



Canada Energy
Regulator

Régie de l'énergie
du Canada

Suite 210
517 Tenth Avenue SW
Calgary, Alberta
T2R 0A8

517, Dixième Avenue S.-O.
bureau 210
Calgary (Alberta)
T2R 0A8

File OF-Fac-IPL-H117-2022-01 01
26 October 2022

Joanne Richardson
Director - Major Projects and Partnerships
Hydro One Networks Inc.
7th Floor, South Tower
483 Bay Street
Toronto, ON M5G 2P5
Email Joanne.Richardson@HydroOne.com

Carla Molina
Senior Regulatory Coordinator
Hydro One Networks Inc.
7th Floor, South Tower
483 Bay Street
Toronto, ON M5G 2P5
Email Regulatory@HydroOne.com

Andrew Flannery
Senior Regulatory Advisor, Regulatory Affairs
Hydro One Networks Inc.
7th Floor, South Tower
483 Bay Street
Toronto, ON M5G 2P5
Email Andrew.Flannery@HydroOne.com

Naomi Martin
Senior Legal Counsel
Hydro One Networks Inc.
8th Floor, North Tower
483 Bay Street
Toronto, ON M5G 2P5
Email Naomi.Martin@HydroOne.com

Dear Joanne Richardson, Carla Molina, Andrew Flannery, and Naomi Martin:

**Hydro One Networks Inc. (Hydro One)
Application for Approval to Perform Work on
International Power Line (IPL) B3N Circuit Rerouting (Project)
under sections 211 and 294 of the *Canadian Energy Regulator Act* (CER Act)**

**Before: K. Penney, Commissioner; T. Grimoldby, Commissioner;
W. Jacknife, Commissioner**

Summary of Decision

The Commission of the Canada Energy Regulator (**Commission**) sets out its reasons, considerations and decisions in the pages that follow in relation to the above-noted application.

The Commission:

- approves the applied-for Project work as a deviation of the existing IPL B3N to perform circuit rerouting work at Sarnia-Scott Transmission Station (**TS**) pursuant to subsections 211(3) and 294(1) of the CER Act; and
- grants Hydro One an exemption from the requirement under subsection 211(3) to submit a Plan, Profile and Book of Reference (**PPBoR**) for the IPL B3N, showing the deviation for approval by the Commission; and
- authorizes Hydro One to proceed with the Project pursuant to Certificate of Public Convenience and Necessity EC-12 (**CPCN EC-12**), as amended for the IPL B3N.

.../2

1. Background

The Commission considered Hydro One's [Application](#) dated 16 February 2022 (**Application**) as well as its subsequent filings dated 30 June 2022 and 16 August 2022. Hydro One's Application is for approval to perform circuit rerouting work at Sarnia-Scott TS for IPL B3N, located in Sarnia, Ontario.

The relevant regulatory instrument for IPL B3N is CPCN EC-12. This was issued by the National Energy Board on 18 December 1959, as amended, for the IPL whose nomenclature is designated as 'B3N'.

Hydro One's proposed work at Sarnia-Scott TS involves the rerouting of circuits, one of which is a 234 kV IPL (IPL B3N) and two of which are 230 kV non-IPL 230 kV circuits. This work is required prior to the replacement of one autotransformer (known as **Unit T5**), and the replacement of associated surge arrestors, capacitive voltage transformers and disconnect switches. The Unit T5 replacement is not expected to impact the operation of IPL B3N. Hydro One requests Commission approval for the minor change in route of the IPL B3N circuit, and to increase B3N's distance by a minimal amount to enable the Unit T5 replacement.

Hydro One confirmed in the Application that the existing capacity of IPL B3N will not change as a result of the Project and that the B3N line length increase would not result in rewording of the length stated in the CPCN EC-12, as amended by Order AO-2-EC-12 dated 9 July 1982.

Hydro One is planning to start construction of the Project in Fall 2022, with the estimated Project in-service date of May 2023.

