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December 18, 2009

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

Attention: Ms Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: Toronto Hydro Electric System Limited ("THESL") responding Materials on Motion on Interrogatory Response
Board File No: EB-2009-0308

Further to Procedural Order No. 5, attached please find additional materials that THESL will rely upon on the Motion for Interrogatory Responses on December 21, 2009.

In addition, THESL will be referring to the Board's Practice Direction on Confidential Filings and Book 1 of its Pre-Filed Evidence filed on December 14, 2009. I assume that additional copies of these materials are not required.

Sincerely,

George Vegh
att
c: Maureen Helt – Ontario Energy Board
Michael Millar – Ontario Energy Board
Dennis O'Leary – Aird & Berlis
Guru Kalyanraman – Electricity Distributors Association
Glen Zacher – Stikeman Elliott
Colin McLorg – Toronto Hydro Electric-System Limited
Lawrence Wilde – Toronto Hydro Electric System Limited
Pankaj Sardana – Toronto Hydro Electric System Limited
Chris Tyrrell – Toronto Hydro Electric System.

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Ontario Energy Board

Commission de l'énergie de l'Ontario

Ontario

EB-2007-0050

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

AND IN THE MATTER OF an Application by Hydro One Networks Inc. pursuant to section 92 of the Act, for an Order or Orders granting leave to construct a transmission reinforcement project between the Bruce Power Facility and Milton Switching Station, all in the Province of Ontario;

AND IN THE MATTER OF Notices of Motion brought by Pollution Probe Foundation, and combined submission of Motion Records from the Ross Firm Group, and Fallis, Fallis and McMillan.

BEFORE: Pamela Nowina
Presiding Member and Vice-Chair

Cynthia Chaplin
Member

Ken Quesnelle
Member

DECISION AND ORDER ON MOTION

Hydro One Networks Inc. ("Hydro One") filed an amended application (the "Amended Leave to Construct Application") with the Ontario Energy Board (the "Board") dated November 30, 2007 under section 92 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B (the "Act"). This Amended Leave to Construct Application amends Hydro One's original application filed with the Board on March 29, 2007.

Hydro One is seeking an Order of the Board to construct approximately 180 kilometres of double-circuit 500 Kilovolt ("kV") electricity transmission line adjacent to the existing transmission corridor (500 kV and/or 230 kV) extending from the Bruce Power Facility in Kincardine Township to Hydro One's Milton Switching Station in the town of Milton. Hydro One also proposes to make modifications at the Milton, Bruce A and Bruce B transmission stations to accommodate the new transmission lines. This Leave to Construct Application was given Board file No. EB-2007-0050.

Hydro One has submitted that the project is required to meet the increased need for transmission capacity associated with the development of wind power in the Bruce area and the return to service of nuclear units at the Bruce Power Facility. Hydro One proposes an in-service date of Fall 2011 for the new 500 kV transmission line and related facilities. The estimated cost of the transmission project is approximately $635 million.

Four Procedural Orders addressing scheduling, issues development and preliminary matters were issued in succession following receipt of the Application.

On February 25, 2008, the Board issued Procedural Order No.5 setting out the schedule for interrogatories and the filing of intervenor evidence.

On March 7, 2008 the Board issued Procedural Order No. 6 which addressed an issue of confidentiality related to a System Model used by the Independent Electricity System Operator ("IESO"). On April 1, 2008, the Board issued its Decision and Order on Confidentiality Matters.

On March 20, 2008 Pollution Probe filed a Notice of Motion with the Board seeking Orders from the Board requiring responses to various interrogatories. Pollution Probe categorized the interrogatories they are seeking answers into two types: "the Historical Information Interrogatories", and the "the Confidential Information Interrogatories". The Board notes that paragraph 3 of Procedural Order No. 5, directed Hydro One to notify the Board and intervenors if it intends to refuse to answer an interrogatory, for various reasons, by the end of the third day following the filing of an interrogatory. The Board received various

notifications from Hydro One indicating that it refused to answer a number of interrogatories from several parties.

On March 28, 2008, the Board issued Procedural Order No. 7 setting a Motion Day for April 3, 2008 to hear Pollution Probe's Motion as well as motions from any other parties relating to interrogatory responses. On April 1, 2008 the Board received a combined Motion from the Ross Firm Group and the Fallis Group, and a response from Hydro One to Pollution Probe's Motion of March 20, 2008.

