



Canada Energy
Regulator

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du Canada

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File OF-Fac-IPL-H117-2023-01 01
5 October 2023

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Dear Joanne Richardson, Carla Molina, and Naomi Martin:

**Hydro One Networks Inc.
Application to Perform Skywire Replacement Work Impacting International
Power Lines L33P and L34P under sections 211, and 294 of the *Canadian
Energy Regulator Act***

Hydro One Networks Inc. (**Hydro One**) filed an application for approval pursuant to section 68 of the *Canadian Energy Regulator Act (CER Act)* to replace the skywire of International Power Lines (**IPLs**) L33P and L34P, on 18 May 2023 (**Application**) ([C24548](#)).

For the reasons that follow and pursuant to sections 211 and 294 of the CER Act, the Commission of the Canada Energy Regulator:

- approves the applied-for work as deviations of the existing IPLs L33P and L34P; and
- grants Hydro One an exemption from the requirement under subsection 211(1) of the CER Act to submit a Plan, Profile and Book of Reference (**PPBoR**) for IPLs L33P and L34P, showing the deviations.

Background

Certificate No. EC-18 and Certificate No. EC-11, in relation to IPLs L33P and L34P respectively which are subject of the Application, were issued on 21 January 1960.

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Hydro One's Application requested approval to undertake IPL - impactive skywire replacement work for IPLs L33P and L34P (**Project**) in order to continue to protect both IPLs and for the continued safe operation in accordance with Certificates No. EC-18 and EC-11. The work entails the replacement of the skywire on top of the transmission towers, which is nearing the end of its useful life, with new alumoweld skywire, contained fiber optic capacity, and replacement of all associated skywire tower hardware. The work would be carried out within the St. Lawrence Transmission Station (TS) and the IPLs' right-of-way and across the St. Lawrence River to the mid-river junction.

Hydro One confirmed the applied for Project does not result in the construction of a new IPL, and/or an increase in the capacity of IPLs L33P or L34P, and/or a change in the IPLs operation in any other manner, and therefore, circuits L33P and L34P will both continue to be 230 kV class circuits operating at 60 hertz.

Hydro One is planning to start construction of the Project in February 2024, with a planned Project in-service date of March 2024.

The Commission issued information request (**IR**) No. 1 on 5 July 2023 ([C25377](#)). The Canada Energy Regulator issued IR No. 2 on 7 July 2023. Hydro One provided its response to both IRs on 17 July 2023 ([C25545](#)).

Relief requested

Hydro One requested the Commission grant the following relief:

- pursuant to sections 280 to 284 of the CER Act, for an amendment to Certificates No. EC-18 and EC-11, as amended, authorizing Hydro One to proceed with the Project;
- direction from the Commission that the work is authorized by Certificates EC-18 and EC-11 or alternatively orders pursuant to section 211, subsections 266(1) and (2), and section 280 of the CER Act approving a deviation change or alteration to the IPLs and exempting Hydro One from providing for approval any PPBoR beyond that which is described in the Application.

Commission Analysis and Findings

The Commission has taken into account considerations that appear to it to be relevant and directly related to the Application, including matters under subsection 56(1) of the CER Act, and finds it in the public interest to approve the Project with conditions. The Commission also exempts Hydro One from the requirements of filing a PPBoR for the Project.

In particular, the Commission has considered the following matters in relation to this Application.

Engineering

The Commission has no concerns regarding engineering matters associated with the Project. The Commission notes that the Project neither affects the length, nor voltage, nor transfer capability of the IPLs. Therefore, the Project does not affect the engineering characteristics of the IPLs. The Commission is of the opinion that the Project is necessary to ensure the continued safe operation of the IPLs.

Environment Matters

The Commission is satisfied that the protection of the environment has been adequately addressed by Hydro One. The scope of the Project is relatively small, and no ground disturbance is required. The Project activities will occur only within the existing powerline right-of-way and the St. Lawrence TS.

Hydro One committed to preparing and implementing a comprehensive Environmental Protection Plan (**EPP**) to minimize and mitigate potentially adverse effects during construction. The Commission imposes **Condition 4** in both Orders, requiring Hydro One to file its Project-specific EPP with the Canada Energy Regulator (**CER**) outlining mitigation measures, including the invasive common reed fact sheet and mitigations, and species at risk fact sheet and avoidance measures.

The Commission finds that given the scope and location of the Project, and with the inclusion of **Condition 4**, any potential residual adverse environmental effects of the Project, including any cumulative effects, would be of low significance.

Federal Lands

A portion of the Project is located on federal lands and crosses a federal waterway under the jurisdiction of the St. Lawrence Seaway Management Corporation. The Commission finds that, with Hydro One's proposed mitigation measures, as well as **Condition 4** imposed by the Commission, the carrying out of the Project is not likely to cause significant adverse environmental or socio-economic effects to federal lands. The Commission is also satisfied that the requirements of sections 82 and 86 of the *Impact Assessment Act (IA Act)* have been met.