2. Relief requested

Hydro One requested the Commission grant the following relief:

- orders pursuant to sections 211 and 294 of the CER Act approving the deviation change or alteration to the IPL B3N;
- orders exempting Hydro One from providing for approval a PPBoR pursuant to subsection 211(3) of the CER Act, which is described in the Application.

Hydro One stated that the Project work will be performed within Hydro One's existing TS property, and no project work is required on the other side of the border in the United States. Hydro One further confirmed that the Project and the related facilities do not result in the construction of a new IPL or an increase in the capacity of the existing IPL B3N, or any other operational change.

3. Assessment of the Application

3.1 Engineering

The Project work consists of rerouting IPL B3N in the vicinity of the Sarnia-Scott TS, between Tower No. 1 and No. 2 with new like-for-like conductor and sky-wire. In its Application, Hydro One explained the rerouting is necessary to accommodate new substation infrastructure. The Commission notes that the new substation infrastructure is not part of the IPL.

In Information Request (**IR**) No.1, the Canada Energy Regulator (CER) requested Hydro One to clarify which clearance requirements were impacted by IPL B3N. In its response to IR No.1, Hydro One explained that the rerouting is necessary to maintain vertical clearance requirements between the IPL and new substation infrastructure.

Based on the information provided by Hydro One, the Commission is of view that the proposed work is necessary to accommodate the new substation infrastructure.

The applied-for Project work would result in a line increase of 0.03 miles. The Amending Order AO-2-EC-12 states: "The line has a length of 3.7 miles". The resulting length increase would not result in rewording of the length stated in the certificate because the length stated in the Amending Order is rounded to two decimal places and therefore would not reflect an increase of 0.03 miles. The Commission is of view that IPL length that is stated in the Amending Order AO-2-EC-12 does not need to be amended as a result of the Project work.

In its Application, Hydro One stated that it will comply with the provisions of the General Order MO-036-2012, and that the proposed design and construction will comply with applicable standards from CSA, ESA, ANSI, IEC, NEMA, ASTM, IEEE, IESO and NERC. In IR No. 2, the CER requested clarification with the proposed new structures. In response to IR No. 2, Hydro One clarified that two new towers, K and L, are proposed between existing Towers No. 1 and No. 2. Hydro One also provided drawings and specifications for the new proposed towers. The proposed work does not affect any other technical or operational aspect of the IPL and related infrastructure, specifically, the voltage, frequency, conductor specification, single line diagram and transfer capability will remain unchanged.

The Commission is satisfied with the information provided by Hydro One regarding the proposed design, construction, and operation of the Project work.

3.2 Environmental and Socio-Economic Matters

Hydro One stated that the Project work will be completed within the existing Sarnia-Scott TS owned by Hydro One and within the existing Hydro One transmission line right-of way, and no additional temporary or permanent land rights are required for this Project. Since the work would take place on previously disturbed lands in an industrial area, Hydro One does not anticipate these activities would affect the public or Indigenous peoples. Hydro One stated that its crews would follow a comprehensive Environmental Protection Plan (**EPP**) for the Project, based on Hydro One's *Environmental Guidelines for the Construction and Maintenance of Transmission Facilities* (2009), which includes mitigation and response plans to address any potential effects of the Project on valued environmental and socio-economic components. Hydro One confirmed that it will file with the CER a Notice of Contamination for any confirmed contamination identified during Project activities, in accordance with the CER's Remediation Process Guide.

The Commission is of the view that since the Project would be within the existing graveled, fenced Sarnia-Scott TS site and on adjacent property along the IPL on a previously disturbed municipal right-of-way, together with Hydro One's proposed mitigation measures, there is limited potential for the Project to interact with environmental and socio-economic components.

Hydro One provided information for the Project as outlined in the CER's Electricity Filing Manual. The Commission reviewed the information and assessed the environmental effects of the applied-for Project in making its decision. The Commission finds that, with the implementation of Hydro One's environmental protection procedures and mitigation, the Project is not likely to cause significant adverse environmental and socio-economic effects.

