

ORDER

JOINT BOARD

IN THE MATTER OF Sections 2 and 3 of The Consolidated Hearings Act, 1981

- and -

IN THE MATTER OF Section 12(2) and (3) of The Environmental Assessment Act (R.S.O. 1980, c. 140)

- and -

IN THE MATTER OF Sections 13, 14, 15, 17, 29, 39, 40 and 49 of The Planning Act (R.S.O. 1980, c. 379)

- and -

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act (R.S.O. 1980, c. 148)

- and -

IN THE MATTER OF an undertaking of Ontario Hydro consisting of the planning of, selection of locations for, acquisition of property rights for, and the design, construction, operation and maintenance of additional bulk electricity system facilities in Eastern Ontario consisting of switching and transformer stations, communications and control facilities, transmission lines and related facilities

B E F O R E:

D.S. COLBOURNE)
Chairman)
B.E. SMITH)
Vice-Chairman)
D.H. McROBB)
Member)

Tuesday the 13th day of
December, 1983

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ORDER

The undertaking referred to in the style of cause having come on for a hearing of a motion on Tuesday, the 25th day of October 1983 in Ottawa and continuing on Tuesday, the 13th day of December 1983 in Toronto, and upon hearing counsel for Ontario Hydro by way of a notice of motion dated October 5, 1983, being an application for deferral of part of the proposed facilities and a further request for commencement of route stage hearings for the facilities proposed for the area between Lennox G.S. and Hawthorne T.S., without having met Condition 2 of the Board's decision of August 6, 1982, and having heard the submissions of other counsel, other parties, and interested persons:-

1. THE BOARD further defers any preliminary or other hearing in connection with all facilities other than the proposed facilities between Lennox G.S. and Hawthorne T.S. until at least 30 days after the filing with the Minister of the Environment of an environmental assessment for such additional facilities;
2. THE BOARD will proceed to route stage hearings on the basis of an environmental assessment of the facilities proposed in the undertaking for the area between Lennox G.S. and Hawthorne T.S., without having met Term and Condition 2 of the Board's decision of August 6, 1982.

The foregoing is subject to the following condition:-

The issuance of any decision with respect to the facilities proposed in the undertaking for the area between Lennox G.S. and Hawthorne T.S. pursuant to route stage hearings will be determined subsequent to the filing by Ontario Hydro of the environmental assessment with respect to the interconnection facilities included in the undertaking.

DATED at TORONTO this 24th day of JANUARY, 1984.

D.S. COLBOURNE
Chairman

B.E. SMITH
Vice-Chairman

D.H. McROBB
Member

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REASONS FOR ORDER AND ORDER FOR COSTS

The matter of costs relating to the hearing of the motion on Tuesday, the 13th day of December, 1983, was raised by counsel for the Hydro Consumers Association and the No Tower Federation. At the request of said counsel the Joint Board had retained the services of a court reporter. The submission of counsel for the Association suggested that reporting of all of the proceedings should be adopted by the Joint Board since during the various stages of the proceedings the parties may change. The Board was also advised that the funding situation of the Hydro Consumers Association had not altered from the time of the plan stage hearings and counsel requested costs of the day. The Board was directed by other counsel to consider the application of its own award of costs criteria adopted by it in the Southwestern Ontario Hydro hearings that it had considered at the plan stage hearings.

The consideration of those criteria and other matters, including its previous order as to costs, prompts the Board at this time to defer any decision of an award of costs to the Hydro Consumers Association. The Board however orders that:-

Ontario Hydro shall pay the cost of reporting this day's proceedings.

D. S. COLBOURNE
Chairman

B. E. SMITH
Vice-Chairman

D. H. McROBB
Member