On 3 August 2023, the CER posted a description of the Project ([Reference No. 85823](#)) and a notice inviting public comment on the Canadian Impact Assessment Registry pursuant to subsection 86(1) of the IA Act. The public was directed to submit its comments to the CER's public registry. The comment period closed on 18 August 2023, and the Commission notes that no comments were received from the public or Indigenous Peoples.

Public Engagement

The Commission is satisfied that Hydro One has appropriately engaged with public stakeholders.

Hydro One stated that the primary public stakeholders are the local elected officials of the City of Cornwall. Hydro One provided Project-specific information to its municipal government contacts on 24 April 2023. No concerns were raised.

Consultation with Indigenous¹ Peoples

The Commission finds that adequate consultation with Indigenous Peoples has taken place for the purpose of the Commission's decision on this Project.

¹ The use of the term "Indigenous" has the meaning assigned by the definition of "aboriginal peoples of Canada" in subsection 35(2) of the *Constitution Act, 1982* which states:
In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit, and Métis peoples of Canada."

Hydro One identified the Mohawk Nation at Akwesasne as potentially impacted by the Project due to their proximity to the St. Lawrence TS and on 10 February 2023 sent a Notice to Grand Chief Abram Benedict informing the community of the Project.

The CER identified the Haudenosaunee Development Institute, Métis Nation of Ontario, Mohawks Nation at Akwesasne, and Six Nations of the Grand River as having known or asserted traditional territory in the area that might be impacted by the Project and sent a Notice of Application (**NoA**) letter to these communities on 7 July 2023 ([C25436-4](#)²). The CER also sent a Notice of Project to the Métis Nation of Ontario acknowledging the [Consultation Agreement](#)³ dated 31 July 2015, between the Métis Nation of Ontario and the Government of Canada. ([C25956-1](#)⁴). Hydro One has confirmed that consultation is ongoing with both the Métis Nation of Ontario, Ottawa Region Métis Council, and the Mohawk Nation at Akwesasne. The Commission notes that no comments or concerns regarding the Project have been received by Hydro One or the Commission from Indigenous Peoples to date.

The Commission has considered the nature, size and scope of the Project, including that the Project will have no or negligible impact on the previously disturbed land, as well as the CER's NoA letters to the four potentially impacted Indigenous communities, and the Notice of Project to the Métis Nation of Ontario, and that no concerns have been received. The Commission is satisfied that appropriate notice about the Project has been provided, and that the Commission's assessment process has fulfilled the CER's obligations in relation to the duty to consult. The Commission is of the view that the Project will have no or minimal adverse effects on the rights of Indigenous Peoples.

Further, the Commission notes Hydro One's commitment to respond to any matters raised in a clear and transparent manner throughout the regulatory review processes and throughout the lifespan of the Project.

Navigational Safety

The Commission is satisfied that Hydro One has met the requirements outlined in the CER's Electricity Filing Manual regarding navigation and navigation safety.

In its Application, Hydro One filed a draft Navigational Safety Plan (**NSP**) developed in consultation with river users, regulators and emergency services. Hydro One committed to submitting its final NSP to the CER prior to the start of construction and to submitting a copy two weeks before construction begins. The Commission has included the requirement for Hydro One to file its final NSP as part of the final EPP (**Condition 4**).

Heritage Resources

The Commission finds that Hydro One has sufficiently considered potential impacts on heritage resources.

Hydro One stated that there are no designated heritage sites in the Project vicinity; however, there are non-designated heritage sites. Hydro One submitted that given no ground disturbance is anticipated within the scope of the Project activities, there will be no

² Or go to the website at <http://www.cer-rec.gc.ca/> click on "Applications & hearings" under the heading "View Regulatory Documents", enter the Document Number **C25436-4** and click on "Search".

³ Or go to the website at www.metisnation.org/ click on "Governance", then click on "Reference Documents", scroll down to "Consultation and Accommodation Documents" section, look for and click on "MNO-Canada Consultation Agreement".

⁴ Ibid. Enter the Document Number **C25436-4** and click on "Search".

interactions with heritage resources. Hydro One stated that should previously undocumented archaeological resources be discovered, it will cease alteration of the Project site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork. The Commission has included the requirement for Hydro One to file their heritage resources contingency plan as part of the final EPP as set out in **Condition 4**.

Accordingly, the Commission issues Orders MO-030-2023 and MO-032-2023 approving the Project.

A copy of each Order MO-030-2023 and MO-032-2023, is attached.

Direction

The Commission recognizes that public involvement is an important component during each phase in the lifecycle of a project and reminds Hydro One of the importance of establishing and maintaining strong relationships throughout the project's entire lifecycle. The Commission directs Hydro One to serve a copy of this letter and the attached Orders on all interested parties.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachments



ORDER MO-030-2023

IN THE MATTER OF the *Canadian Energy Regulator Act* (**CER Act**) and the regulations made thereunder; and

IN THE MATTER OF an application made by Hydro One Networks Inc. (**Hydro One**), pursuant to sections 211 and 294 of the CER Act, dated 18 May 2023, filed with the Canada Energy Regulator (**CER**) under File OF-Fac-IPL-H117-2023-01 01.

BEFORE the Commission of the CER on 27 September 2023.

WHEREAS on 21 January 1960, the National Energy Board (**NEB**) issued Certificate of Public Convenience and Necessity EC-18 (**Certificate EC-18**) to the Hydro-Electric Power Commission of Ontario, for the International Power Line (**IPL**) L33P extending from the St. Lawrence Transmission Station (**TS**) at Cornwall, Ontario to the international boundary line in the St. Lawrence River;

AND WHEREAS Certificate EC-18 was amended several times in respect of technical specifications, name and ownership changes, the most recent being Amending Order AO-005-EC-18, whereby Hydro One obtained approval from the Commission to complete component replacement work;

AND WHEREAS on 28 August 2019, the NEB became the CER;

AND WHEREAS on 18 May 2023, Hydro One submitted an application for skywire replacement work at St. Lawrence TS impacting IPLs L33P and L34P (**Project**);

AND WHEREAS Hydro One filed a subsequent filing dated 17 July 2023, in response to information requests made by the Commission and the CER;

AND WHEREAS the Project's skywire replacement work associated with IPL L33P includes the following:

- replacement of existing copperweld skywire with new alumoweld skywire, contained fiber optic capability; and
- replacement of all associated skywire tower hardware such as; clamps, dampers and U-bolts;

AND WHEREAS the Project's skywire replacement work associated with IPL L34P is approved through a separate Order MO-032-2023 issued this same date;

AND WHEREAS the Project occurs on federal lands and section 82 of the *Impact Assessment Act* requires that projects must not be carried out on federal lands, unless it is determined that the carrying out of the project is not likely to cause significant adverse environmental effects;

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AND WHEREAS the Commission concludes that the Project, with the proposed mitigation measures and conditions imposed by the Commission, is not likely to cause significant adverse environmental or socio-economic effects;

AND WHEREAS the Commission has had regard to all considerations that are relevant and directly related to the Project, including matters under section 56 of the CER Act, and environmental matters;

AND WHEREAS the Commission has examined the application and subsequent filing and considers it to be in the public interest to grant the following relief;

IT IS ORDERED THAT, pursuant to sections 211 and 294 of the CER Act, the applied-for Project is approved in relation to IPL L33P, subject to the following conditions:

1. Hydro One must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
2. Hydro One must cause the Project to be designed, located, constructed, installed, and operated in accordance with the specifications, standards, commitments made, and other information referred to in its application or in its subsequent related filing.
3. Hydro One must implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations, procedures, and its commitments for the protection of the environment included in or referred to in its application or in its subsequent related filing.
4. Hydro One must file with the CER, **at least 14 days prior to the commencement of construction**, a Project-specific Environmental Protection Plan (**EPP**), which Hydro One must implement. The EPP must describe all environmental protection procedures, mitigation measures and monitoring commitments, as set out in Hydro One's application and subsequent filing. The EPP shall include:
 - a) an updated Navigational Safety Plan;
 - b) relevant contingency plans, including a Heritage Resources Contingency Plan;
 - c) mitigation measures to avoid or minimize the potential impact to spread invasive common reed;
 - d) mitigation measures to avoid or minimize the potential impact to Species at Risk including potential overwintering turtles; and
 - e) detailed environmental alignment sheets.
5. Hydro One must file with the CER, **at least 14 days prior to the commencement of construction** of the Project, a detailed construction schedule or schedules identifying major construction activities and must notify the Commission of any modifications to the schedule or schedules as they occur.
6. **Within 30 days of the date that the approved Project is placed in service**, Hydro One must file with the CER confirmation that the Project was completed and constructed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, Hydro One must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is an officer of Hydro One.

7. Unless the Commission otherwise directs prior to 30 September 2025, this Order shall expire on 30 September 2025 unless construction of the Project has commenced by that date.