3.3 Public Consultation

Hydro One stated that the construction activities associated with the Project will be carried out within the existing Hydro One-owned TS footprint and on lands to which the company holds property rights, and the City of Sarnia is the only public stakeholder identified as potentially being impacted by the Project. Hydro One provided Project-specific information to the municipality on 19 January 2022. No concerns were raised by the City of Sarnia.

Given that no concerns have been expressed by the public to the CER and the lack of concerns raised with Hydro One, the Commission is satisfied that Hydro One has met the requirements outlined in the CER's Electricity Filing Manual and has sufficiently engaged with public stakeholders.

3.4 Engagement with Indigenous Peoples

Hydro One began engagement with Indigenous peoples for the Project on 14 May 2020. Hydro One identified Aamjiwnaang First Nation as potentially impacted by the Project due to their proximity to the Sarnia-Scott TS. Hydro One sent a Project notification letter to Aamjiwnaang First Nation on 14 May 2020.

Hydro One informed Aamjiwnaang First Nation that the Application for this Project had been filed with the CER and explained how they could participate in the CER process. In its Application and response to IR No. 1, Hydro One provided a detailed summary of its engagement with Aamjiwnaang First Nation that includes responses and proposed mitigation measures to address the Project-specific issues and concerns raised by Aamjiwnaang First Nation. Hydro One stated that it has been engaging with Aamjiwnaang First Nation regarding the Project since the earliest stages of the planning process and will continue to collaboratively engage with Aamjiwnaang First Nation throughout the lifecycle of the Project.

Given that the Project work will have a limited impact on land and will occur in a previously disturbed, industrialized area, the Commission is of the view that the applied-for Project will have no or minimal adverse effects on the rights of Indigenous peoples.

The Commission notes that no comments or concerns regarding the applied-for Project have been received by the CER from Aamjiwnaang First Nation to date, and that Hydro One is committed to ongoing engagement with Indigenous peoples, and to addressing any concerns raised by Indigenous peoples with respect to the Project. Therefore, the Commission is satisfied that engagement with Indigenous peoples was sufficient for this Project.

4. Decision of the Commission

Based on the above-noted matters, considerations, and conclusions, and having considered its duty under subsection 56(1) of the CER Act to consider any adverse effects on the rights of Indigenous peoples, the Commission finds it in the public interest to approve the applied-for Project. The Commission has included general conditions that Hydro One must follow in carrying out the Project.

The Commission approves the proposed Project as described in Hydro One's Application and subsequent submissions to perform work on IPL B3N pursuant to sections 211 and 294 of the CER Act, and exempts it from submitting to the CER for approval a PPBoR under subsection 211(3) of the CER Act.

Approval of Deviation

The Project work is a deviation as contemplated by section 211 of the CER Act, and in accordance with section 294 of the CER Act, is applicable to IPLs under certificates issued under the *National Energy Board Act* prior to 1990, which is the situation with IPL B3N. The Commission, pursuant to section 68 of the CER Act, may include any other relief it considers appropriate as if an application was made for the relief. The Commission is of the view that the Project is necessary for the continued safe and reliable operation of IPL B3N, which benefits the IPL in accordance with subsection 211(1) of the CER Act. Therefore, the Commission approves the applied-for Project, as described in Hydro One's Application and subsequent submissions, to perform IPL B3N circuit rerouting work pursuant to sections 211 and 294 of the CER Act.

The Commission issues Order MO-033-2022 (**Order**) approving the Project and its associated component replacement work on IPL B3N.

Plan, Profile, and Book of Reference Exemption

Given that the Project does not involve a change of location in the IPL, the Commission exempts Hydro One from submitting a PPBoR for approval by the Commission under subsection 211(3) of the CER Act. The Commission is of the view that the proposed work is necessary for the continued safe and reliable operation of IPL B3N, which benefits the IPL in accordance with subsection 211(1) of the CER Act. That subsection states that the Commission can exempt the requirements for a PPBoR for deviations, such as for the Project. The PPBoR exemption has been included in Order MO-033-2022.

The Commission directs Hydro One to serve a copy of this letter and the attached Order on all interested parties.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachment