



January 23, 2009, February 17, 2009 & February 19, 2009

By RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON
M4P 1E4

**Re Horizon Utilities Corporation Consent to Release Vansickle TS Economic Evaluation in Accordance With the Ontario Energy Board Practice Direction on Confidential Filings.
OEB File Number EB-2008-0272**

Horizon Utilities Corporation ("Horizon Utilities") is a licensed distribution company operating under Electricity Distribution Licence ED-2006-0031. Horizon Utilities has entered into a Connection Agreement with Hydro One Networks Inc. ("Hydro One") to provide a capital upgrade to Vansickle Transformer Station located in Horizon Utilities' distribution service area in the City of St. Catharines. Hydro One has requested Horizon Utilities permission to release certain information as it pertains to the economic evaluation performed by Hydro One in determining the amount of capital contribution required from Horizon Utilities.

As part of Hydro One's Transmission Rate Application ("Application") proceeding, OEB File Number EB-2008-0272, OEB Staff interrogatory 63, requests Hydro One to *"provide for each project a copy of the spreadsheet depicting the economic evaluations, showing all assumptions including the discount rate etc, pursuant to the requirements of the Transmission System Code (Section 6.3). Where for any project, more than a single customer is contributing capital, please provide the details of the study for each customer."* Horizon Utilities submits that the information being requested by OEB Staff is confidential customer information belonging to Horizon Utilities and, specifically, is third party information as addressed in section 17(1) of the Freedom of Information and Protection of Privacy Act ("FIPPA"). the OEB Practice Direction on Confidential Filings ("Practice Direction") notes (at Appendix C of the Practice Direction) that third party information as described in subsection 17(1) of FIPPA is among the types of information previously assessed or maintained by the OEB as confidential.

Furthermore, Horizon Utilities submits that the disclosure of Horizon Utilities' identity could reasonably be expected to prejudice the economic and financial interest of Horizon Utilities and significantly prejudice current and future negotiations carried out with Hydro One. Horizon Utilities further submits that these considerations meet the requirements for confidentiality as outlined in Appendix B to the Practice Direction.

Horizon Utilities is prepared to provide its consent to Hydro One to release, in confidence, the economic evaluation for Vansickle TS in order to respond to OEB Staff interrogatory #63 under the following conditions:

- Hydro One will file its response to OEB Staff interrogatory #63 in accordance with Rule 10 of the OEB Rules of Practice and Procedure;
- The economic evaluation for Vansickle TS is being filed in accordance with the Practice Direction;
- The OEB will only release the economic evaluation for Vansickle TS in accordance with Section 6 – Arrangements as to Confidentiality, of the Practice Direction;
- Horizon Utilities will be advised in accordance with Section 5 – General Process for Confidentiality in Matters Before the Board of any decision by the OEB to release Horizon Utilities confidential information included in the economic evaluation for Vansickle TS.

Horizon Utilities further consents to the release of a redacted version provided that it shall have removed all references to Horizon Utilities Corporation, the City of St. Catharines, the name of Vansickle Transformer Station or Vansickle TS and any other such information that may identify Horizon Utilities as a party to the economic evaluation.

Should you have any questions or require further information in this regard you may contact me at 905-317-4785 or by e-mail cameron.mckenzie@horizonutilities.com

Yours truly,

Original signed by Cameron McKenzie

Cameron McKenzie
Director, Regulatory Services
Horizon Utilities Corporation

cc: Hydro One Networks Inc.
Intervenors of Record