

December 10, 2012

VIA RESS AND COURIER

Ms. Kirsten Walli
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Young Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Ian A. Mondrow
Direct: 416-369-4670
ian.mondrow@gowlings.com

Assistant: Cathy Galler
Direct: 416-369-4570
cathy.galler@gowlings.com

Re: EB-2011-0140 – East-West Tie Designation Proceeding.

Additional Upper Canada Transmission Inc. (UCT) Request for Access to Confidential Information.

As UCT nears completion of its Application for Designation to develop the East-West Tie, it has become apparent that it must seek the Board's direction for provision to one additional person of access to information filed by Hydro One Networks Inc. (HONI) in confidence in this proceeding. To date, only the writer and my assistant have requested access to confidential information herein, and those requests have been granted. We write today to request access to certain of that confidential information by Oliver Romaniuk for UCT.

Individual Requesting Access

Mr. Romaniuk was identified in UCT's transmission licence application (filed June 3, 2011) as Project Manager for UCT. Mr. Romaniuk is an employee of NextEra Energy Infrastructure LLC¹, which is an affiliate of NextEra Energy Resources, LLC (Resources). Resources was, at the time of filing of UCT's transmission licence application, the (indirect) owner of UCT, and is now (indirectly) one of 3 UCT shareholders.

¹ At the time of the filing by UCT of its transmission licence application, NextEra Energy Infrastructure LLC was named FPL Group Resources, LLC.

Access Requested

UCT requests access for Mr. Romaniuk to 2 documents filed by HONI which have been found to be properly subject to confidential treatment in this proceeding:

1. The SNC Lavalin T&D Study Estimates Report.
2. The schedule containing the single aggregate cost estimate for the Dillon Consulting, Stantec and Senes Consultants reports filed by HONI pursuant to Procedural Order No. 4 herein, dated July 27, 2012.

UCT is not requesting any additional access to the Great Lakes Power Transmission confidential filings at this time.

Basis for Access

Mr. Romaniuk is UCT's senior manager, and the individual responsible for; i) co-ordinating the preparation of UCT's application herein; and ii) providing instruction and direction to counsel and consultants for UCT in preparation of UCT's application. As such, it has been determined that Mr. Romaniuk requires access to the limited information listed above, in order to provide appropriate direction in completion of UCT's application.

We note that other individuals similarly situated in respect of their registered transmitters have been given access to the materials for which UCT now requests access on behalf of Mr. Romaniuk. Accordingly, granting this request would ensure balance and fairness as among the applicants in this process.

Conclusion

UCT has requested access to the confidential information listed above;

1. Only following a determination that such access is required for UCT to properly complete preparation of its application for designation;
2. Only for one individual beyond UCT's external counsel; and
3. Only with respect to information deemed necessary.

On this basis, and in light of the Board's previous determinations regarding access to confidential information in this proceeding by representatives of other registered transmitters, UCT respectfully submits that its request should be granted.

As indicated in the executed Declaration and Undertaking enclosed, Mr. Romaniuk has read, understood, and agreed to be bound by the terms of that document and the Board's *Practice Direction on Confidential Filings*.

Yours truly,



Ian A. Mondrow

Encls.

- c. Oliver Romaniuk, UCT
Gunnar Birgisson, Senior Attorney, NextEra Energy Resources LLC
Cindy Tindell, Vice President, Transmission Development, NextEra Energy
Infrastructure LLC

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ONTARIO ENERGY BOARD

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, Oliver Romaniuk, am a consultant for UPPER CANADA TRANSMISSION, INC. (UCT). I am an employee of NextEra Energy Infrastructure LLC, which is an affiliate of NextEra Energy Resources, LLC (Resources). Resources is one of the shareholders of UCT.

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 am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. 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").
4. 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, Ontario this 10TH day of DECEMBER, 2012.



Oliver Romaniuk

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