the scope of the taking?
9 Specifically, please state what factors, criteria and circumstances would trigger a full
10 taking offer and state under what circumstances the Applicant would be obligated to offer
11 a full buyout.

12
13 **Response**

14
15 For the 61 properties remaining in the application, Hydro One's Land Acquisition
16 Compensation Principles will continue to apply if voluntary settlement negotiations are
17 continuing between the parties (see response to Exhibit B, Tab 3, Schedule 7). However,
18 once the Board approves Hydro One's expropriation application, then Hydro One will
19 issue offers meeting the requirements of the *Expropriations Act* and not the LACP.

20
21 Regarding the Bruce property, see the response to Exhibit B, Tab 4, Schedule 9. Hydro
22 One is proceeding with the expropriation process to acquire a limited interest (partial
23 taking – easement) in the Bruce property and is not intending to adopt the LACP, as it is
24 Hydro One's understanding that the voluntary settlement offer under the LACP was
25 rejected by the owners. See response to Exhibit B, Tab 4, Schedule 24.

26

1 **Jeffrey Todd Bruce INTERROGATORY #11 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

6
7 Please advise what acquisition principles the Applicant is going to rely on to support its
8 position that the takings are in the public interest, and are fair, sound, and reasonably
9 necessary?

10
11 **Response**

12
13 The interests in land found in Appendix 3 of the Application represent the minimal
14 quantity of lands required for the safe and reliable construction of the Bruce to Milton
15 Project, consistent with Issue 4 of the Issues List (i.e., "... requesting easements that are
16 no larger and no more extensive than necessary"). Land acquisitions carried out under
17 the *Expropriations Act* will follow the requirements of that Act. Within the expropriation
18 process, the principles used will conform to the requirements found under the
19 *Expropriations Act*.

1 **Jeffrey Todd Bruce INTERROGATORY #12 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

6
7 Does the Applicant admit that the mandatory buyout requirements imposed by The Joint
8 Board in *Proposed Transmission Plan of Ontario Hydro for Southwestern Ontario*
9 formed the basis, influenced, or was considered by the Applicant during the development
10 of its Land Acquisition Compensation Principles?

11
12 **Response**

13
14 Hydro One does not see the relevance of this question to the issues that have been
15 established in this proceeding.

1 **Jeffrey Todd Bruce INTERROGATORY #13 List 1**

2
3 **Interrogatory**

4
5 **Applicant Reference: C. Project Land Requirements**

6
7 Of the 294 voluntary settlements reached between the Applicant and land owners, how
8 many full parcel acquisitions meet the mandatory buyout requirements in accordance
9 with The Joint Board's decision in *Proposed Transmission Plan of Ontario Hydro for*
10 *Southwestern Ontario?*

11
12 **Response**

13
14 See Exhibit B, Tab 4, Schedule 12. Hydro One has not conducted the requested analysis
15 as it is not relevant to the issues set out for this proceeding.

1 *Jeffrey Todd Bruce INTERROGATORY #14 List 1*

2
3 *Interrogatory*

4
5 **Applicant Reference: C. Project Land Requirements**

6
7 What, if any, distinctions were made as between the mandatory buyout requirements
8 imposed by The Joint Board in *Proposed Transmission Plan of Ontario Hydro for*
9 *Southwestern Ontario* and the Applicant's Land Acquisition Compensation Principles?

10
11 *Response*

12
13 See Exhibit B, Tab 4, Schedule 12.

Jeffrey Todd Bruce INTERROGATORY #15 List 1

Interrogatory

Applicant Reference: C. Project Land Requirements

Of the 294 voluntary settlements reached between the Applicant and land owners, how many full parcel taking offers were required as per the Applicant's Land Acquisition Compensation Principles? And, of the 294 voluntary settlements reached between the Applicant and land owners, how many full parcel taking offers were made where there was no requirement to do so?

Response

For an answer to the first question, please see Exhibit B, Tab 4, Schedule 1 regarding the number of full parcel taking offers that were made under the mandatory buyout provisions of the Land Acquisition Compensation Principles ("LACP").

For an answer to the second question, of the properties where voluntary settlements had been reached at the time the Application was updated, approximately 17 properties qualified under the LACP for a voluntary full property buyout. For these properties, there was no technical requirement for a full property buyout (unlike for the mandatory buyout properties), however the properties met certain characteristics as identified in Hydro One's LACP (e.g., residence on the property located within 75 metres of the outside edge of the widened corridor). In these cases, owners were presented with a partial taking offer that included a full property purchase offer from Hydro One as a schedule to the partial taking agreement. After closing the partial taking transaction under the LACP, the owner could elect to have Hydro One purchase their property within a defined time frame.