Pollution Probe filed a letter with the Board on April 2, 2008 advising the Board that on April 3, 2008 it would request an adjournment of its motion seeking further and better interrogatory responses. Pollution Probe indicated that Hydro One's motion materials received on April 1, 2008, required Pollution Probe to consult with its expert witness and thus the need for an adjournment.

The Board held the Motion Day Hearing on April 3, 2008. The Board heard from Pollution Probe and the other parties on the request for an adjournment. The Board decided not to grant the adjournment and proceeded to hear the Motions. As a result of the Board's decision to deny its request for an adjournment, Pollution Probe withdrew from the Motions Proceeding.

Description of the Motions

The Pollution Probe motion grouped its request for interrogatory responses into "Historical Information" and "Confidential Information". The requests contained in the Ross-Fallis motion also requested historical information and confidential information, as well as expanded answers to some interrogatories and two requests (witness identification and the naming of "drivers") which were of a general nature. While Pollution Probe withdrew from the proceeding, the Board has considered its motion materials in determining what information the Board would find helpful to the review of Hydro One's application.

Board Findings

Historical Information

The combined Motion Record of the Ross Firm Group and the Fallis Group of

March 30, 2008 requested in part an Order of the Board that Hydro One provide full and adequate responses to the Ross Firm Group's interrogatories 1.1(i), 1.2, 2.1, 2.2 and 9.1 dealing with historical generation information. Mr. Fallis indicated during the hearing on the Motion that he would be satisfied if Hydro One could provide a complete reply to Pollution Probe's Interrogatories No.1 and No. 2 which sought historical data on Bruce "A" and "B" to cover the period from January, 1984 to 2002. These were requested in Pollution Probe's Motion Record of March 20, 2008. Mr. Ross of the Ross Firm Group indicated that a response to the group's Interrogatory 1.1(i) would not be required if Hydro One responded to Pollution Probe's Interrogatories 1 and 2.

In response to various interrogatories Hydro One provided some historical information, and declined to respond to others. In Hydro One's letter to the Board dated March 13, 2008, sent in compliance with the Board requirements set out in paragraph 3 of Procedural Order No.5, it declined to provide historical information on two grounds. The first was whether the historical information occurred in a period that pre-dates Hydro One's existence. The second related to the relevance of the historical data related to the question of the adequacy of the transmission system as it existed in distant past.

The Board notes that Pollution Probe indicated its need for historical information evidenced by questions submitted to Hydro One on October 1, 2007 in preparation for the Technical Conference held on October 15 and 16, 2007. The Board also notes the letter dated April 1, 2008 from a consultant to the Ross Firm Group, Mr. Edward R. Brill, indicated that the historical information is needed to establish a baseline for the system and to understand the system capacity going forward. Mr. Brill stated in part:

> *"It is SEA's understanding that the historical transmission data was requested in The Ross Firm Group interrogatories 1.1(i) and 1.2, in addition to other historical data requested by The Ross Firm Group and the Fallis Group Interrogatories. SEA requires this information in order to establish a baseline for the system and to understand the system capacity going forward.*
>
> *SEA requests the historic information about generation capacities of the combined generation capabilities of Bruce "A" and "B" and "Douglas*

Point", in their best generation periods, and we request information on the megawatt levels transmitted during operation of 9 and later 8 nuclear reactor units.
SEA requests the information requested above in order to provide a complete and accurate analysis of the need and justification of the proposed project. It is SEA's opinion that without this information, we are unable to offer an informed opinion as to the existing transmission system's capacity and justification of the proposed Bruce to Milton 500-kV transmission line expansion."

