



EB-2008-0272

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S. O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF a review of an application filed by
Hydro One Networks Inc. under section 78 of the *Ontario
Energy Board Act, 1998*, seeking changes to the uniform
provincial transmission rates.

BEFORE: Cynthia Chaplin
Presiding Member

Ken Quesnelle
Member

Paul Vlahos
Member

Decision and Order on Confidentiality Issues

School Energy Coalition (SEC) interrogatory number 2 asked Hydro One to file its 2009-2011 Business Plan (the "Business Plan"). Hydro One responded that the document would be filed in accordance with the Board's confidentiality guidelines. On January 8, 2009, the Business Plan was filed with the Board with a request that it be accorded confidential status. The letter stated: "Hydro One's Disclosure Policy, as well as applicable securities legislation, prohibit the release of non-public, financial information on a selective basis to individuals or groups of individuals."

On January 19, 2009, the Board issued a letter to the applicant and copied to all intervenors, which required any party objecting to the Board granting confidential status to the Business Plan to file their submissions on the issue by January 29, 2009. The Board also granted the Business Plan confidential status on an interim basis pending

the receipt of any objections and the Board's ultimate decision. The Board received no submissions.

By letter dated January 21, 2009, Mr. Lewis Balogh, a registered intervenor, asked for a copy of the Undertaking. Mr. Balogh intended to sign the Undertaking in order to be permitted access to the Business Plan. Mr. Balogh stated that the Business Plan could provide him with information relevant to his interrogatories.

By letter dated January 30, 2009, Hydro One responded to this request. Hydro One submitted that the Board's Practice Direction on Confidential Filings (the "Practice Direction") provided that only counsel or an expert or a consultant for a party are entitled to sign the Undertaking and receive confidential documents, unless unusual circumstances prevail. Hydro One therefore requested that Mr. Balogh not be permitted to sign the Undertaking and obtain the business plan.

Board Findings

The Board finds that the Business Plan will be granted confidential status, and will only be released to those that sign the Board's Form of Declaration and Undertaking (the "Undertaking").

The Ontario Energy Board's Practice Direction does not generally contemplate providing individuals not represented by counsel or consultants with confidential information, except in unusual circumstances.

Mr. Balogh has shown himself in this proceeding to date to be a responsible and diligent participant in the process. The Board finds that Mr. Balogh will be permitted to receive the Business Plan once he signs the Undertaking. The Board reminds Mr. Balogh of the importance of maintaining confidentiality and the serious repercussions that can result from any breach of the Undertaking.

THE BOARD THEREFORE ORDERS THAT:

1. The Business Plan is granted confidential status.

2. Mr. Balogh will be permitted to receive the Business Plan once he signs the Undertaking.

DATED at Toronto, February 3, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary