

**Ontario Energy
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**Commission de l'énergie
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BY EMAIL

July 11, 2012

**To: Great Lakes Power Transmission LP
Hydro One Networks Inc.**

**Re: Declaration and Undertakings
East-West Tie Designation Proceeding (EB-2011-0140)**

On June 14, 2012, the Board issued a Phase 1 Partial Decision and Order relating to the production of documents by Great Lakes Power Transmission LP ("GLPT") and Hydro One Networks Inc. ("HONI"). The decision and order allowed for GLPT and HONI to file in accordance with the Board's *Practice Direction on Confidential Filings*.

The Board has been asked to consider accepting declaration and undertakings from each of the individuals listed in Schedule "A" to this letter, who wish to access the unredacted versions of GLPT's and HONI's confidential documents.

Section 6.1.2 of the Board's *Practice Direction on Confidential Filings* provides that the Board will, except where there are compelling reasons for not doing so, accept a declaration and undertaking from counsel for a party, and an expert or consultant for a party and that, as a general rule, such counsel, expert or consultant cannot be a director or employee of a party. Under section 6.1.3 the Board may accept a declaration and undertaking from other persons. The Board notes that several parties filing declaration and undertakings indicated in their covering letters that additional declaration and undertakings from employees of a party or other persons who are not counsel or consultants may be requested subsequent to July 6, 2012.

The Board takes the protection of confidential information very seriously. One way to ensure protection is to limit the distribution of the information to those who must review it. In this case, the Board expects legal counsel or consultants for a party, after having reviewed the confidential information, to determine if any one other than legal counsel or a consultant is required to also review the information. Part of this determination must include the exercise of judgement as to whether additional persons need to review all the information, or only selected items. If counsel or consultants, having reviewed the confidential information, are of the

opinion that additional persons need to review the information to enable the party to meaningfully participate in the Board's designation process, they may make a request at that time, setting out the scope of the request (i.e. detailing the specific portion(s) of the confidential information for which access is being requested) and, as stated in the Phase 1 Partial Decision and Order, explaining "the reasons why access cannot be restricted to external counsel of record or a consultant of the party".

HONI and GLPT have until the close of business on July 18, 2012 to file an objection with the Board with regard to any of the declaration and undertakings. The objection letter must contain the reasons why the Board should not accept the declaration and undertaking.

If HONI and GLPT do not object to any of the declaration and undertakings, they shall immediately send their confidential information to each individual listed in Schedule "A", at their respective addresses for service.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

C: All parties in this proceeding

Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

July 11, 2012

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Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

July 11, 2012

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Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

July 11, 2012

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Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

July 11, 2012

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Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

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Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

July 11, 2012

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Schedule "A"

Ontario Energy Board
EB-2011-0140

List of Declaration and Undertakings Filed

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Schedule "A"

**Ontario Energy Board
EB-2011-0140**

List of Declaration and Undertakings Filed

July 11, 2012

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