1 **Jeffrey Todd Bruce INTERROGATORY #16 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: C. Project Land Requirements**

6
7 Of the 61 properties that remain subject to the Application, how many full parcel offers
8 were required as per the Land Acquisition Compensation Principles and how many full
9 parcel offers were made that were not required by the Land Acquisition Compensation
10 Principles? And, of the 61 properties that remain subject to this Application, how many
11 full parcel taking offers were made where there was no requirement to do so?

12
13 **Response**

14
15 See Exhibit B, Tab 4, Schedule 5 regarding the number of full parcel taking offers made
16 under the Land Acquisition Compensation Principles (“LACP”) that remain subject to the
17 Application.

18
19 Of the properties that continue to remain subject to this Application, one property
20 qualifies under the LACP for a “voluntary” full property buyout. For this property, there
21 is no technical requirement for a full property buyout (and hence it does not qualify as a
22 mandatory buyout), however the property meets certain characteristics as identified in
23 Hydro One’s LACP (e.g., residence on the property located within 75 metres of the
24 outside edge of the widened corridor). In the voluntary buyout cases, owners were
25 presented with a partial taking offer that included a full property purchase offer from
26 Hydro One as a schedule to the partial taking agreement. If a partial taking agreement is
27 reached and the transaction is closed under the LACP, the owner could elect to have
28 Hydro One purchase their property within a defined time frame.
29

1 *Jeffrey Todd Bruce INTERROGATORY #17 List 1*

2
3 *Interrogatory*

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5 **Applicant Reference: C. Project Land Requirements**

6
7 Of the full parcel taking offers that were required as per the Land Acquisition
8 Compensation Principles, what additional factors, criteria, and circumstances beyond the
9 Applicant's Land Acquisition Compensation Principles were relevant to such offers?

10
11 *Response*

12
13 Hydro One does not believe this question is relevant to the issues set out in this
14 proceeding.

15
16 Hydro One relied on its Land Acquisition Compensation Principles ("LACP") to
17 determine the properties that were eligible for full parcel takings as part of the voluntary
18 settlement process. In limited circumstances, unique factors regarding specific properties
19 and their owners were also considered in relation to the LACP.

1 *Jeffrey Todd Bruce INTERROGATORY #18 List 1*

2
3 *Interrogatory*

4
5 **Applicant Reference: C. Project Land Requirements**

6
7 Of all the full parcel taking offers that were not required pursuant to the Land Acquisition
8 Compensation Principles, what factors, criteria, and circumstances were relevant to such
9 offers?

10
11 *Response*

12
13 Hydro One does not believe that this question is relevant to the issues set out in this
14 proceeding.

15
16 All voluntary settlement offers for full parcel takings were made pursuant to Hydro One's
17 Land Acquisition Compensation Principles and related considerations. Please see Exhibit
18 B, Tab 4, Schedule 17.

Jeffrey Todd Bruce INTERROGATORY #19 List 1

Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

As per OEB Decision and Order EB-2007-0050, Conditions of Approval, please provide a detailed construction plan for the owners' properties.

Response

The chart below shows Hydro One's construction plan for the Bruce property.

Activity	Proposed Start Date	Duration
Install Road Entrance	August 2011	2 days
Tree Clearing	August 2011	1 day – few if any trees
Install Roads	August 2011	1 – 2 weeks
Foundations	September 2011	1 – 2 weeks
Tower Assembly & Erection	January 2012	3 – 4 week
Stringing	June 2012	3 - 4 weeks
Road Removal	May 2013	2 weeks

Please refer to Environmental Guidelines for Construction and Maintenance of Transmission Facilities included as an attachment to Exhibit B, Tab 2, Schedule 8 for details concerning the above activities. Please also see Chapter 5 of the EA, which provides a description of standard construction activities.

1 **Jeffrey Todd Bruce INTERROGATORY #20 List 1**

2
3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Please advise when the Applicant plans to access the owners' property for the
8 purpose of constructing and operating its project facilities.

9
10 **Response**

11
12 See response Exhibit B, Tab 4, Schedule 19.

Jeffrey Todd Bruce INTERROGATORY #21 List 1

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Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

Does the Applicant admit that there are many factors that must be considered in planning a well functioning and economically viable farmstead (wind, snow, access and regulatory issues)?

Response

Yes.

Jeffrey Todd Bruce INTERROGATORY #22 List 1

Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

Does the Applicant admit that the construction and ongoing operation of its towers will require the removal of the owners' horizontal silo?

Response

The horizontal silo is expected to be able to remain in its current location. See response to Exhibit B, Tab 4, Schedule 24.

1 **Jeffrey Todd Bruce INTERROGATORY #23 List 1**

2
3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Does the Applicant admit that the construction and ongoing operation of its towers
8 will require the relocation of their proposed manure storage, as per the owners'
9 project proposal application to the Ontario Soil and Crop Improvement Association?

10
11 **Response**

12
13 Hydro One cannot respond to this question as Hydro One is not aware of nor has a copy
14 of the referenced project proposal application to the Ontario Soil and Crop Improvement
15 Association.
16

Jeffrey Todd Bruce INTERROGATORY #24 List 1

Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

Does the Applicant admit that the owners' horizontal silo is a major farm structure?