The Board finds that historical information would assist the Board in its understanding of the application and would assist the intervenors in preparation of their evidence. The Board notes that intervenors have indicated that this information is required in order to perform an independent expert assessment of the transmission system as it has operated in the past and how it operates currently. The Board finds that this area of enquiry is appropriate, and that therefore the requested information is relevant. The Board also notes that one of the experts expected to provide testimony has indicated that this data is necessary for the production of his evidence. Responses are therefore required as follows:

- Pollution Probe Interrogatory No. 1, covering the missing data (Capacity, Total Monthly Output, Peak Hourly Output, and Average Capacity Factor) for both Bruce A and Bruce B covering the period from Jan, 1984 to May, 2002. [Ref. C-2-1],

- Pollution Probe interrogatory No. 2, covering the missing data (Annual Output, Peak Hourly Output, and Average Annual Capacity Factor) for both Bruce A and Bruce B from 1984 to 2002. [Ref. C-2-2],

- The Board has determined that the request in Ross Firm Group's Interrogatory 1.2 is too broad to solicit an appropriate response. However, the Board has determined that the following information is relevant and is to be provided:

  (A) <u>For each month, from January 1984 to the present</u>, please provide the <u>data listed below</u> for each of the transmission circuits

evacuating power from the Bruce stations (A & B) which includes the six 230 kV lines[B27S, B28S, B4V, B5V, B22D, B23D] and the four 500 kV lines [B560M, B561M, B562L, B563L]:

(i) Monthly Thermal Capacity in MW
(ii) Monthly Capacity Permissible (Capability) in MW;
(iii) Monthly Peak in MW;
(iv) Monthly Capacity Factor

(B) For each year from January 1984 to the present, please provide the data listed below for each of the transmission circuits evacuating power from the Bruce stations (A & B) which includes the six 230 kV lines[B27S, B28S, B4V, B5V, B22D, B23D] and the four 500 kV lines [B560M, B561M, B562L, B563L]:

(i) Annual Peak in MW;
(ii) Annual Capacity Factor

Generation Forecast Information

Pollution Probe requested that a number of interrogatories be answered related to the forecast of generation. Hydro One itself acknowledged that the testing of the underlying generation forecast is an appropriate area of enquiry for this proceeding. The Board therefore finds that it would be assisted if parties are provided with additional information regarding that generation forecast. In particular, the Board directs Hydro One to answer the following:

- Pollution Probe Interrogatory 19(a) and 19(d)
- Pollution Probe Interrogatory No. 38
- Pollution Probe Interrogatory 42(a)
- Pollution Probe Interrogatory No. 47(c) deals with locked-in energy and seeks added levels of detail stated as "the finest level of temporal detail calculated". The Board would be assisted if the answer to this interrogatory included an explanation of all the assumptions used for this analysis and directs that this be provided.

Hydro One may wish to consider whether any of these answers should be filed in accordance with the Board's Practice Direction on Confidential Filings.

Short Circuit Studies and Load Flow Studies

The Ross Firm Group Interrogatory 9.1 asked for the production of short circuit studies and load flow analysis. Its Interrogatory 9.2 asked for load flow computer models. Hydro One declined to respond to these interrogatories. The Ross Firm Group in its motion requested that Hydro One be ordered to provide the information. However, in his oral submissions, Mr. Ross indicated that his firm was working with the IESO to obtain the required load flow information and that he was no longer seeking an order on this issue.

The remaining issue is whether the short circuit studies should be provided. Mr. Ross said he was unprepared to argue the matter of confidentiality which was Hydro One's reason for not providing the information. Hydro One argued that the information request concerned the disclosure of customer-specific information, which Hydro One and the OPA and the IESO are not allowed to disclose due to customer impact assessment terms and conditions, as well as the provisions of the Transmission System Code. Mr. Nettleton, on behalf of Hydro One, also argued that the short circuit studies are not related to historical information and that the Ross Firm Group's expert did not request the information in his letter. Mr. Nettleton questioned why this level of detail is required since the information was used to create the customer impact assessment which has been filed in this case.

The Board can, and often does, order the production of confidential information. The Board also takes a fairly broad view of relevance for the purpose of ordering the production of evidence. However, in this instance, the Ross Firm Group has not made a case as to why the information is relevant and in light of the confidentiality concerns, the Board will not order the production of the information.

Expanded Answers

In its Motion, the Ross Firm Group asked for expanded answers to its Interrogatory 3 (to Hydro One) and Interrogatory 6 (to IESO). In response to both

those interrogatories, Hydro One referred the Ross Firm Group to other interrogatory responses and evidence. The Board is satisfied that these responses are sufficient and will not order further production of information.

Land Use Policy

The Ross Firm Group in its motion asked that Hydro One be ordered to respond to two interrogatories regarding Ontario's Provincial Policy Statement ("Land Use Policy"). The first of these interrogatories (Ross Firm Interrogatory 2.1) requested copies of all legal opinions with regard to the interpretation and implementation of the Land Use Policy. In its letter of March 13, 2008, Hydro One declined to answer the interrogatory, stating that it did not intend to rely on the requested information for purposes of its application. Hydro One pointed out that as a general proposition, legal opinions are protected by solicitor-client privilege and that the interpretation of the Land Use Policy was not a matter of evidence, but rather a matter of legal argument.

In the oral hearing, Mr. Ross, on behalf of the Ross Firm Group, argued that the information sought was relevant, and that the protection of solicitor-client privilege was limited. Mr. Ross based his argument regarding the limitation of solicitor-client privilege on *Rubinoff v. Newton*, [1967] 1 O.R. 402 (S.C.), and in particular, the following statement:

> Much of what is learned by a solicitor in preparation of a case is privileged, but the moment they use that information for the purpose of founding an action or defence he must disclose the facts on which he relies ....

Based on the above, Mr. Ross argued that if Hydro One is relying upon a legal opinion in the interpretation of Land Use Policy to determine the acceptability of an alternative, this opinion is no longer privileged and must be produced.

In response, Mr. Nettleton, on behalf of Hydro One, reiterated that solicitor-client privilege protected legal opinions from disclosure and pointed out that in any event, Hydro One had not indicated it relied on legal opinion when interpreting Land Use Policy. Mr. Nettleton read that portion of the letter of March 13, 2008, which disclosed the basis on which the interpretation of the policy was made: "the consideration of its plain and ordinary meaning, taking into account well-

recognized, long-standing public policy objectives associated with minimizing overall impacts to the environment and the public".

The Board will not order Hydro One to respond to Ross interrogatory 2.1. The Board believes that the Ross Firm Group can make its case regarding Hydro One's interpretation of Land Use Policy without access to Hydro One's legal opinions. Hydro One has stated that it has based its interpretation on a plain reading of the policy. The Ross Firm Group is free to challenge Hydro One's interpretation of the policy. The Board does not find it necessary to consider or determine the issue of solicitor-client privilege.

In its Interrogatory 2.2, the Ross Firm Group asked Hydro One to provide all internal memos, letters and/or reports discussing the interpretation of the Land Use Policy. Hydro One again referred the Ross Firm Group to its letter of March 13th, 2008. In this letter Hydro One explained that no such documents exist. The Board accepts Hydro One's response and will not order further response to Ross Firm Group Interrogatory 2.2.

Identification of Witnesses

In its interrogatory responses, Hydro One did not provide identification of witnesses and authors. Mr. Ross and Mr. Fallis both made submissions that Hydro One should be ordered to provide this information. In his submissions, Mr. Nettleton indicated that Hydro One would provide this information before the oral hearing and would make best efforts to produce this information one week before the hearing. This is indeed essential information, and the Board orders its production one week before the first day of the oral hearing.

Drivers

In their Motion, the Ross Firm Group and the Fallis Group, sought a declaration that the OPA, IESO and Bruce are "drivers" of the project. The Board sees no purpose in such a declaration. The Board can, and will if required, order any of these parties to provide information without giving them any special status.

Schedule

Mr. Ross and Mr. Fallis both requested that, if the Board were to accept any of their motions, the Board consider changes to the schedule to accommodate their review of new interrogatory responses. The Board has considered this request and will provide an update to the schedule in a procedural order.

Board Order

The Board directs Hydro One to respond to all its findings regarding additional information listed above.

With regard to the "historical information" interrogatories, Hydro One stated that it does not have all of the relevant data in its possession. The Board directs Hydro One to make its best efforts to obtain this information, from Ontario Power Generation, Bruce Power, or some other body. In the event that Hydro One is unsuccessful in its attempts to secure this information, the Board will exercise its powers under section 12 of the *Statutory Powers Procedure Act* and issue a summons to require a party or other organization to produce this information. The Board notes that this would result in a further delay in the proceedings.

DATED at Toronto, April 7, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

RP-2002-0133

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

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing just and reasonable rates for the sale, distribution, transmission and storage of gas for its 2003 fiscal year.

BEFORE:

Bob Betts
Presiding Member

George A. Dominy
Member

DECISION WITH REASONS

7 DISCLOSURE AND CONFIDENTIALITY

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7.1 Background

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Disclosure and confidentiality became significant issues in the course of the hearing. During the interrogatory process, a number of parties had requested information relating to the issue of affiliate outsourcing and efficiency gains. EGDI did not answer a number of these interrogatories, on the basis that the information requested was in the possession of affiliates over which EGDI had no control. The Board's rules of practice provide a mechanism to be used by parties who seek information that is not forthcoming during the interrogatory process. However, the parties in question did not pursue this issue until the hearing was underway.

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On March 27, 2003 CAC, IGUA and VECC filed a motion requesting the disclosure of documents by EGDI and its affiliates. The motion was argued on April 8 and 9, 2003 and the Board issued its decision on April 15, 2003. In that decision, at paragraph 4.8, the Board stated:

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> The Board's focus is with respect to what constitutes just and reasonable rates and in that context, the Board wants to understand:
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> - the basis upon which the decision to outsource was made,
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> - whether the cost is a market-based price and if so what market-based process was used to select the service provider, and
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> - where there is no market for the outsourced service, what is the cost to the service provider to provide that service to the utility.
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> To the extent that documents not yet filed in this proceeding, and in the hands of EGDI, EI, EOS, ECS, EGS, or CWLP, meet these criteria and are relevant and material to determining:
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> > the amount, if any, by which the O&M expenses envelope of $270 million is to be reduced to reflect the efficiency gains which intervenors say were transferred by Enbridge Gas Distribution to affiliates and then, in part, to a related party between October 1, 1999 and September 30, 2002, being the term of the Board approved targeted performance based regulation ("TPBR") plan, [from the Settlement Agreement, Ex.N1/Tab 1/ Schedule 1, page 36]
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> the Board requires them to be produced to the moving parties.

881 Recognizing that some of the documents to be disclosed might contain commercially sensitive information, the Board established a procedure to deal with the issue of confidentiality. If a producing party had a confidentiality concern with respect to any documents being produced, those documents were to be produced on a confidential basis to the other parties. As required, the parties met to discuss confidentiality issues. At the conclusion of that meeting, parties still had a concern about the adequacy of the disclosure and the issue was brought back to the Board on April 29, 2003. The Board rendered a second disclosure decision orally on May 1, 2003.

882 CWLP, EI, ECSI, EOS, and EGS then sought to appeal the Board's disclosure decisions to Divisional Court, challenging the Board's jurisdiction to require the production of documents from non-parties.

883 On May 13, 2003 the Board issued summonses requiring a representative of EI and a representative of CustomerWorks Inc. ("CWI") to attend the hearing and to bring with them the documents that were the subject of the disclosure decisions. The summonses were withdrawn after the producing parties agreed to produce the required documents to the Board on a confidential basis. The producing parties made submissions to the Board on May 19, 2003 requesting that the documents be handled in the hearing on a confidential basis. They also requested that when those documents were the subject of testimony, that those portions of the hearing be held in camera. The Board ruled that the documents would be handled on a confidential basis. Given the large number of documents to be handled confidentially, the Board decided that the hearing would be closed to the public while those documents were being discussed.

884 The Board directed the producing parties to meet with Board Counsel to review the transcripts from the in camera sessions to discuss which portions of the transcripts actually needed to be kept confidential. As a result of those meetings, the parties were able to agree that only relatively short portions of the transcripts needed to be kept confidential. These redacted transcripts were then placed on the public record. A similar process is being followed for undertaking responses and the written arguments of parties as they pertain to confidential evidence.

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7.2 Board Findings

886 The refusal by EGDI and its affiliates to produce relevant information in response to interrogatories, coupled with the delay by the intervenors in bringing this disclosure issue to the Board, put the Board in a difficult position. On the one hand, there was the need to address the legitimate problem of non-disclosure of relevant information. Disclosure is a critical part of the Board's process. That is why the Board has an interrogatory process. On the other hand, there was the need to complete the hearing process in a timely fashion, given the Board's crowded regulatory agenda. While the Board's approach to the problem was a pragmatic one under the circumstances, it was not ideal. Section 9 of the Statutory Powers and Procedures Act ("SPPA") provides that hearings are to be public unless the tribunal is of the opinion that:

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> intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclo-

> sure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

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The Board's process would have been better served if it had been afforded more time to address the issue of confidentiality.

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While the Board recognizes that EGDI's refusal to produce relevant information was based in part on the fact that the information was in the hands of affiliates, the Board must point out that EGDI along with its affiliates and EI, its parent, have adopted a common management approach that is based on the concept of "one company, one vision", as it is described in company documents. EGDI bears the burden of proof to establish that the rates it is requesting are just and reasonable. In the absence of relevant information sufficient to discharge this burden, it is always open to the Board to turn down a rates application or disallow specific costs that the applicant seeks to recover in rates. However, the Board is charged with determining just and reasonable rates and is required to act in the public interest, in a balanced and fair manner. To be able to do this properly, the Board requires sufficient information about all of the costs that EGDI seeks to recover in rates.

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The disclosure issue first arose in the RP-2001-0032 proceeding. During the course of that proceeding, EGDI was asked to canvas its affiliates with respect to their willingness to disclose information in their possession related to the costs incurred to provide services to EGDI. EGDI reported back that the affiliates declined to produce such information. In its decision, the Board stated, at paragraph 5.11.25:

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> In the past, the Board has not generally closely examined ECG's arrangements to enter into discrete contracts with unrelated third parties to provide services such as pipeline construction and appliance inspection. However, as the Board has previously noted, due to the extent and nature of the services being outsourced, the Board has a number of concerns with respect to ECG's outsourcing arrangements. The Board expects ECG and all of its affiliates to co-operate fully with the Board and intervenors in providing all necessary information to enable the Board to continue proper regulatory oversight of the utility.

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At paragraph 6.2.14, the Board stated:

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> ECG's general approach to disclosure in this proceeding has not been helpful. In order for the Board to fulfill its mandate, it must first understand the operations of the utility and the business model it is operating within. This can only be accomplished by the utility providing the Board with clear and concise explanations of its operations and business processes. Without full and complete disclosure it is difficult for the Board to understand the business of the utility and to be "lighthanded" in the Board's regulatory approach.

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and at paragraph 6.2.21:

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> The Board has always relied on the good faith of the utilities in making timely, complete and accurate disclosure of all information relevant to the operations of the utility, whether or not the specific information has a direct impact on the Board's rate-making function. If

this is no longer the case, the Board will have no alternative but to consider other regulatory tools available to it, such as: including conditions regarding disclosure in orders, requiring the preparation of evidence pursuant to subsection 21(1) of the Act, and making rules pursuant to paragraphs 44(1)(f)or(g) of the Act.

896 Notwithstanding this, in the present proceeding, EGDI and its affiliates chose not to disclose relevant information during the course of interrogatory process, and resisted the Board's direction to produce that information until the Board issued summonses.

897 As a result of its experience with the issues of disclosure and confidentiality in this proceeding, the Board has reached the following conclusions.

898 First, the Board's process is not served well by having to issue summonses to obtain evidence that should be made available during the interrogatory process. The Board's discovery process should be completed well in advance of the commencement of the oral hearing and any disclosure issues that arise during the discovery stage should be brought to the Board as early as possible if they cannot be resolved amongst the parties. The Board expects intervenors to raise disclosure issues as early as possible and to avoid waiting until the oral proceeding begins and to make timely use of the procedures for compelling disclosure that are provided for in the Board's rules of practice.

899 Secondly, given that EGDI and its affiliates operate on a shared management philosophy, it is inappropriate for EGDI and its affiliates to refuse to disclose information simply on the basis that EGDI, as the applicant, has no control over information in the possession of affiliates. The fact that EGDI chooses to outsource various functions to its affiliates does not mean that the cost to provide those functions is no longer within the purview of the Board's jurisdiction. Therefore, the Board requires EGDI to inform all affiliates of their responsibility to provide relevant information required by the Board to carry out its statutory mandate.

900 Thirdly, the Board expects that any confidentiality issues arising out of the disclosure process will be dealt with well in advance of the commencement of any oral proceeding. If EGDI or any of its affiliates wish to claim confidentiality in relation to a particular document, the Board expects the document to be carefully reviewed to minimize the amount of redaction requested. The treatment of evidence on a confidential basis not only creates significant logistical difficulties but also curtails the public's ability to observe and participate in the Board's proceedings.