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November 7, 2012

VIA RESS AND COURIER

Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Suite 2700
Toronto, ON M4P 1E4

**Attention: Ms Kirsten Walli
Board Secretary**

Dear Ms. Walli:

**Re: TransCanada Power Transmission Declaration and Undertakings
Board File No. EB-2011-0140**

We are counsel to TransCanada Power Transmission ("TPT"). This letter is a revised request from that in my letter dated September 25, 2012 that certain persons be given access to unredacted versions of confidential documents filed with the Board in this proceeding. It is informed by the Board's letters on this topic dated October 5 and 19, 2012.

In light of the Board's letters, we have taken a further investigation of our request in order to scope it as narrowly as possible, both with respect to the range of documents and the number of people that are within the scope of the request.

With respect to the documents, unredacted versions of the following documents are requested:

- The SNC "Study Estimates" document dated May 19, 2010;
- The Hydro One "Work Plan for Consultation Services" document dated January 26, 2010; and
- The Stantec "Environmental Assessment and Terms of Reference Workplan" document dated February 9, 2010.

This is a more narrow range of documents than that requested by TPT in the September 25, 2012 letter. It is also more narrow than the range of documents that the Board's preliminary determination on the range of documents to be made available to Iccon Transmission Inc. and the Métis Nations of Ontario in its letter of October 19, 2012.

The redacted information in these documents contain information relating to the scheduling, costs and project risks associated with expanding the East-West tie line. This information is critical to preparing a comprehensive transmission development plan that meets the Board's Filing Requirements.

With respect to the number of people within the scope of the request, TPT has reduced the number from five people to two people: Tom Patterson, Director, Business Development for TransCanada PipeLines Limited ("TCPL"), and Bryan Krawchyshyn, Project Manager, Energy Facilities Development for TCPL.

The Board's letter of October 5 requested clarification of why disclosure of information to TCPL employees is necessary to provide counsel with instructions. As the Board is aware from the evidence filed in TPT's transmission licence application, all persons who will be working on the TPT application are employees of TCPL. TPT explained the working relationship between TCPL and TPT in the final submissions on the licencing application as follows:¹

As noted in TPT's application and Interrogatory Responses, the TransCanada group of companies contain both regulated and non-regulated energy businesses. As a result of inter-affiliate codes of conduct governing some of the larger regulated entities within the TransCanada group of companies (i.e., TCPL Mainline and Nova Gas Transmission Ltd. ("NGTL")), TransCanada has organized its personnel and information assets into three divisions: "Regulated", "Non-Regulated" and "Shared Services".

The "Shared Services" division within the TransCanada group of companies consists of personnel that deal with, inter alia, taxation and accounting, regulatory and legal affairs, environmental affairs, field operations, human resources, information systems, investor relations, financial reporting, communications, engineering, treasury, secretarial and executive administration, etc. These "Shared Services" personnel are all employees of TCPL, and provide these types of functions for both the regulated and non-regulated entities within the TransCanada group of companies.

As a result, although employees of TCPL, Messers. Patterson and Krawchyshyn provide services to TPT. With particular relevance to this application, Mr. Patterson has lead responsibility for overseeing and managing TPT's participation in this proceeding, including advising counsel, and overseeing and managing the preparation of a transmission development plan. Mr. Krawchyshyn has primary responsibility for technical issues in developing the transmission development plan. He performs the same function as would an external project engineer.

As well as being bound by the terms or the Declarations and Undertakings, Messers Patterson and Krawchyshyn are also bound by the confidentiality provisions of TCPL's Code of Conduct, which addresses, among other things, the treatment of confidential information. A copy of TCPL's Code of Conduct was filed as evidence in TPT's transmission licence application.²

¹ Written Submission of TPT in EB-2010-0324 (April 18, 2011), at pp. 3-4.

² See: Response to Board Staff IR #1, EB-2010-0324 (January 28, 2011).

All of which is respectfully submitted.

Sincerely,

signed in the original

George Vegh

GAV:mt
att.

Form of Declaration and Undertaking

EB-2011-0140

IN THE MATTER OF sections 70 and 78 of the *Ontario Energy Board Act 1998*, S.O. 1998, c.15, (Schedule B);

AND IN THE MATTER OF a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario; the East-West Tie Line.

DECLARATION AND UNDERTAKING

I, Tom Patterson, am Director, Business Development for TransCanada PipeLines Limited. I will be assisting TransCanada Power Transmission (Ontario) L.P., an applicant in this proceeding.

DECLARATION

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
3. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.