IT IS FURTHER ORDERED THAT, pursuant to subsection 211(3) and section 294 of the CER Act, Hydro One is exempted from the requirements of subsection 211(1) of the CER Act to submit and have approved by the Commission a Plan, Profile and Book of Reference showing the deviation.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

Signed by

Ramona Sladic
Secretary of the Commission



ORDER MO-032-2023

IN THE MATTER OF the *Canadian Energy Regulator Act* (**CER Act**) and the regulations made thereunder; and

IN THE MATTER OF an application made by Hydro One Networks Inc. (**Hydro One**), pursuant to sections 211 and 294 of the CER Act, dated 18 May 2023, filed with the Canada Energy Regulator (**CER**) under File OF-Fac-IPL-H117-2023-01 01.

BEFORE the Commission of the CER on 27 September 2023.

WHEREAS on 21 January 1960, the National Energy Board (**NEB**) issued Certificate of Public Convenience and Necessity EC-11 (**Certificate EC-11**) to the Cedars Rapids Transmission Company Limited, for the International Power Line (**IPL**) L34P extending from the St. Lawrence Transmission Station (**TS**) at Cornwall, Ontario to the international boundary line in the St. Lawrence River;

AND WHEREAS Certificate EC-11 was amended several times in respect of technical specifications, name and ownership changes, the most recent being Amending Order AO-005-EC-11, whereby Hydro One obtained approval from the Commission to complete component replacement work;

AND WHEREAS on 28 August 2019, the NEB became the CER;

AND WHEREAS on 18 May 2023, Hydro One submitted an application for skywire replacement work at St. Lawrence TS impacting IPLs L33P and L34P (**Project**);

AND WHEREAS Hydro One filed a subsequent filing dated 17 July 2023, in response to information requests made by the Commission and the CER;

AND WHEREAS the Project's skywire replacement work associated with IPL L34P includes the following:

- replacement of existing copperweld skywire with new alumoweld skywire, contained fiber optic capability; and
- replacement of all associated skywire tower hardware such as; clamps, dampers and U-bolts;

AND WHEREAS the Project's skywire replacement work associated with IPL L33P is approved through a separate Order MO-030-2023 issued this same date;

AND WHEREAS the Project occurs on federal lands and section 82 of the *Impact Assessment Act* requires that projects must not be carried out on federal lands, unless it is determined that the carrying out of the project is not likely to cause significant adverse environmental effects;

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AND WHEREAS the Project occurs on federal lands and section 82 of the *Impact Assessment Act* requires that projects must not be carried out on federal lands, unless it is determined that the carrying out of the project is not likely to cause significant adverse environmental effects;

AND WHEREAS the Commission concludes that the Project, with the proposed mitigation measures and conditions imposed by the Commission, is not likely to cause significant adverse environmental or socio-economic effects;

AND WHEREAS the Commission has had regard to all considerations that are relevant and directly related to the Project, including matters under section 56 of the CER Act, and environmental matters;

AND WHEREAS the Commission has examined the application and subsequent filing and considers it to be in the public interest to grant the following relief;

IT IS ORDERED THAT, pursuant to sections 211 and 294 of the CER Act, the applied-for Project is approved in relation to IPL L34P, subject to the following conditions:

1. Hydro One must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
2. Hydro One must cause the Project to be designed, located, constructed, installed, and operated in accordance with the specifications, standards, commitments made, and other information referred to in its application or in its subsequent related filing.
3. Hydro One must implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations, procedures, and its commitments for the protection of the environment included in or referred to in its application or in its subsequent related filing.
4. Hydro One must file with the CER, **at least 14 days prior to the commencement of construction**, a Project-specific Environmental Protection Plan (**EPP**), which Hydro One must implement. The EPP must describe all environmental protection procedures, mitigation measures and monitoring commitments, as set out in Hydro One's application and subsequent filing. The EPP shall include:
 - a) an updated Navigational Safety Plan;
 - b) relevant contingency plans, including a Heritage Resources Contingency Plan;
 - c) mitigation measures to avoid or minimize the potential impact to spread invasive common reed;
 - d) mitigation measures to avoid or minimize the potential impact to Species at Risk including potential overwintering turtles; and
 - e) detailed environmental alignment sheets.
5. Hydro One must file with the CER, **at least 14 days prior to the commencement of construction** of the Project, a detailed construction schedule or schedules identifying major construction activities and must notify the Commission of any modifications to the schedule or schedules as they occur.

6. **Within 30 days of the date that the approved Project is placed in service**, Hydro One must file with the CER confirmation that the Project was completed and constructed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, Hydro One must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is an officer of Hydro One.
7. Unless the Commission otherwise directs prior to 30 September 2025, this Order shall expire on 30 September 2025 unless construction of the Project has commenced by that date.

IT IS FURTHER ORDERED THAT, pursuant to subsection 211(3) and section 294 of the CER Act, Hydro One is exempted from the requirements of subsection 211(1) of the CER Act to submit and have approved by the Commission a Plan, Profile and Book of Reference showing the deviation.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

Signed by

Ramona Sladic
Secretary of the Commission