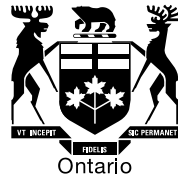


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BY EMAIL

October 19, 2012

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

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

The Board has received requests that certain individuals representing Iccon Transmission Inc. ("Iccon") and the Métis Nation of Ontario be given access to the unredacted versions of confidential documents filed with the Board by Great Lakes Power Transmission LP ("GLPT") and Hydro One Networks Inc. ("HONI"). The list of individuals who have provided Declaration and Undertakings pursuant to the Board's *Practice Direction on Confidential Filings* is attached as Appendix A.

HONI and GLPT have until the close of business on **October 26, 2012** to file any objection with the Board with regard to the Board's acceptance of any of the declaration and undertakings for the individuals listed in Appendix A. The objection letter must contain the reasons why the Board should not accept the declaration and undertaking. The person to whom any objection relates may reply to the objection on or before **November 2, 2012**.

If HONI and GLPT do not object to any of the declaration and undertakings, they shall immediately serve their confidential information on the individuals listed in Appendix A.

The Board notes that one of the requests for access was made by a director and officer of Iccon. In its letter of July 11, 2012, the Board noted that 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 went on to require that counsel or consultants for parties seeking access for "other persons" review the information

and set out for the Board the scope of the request and the reasons why access cannot be restricted to external counsel of record or a consultant of the party.

lcon has provided information regarding the significant role of Mr. de la Sierra Perez in the preparation of lcon's application, and his need to review the confidential information related to scheduling, costs and project risks. The Board finds this information sufficient to allow it to make a preliminary determination that this is an appropriate case to grant access to a director and officer of the registered transmitter. The Board's preliminary determination is, of course, subject to its consideration of any objections that may be made by HONI or GLPT. While the request from lcon did not detail the scope of the material necessary to be disclosed to Mr. de la Sierra Perez, the Board presumes, given his role, that he will need to review the entirety of the information.

In addition, the Board notes that lcon has restricted its request for access to one non-counsel, non-consultant person. While the Board at this time is not prepared to set a limit on the number of declaration and undertakings it will accept from "other persons", the Board expects parties to exercise judgement in the number of such persons it puts forward for consideration, and recognize that dissemination of confidential information should be minimized where possible.

As indicated in its letter of August 24, 2012, the Board takes the protection of confidential information very seriously. In addition to binding the individuals who filed declarations and undertakings, the Board will also hold the party (registered transmitter or other intervenor) responsible for ensuring that the individuals receiving the confidential information abide by the terms of the declarations and undertakings.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

c: All parties in this proceeding

Appendix A to Letter dated October 19, 2012

EB 2011-0140

List of Declaration and Undertakings Filed

Iccon Transmission Inc.:

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Métis Nation of Ontario:

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