3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
 - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
 - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
 - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
 - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.
7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking,

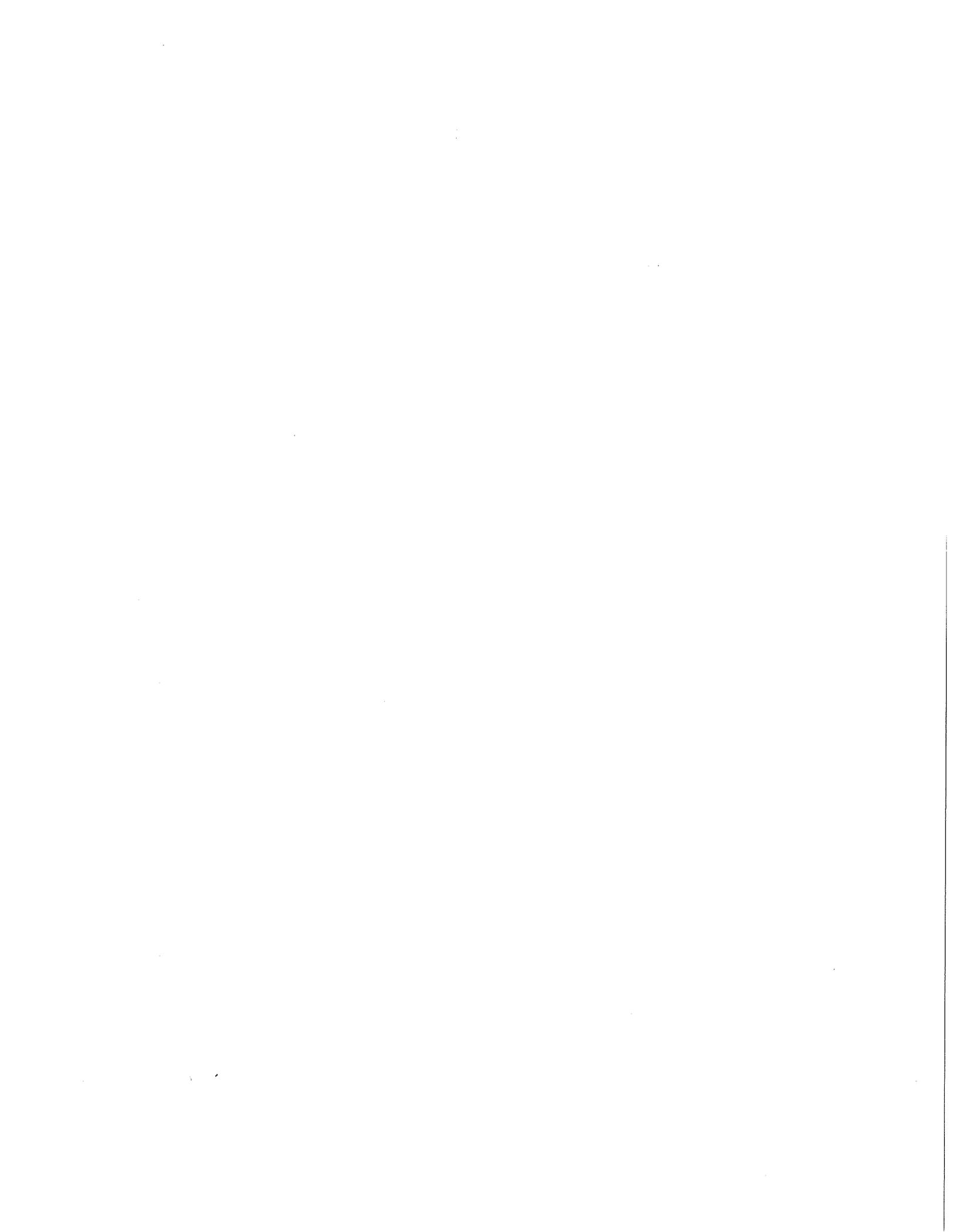
Dated at Toronto this 2nd day of November 2012.

Signature:

A handwritten signature in black ink, appearing to read 'Tom Patterson', with a long horizontal flourish extending to the right.

Name: Tom Patterson
Company/Firm: TransCanada PipeLines Limited
Title: Director, Business Development

Royal Bank Plaza
24th Floor, South Tower
200 Bay St.
Toronto, Ontario
M5J 2J1



Form of Declaration and Undertaking

EB-2011-0140

IN THE MATTER OF sections 70 and 78 of the *Ontario Energy Board Act 1998*, S.O. 1998, c.15, (Schedule B);

AND IN THE MATTER OF a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario; the East-West Tie Line.

DECLARATION AND UNDERTAKING

I, Bryan Krawchyshyn, am Project Manager, Energy Facilities Development for TransCanada PipeLines Limited. I will be assisting TransCanada Power Transmission (Ontario) L.P., an applicant in this proceeding.

DECLARATION

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
3. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.

3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
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7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking,

Dated at Calgary this 23rd day of October 2012.

Signature:

A handwritten signature in black ink, appearing to read 'Bryan Krawchyshyn', with a long horizontal flourish extending to the right.

Name: Bryan Krawchyshyn, P. Eng, MBA
Company/Firm: TransCanada PipeLines Limited
Title: Project Manager, Energy Facilities Development

Address:
TransCanada
450 – 1st Street SW
Calgary, Alberta
T2P5H1