



Canadian Environmental Law Association  
L'Association canadienne du droit de l'environnement

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July 23, 1984

The Steering Committee of  
the No Towers Federation  
c/o Dave Ambrose  
Box 153  
Elgin, Ontario  
KOG 1E0

Dear David:

Re: Eastern Ontario Transmission Expansion Project  
and Re Motions of May and June, 1984

I assume you are by now in receipt of the Joint Board's decision granting Hydro's application on its recent motion. We are writing then, to offer a brief synopsis of the three matters raised by Hydro's application and granted, without qualification, by the Board.

To begin with, the Board has granted Hydro's request that the interconnection component be withdrawn from its proposed undertaking. This means that Hydro is no longer seeking approval for those facilities and would have to begin the Environmental Assessment Process anew should it wish, at some future time, to revive that project.

Secondly, the Joint Board acceded to Hydro's request that the hearings with respect to facilities between Ottawa and Cornwall be further deferred. This will mean that two sets of hearings will now take place. The first will consider all general issues concerning all proposed transmission facilities including those between Ottawa and Cornwall. This first hearing will also consider locational issues concerning the line between Kingston and Ottawa. At the conclusion of these first hearings, and should approval be given, expropriation will begin for the lines between Kingston and Ottawa.

The second hearing will consider locational issues with respect to the facilities between Ottawa and Cornwall. This hearing will not again consider the general issues, such as need and alternatives, as they will have been considered during the first route stage hearings.

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The third matter that was dealt with by the Board concerned the content of an manner in which notice of these route stage hearings would be given. As we noted in our letter of June 11, we have had the opportunity of discussing this issue at some length with Ontario Hydro and have contributed significantly to the form of the notice that was approved by the Board. The notice reflects each and all of the comments and suggestions that we made in this regard.

There is little surprise in the manner in which Hydro's application was disposed of although it is somewhat surprising that the Board was so ready to grant a further deferral notwithstanding the absense of any real explanation from Hydro as to why that deferral was necessary. The Joint Board's decision is much as we expected. There is no need then to add to the comments offered in our letter of June 11.

Finally with respect to the Joint Board's decision, you will note that no reference is made to our application to have a consultant retained to examine and report upon the issue or reliability. I expect the Joint Board decision upon our application to be forthcoming in the near future.

One recent development may have some bearing upon this matter should the Joint Board decline (as we expect) to grant our request. At a recent meeting between two CELA lawyers and Andrew Brandt, the Minister of the Environment, the subject of public funding came up. Somewhat surprisingly, the Minister indicated a willingness to accord such funding in appropriate circumstances. This is a new and somewhat dramatic breakthrough. Should the Joint Board refuse our application, it may be advisable then to solicit funds from the Minister particularly in light of the fact that our initial application for funding (November/81) was refused by the Minister who at that time referred us to the Joint Board's power to retain consultants.

I trust that this will reduce the Board's decision to some level of intelligibility, but please do not hesitate to contact me should you have any further questions.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Steven Shrybman  
Counsel

SS:dlb