Response

After presenting to the owners a partial taking compensation offer under Hydro One's Land Acquisition Compensation Principles ("LACP"), it is our understanding that the owners requested a full property buyout offer from Hydro One. Hydro One responded with a full property buyout offer and in doing so it exercised its discretion in treating the horizontal silo as a major farm structure. This was an exceptional circumstance as Hydro One has applied this term to major farm buildings such as barns used to accommodate livestock or hired personnel.

Hydro One's full parcel offer was rejected. Given this, and for the purposes of the present application, Hydro One reconsidered the corridor limits, the proposed tower locations, field inspection of the horizontal silo and determined that the property interests it required could be reduced to a partial taking. The fact that the horizontal silo had been considered by Hydro One as a major farm building for purposes of the LACP process has no bearing upon the relief sought in the present application as the major farm structure determination was intended as a concession in an attempt to elicit a voluntary settlement.

Our records indicate that on June 26, 2009, Hydro One's property agent responsible for property rights acquisition on the Bruce property contacted the owners and confirmed their rejection of Hydro One's LACP full property buyout offer and their preference to proceed to expropriation. This was confirmed in an email communication from Hydro One's property agent to the owners. Hydro One's property agent further explained that the LACP full property buyout offer was withdrawn, and that Hydro One did not intend on making this form of offer (i.e., a full property buyout) through the expropriation process. It was further explained that an offer of compensation in the expropriation process would conform to the requirements of the Expropriations Act, and would not include the incentives and available in the LACP.

1 **Jeffrey Todd Bruce INTERROGATORY #25 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Does the Applicant admit that the owners had a dairy goat operation at a level of 240
8 milking does and that the owners had plans to expand further into the Ontario dairy
9 goat milk market?

10
11 **Response**

12
13 In discussions between the owner and Hydro One's property agent, Hydro One became
14 aware of the owner's dairy goat farm operation and has been advised of the owner's
15 expressed desire to expand the operation in the future.

1 **Jeffrey Todd Bruce INTERROGATORY #26 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Does the Applicant admit that the construction and ongoing operation of tower
8 identified by the Applicant as #447 will adversely affect the behaviour and production
9 of the owners' goats?

10
11 **Response**

12
13 Hydro One confirms the statement above contains assertions that are consistent with the
14 concerns expressed by the owner. This matter does not concern the “Description of the
15 Land Interests to be Expropriated” but rather touches and concerns matters of
16 compensation for the property rights. These are issues which are outside the scope of this
17 proceeding and therefore Hydro One declines any comment.
18

1 **Jeffrey Todd Bruce INTERROGATORY #27 List 1**

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3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Please advise what mitigation efforts the Applicant will employ to deal with dairy
8 goats on the Bruce property during the construction process.

9
10 **Response**

11
12 Hydro One will work with the owner to try and minimize any impacts during
13 construction of the Project.

Jeffrey Todd Bruce INTERROGATORY #28 List 1

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Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

Does the Applicant acknowledge that, as a result of its planned corridor route, the owners were unable to proceed with plans to add an addition in such area?

Response

Hydro One is aware that this is the owner's position. Issues of compensation for impacts that result from a taking are outside the scope of this proceeding.

Jeffrey Todd Bruce INTERROGATORY #29 List 1

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Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

Does the Applicant admit that the construction and ongoing operation of its towers will severely limit the owners' plans to expand their milking goat operation?

Response

Please see response Exhibit B, Tab 4, Schedule 28.

Jeffrey Todd Bruce INTERROGATORY #30 List 1

Interrogatory

Applicant Reference: D. Description of the Land Interests to be Expropriated

Does the Applicant admit that, as per Mr. Robert Chambers', of the Ministry of Agriculture, Food and Rural Affairs, letter dated June 13, 2008, as a result of the corridor expansion, the relocation and reconstruction of farm structures to accommodate the current and planned goat farm operation is not possible, appropriate, or economically feasible?

Response

Please see response to Exhibit B, Tab 4, Schedule 28.

1 **Jeffrey Todd Bruce INTERROGATORY #31 List 1**

2
3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Does the Applicant admit that its plans to acquire and/or expropriation land for the
8 construction and operation of its towers on the Bruce property has already caused
9 business loss?

10
11 **Response**

12
13 Please see response to Exhibit B, Tab 4, Schedule 28.

14

1 **Jeffrey Todd Bruce INTERROGATORY #32 List 1**

2
3 **Interrogatory**

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5 **Applicant Reference: D. Description of the Land Interests to be Expropriated**

6
7 Does the Applicant admit that the construction and ongoing operation of its towers on
8 the Bruce property will continue to adversely affect the economic viability of the
9 owners' farm operation?

10
11 **Response**

12
13 Please see response to Exhibit B, Tab 4, Schedule 28.
14