



EB-2010-0351

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

AND IN THE MATTER OF an application under section
60 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.
15, Schedule B for an electricity transmission licence.

PROCEDURAL ORDER No. 1

Chatham-Kent Transmission Inc. ("Chatham-Kent") filed an application with the Ontario Energy Board (the "Board"), received on November 16, 2010, under section 60 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, Schedule B.

The Board issued a Notice of Application and Hearing on December 14, 2010. Hydro One Networks Inc. ("Hydro One") and EnWin Utilities Ltd. ("Enwin") applied for intervenor status, however did not seek cost awards. The Power Workers' Union and Veridian Connections Inc. requested observer status. The Board has determined that Hydro One and Enwin will be granted intervenor status subject to Chatham-Kent's right to object within ten days of this Procedural Order.

Accompanying the application was a cover letter dated November 12, 2010 wherein Chatham-Kent filed a claim for confidentiality, pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"), section 5, with respect to certain information included in the application, namely Exhibit E – Financial Support from a Major Canadian Financial Institution and Exhibit I – Chatham-Kent Transmission Inc. Prospective Financial Statements. Chatham-Kent's claim for confidentiality is as follows:

Exhibit E contains a letter to the Board from a third party, TD Commercial Banking ("TD"), expressing a financing opinion on the transmission project described in the application. TD's letter was supplied in explicit confidence for the intended use of the Applicant, Chatham-Kent Energy and the Board.

Disclosure of the letter could reasonably be expected to prejudice significantly the competitive position of TD. This letter consists of commercially sensitive and financial material, including proprietary work product of TD.

Exhibit I contains the Applicant's prospective financial statements for the years 2011–2015. The line item details of these statements (including the note disclosures) are based on confidential details and assumptions related to the Applicant's ongoing negotiations with Pattern Energy. Disclosure of the prospective financial statements could reasonably be expected to: (a) prejudice the Applicant's competitive position, (b) interfere significantly with the negotiations being carried out by the Applicant with Pattern Energy, and (c) interfere significantly with other negotiations being carried out within the province by Pattern Energy.

The Board has decided to proceed by way of written hearing and considers it necessary to make provision for the following procedural matters. Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff and intervenors may file with the Board and deliver to Chatham-Kent and other parties any submissions with respect to the claim for confidentiality submitted by Chatham-Kent. Such submissions shall be filed on or before **January 21, 2011**.
2. Chatham-Kent may file a reply submission on or before **January 31, 2011** responding to any submissions filed by Board staff and intervenors with respect to Chatham-Kent's claim for confidentiality.
3. Board staff or an intervenor who wishes to receive information and material from Chatham-Kent that is in addition to information filed by Chatham-Kent with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Chatham-Kent on or before **February 4, 2011**.
4. Chatham-Kent shall file with the Board complete responses to the interrogatories no later than **February 18, 2011**.
5. Board staff and intervenors wishing to make a submission on the application must file that submission with the Board, and deliver it to the applicant by **March 4, 2011**.

6. If Chatham-Kent wishes to file a response to the submissions, the response must be filed with the Board by **March 11, 2011**.

All filings to the Board must quote the file number, EB-2010-0351, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@oeb.gov.on.ca

DATED at Toronto, January 14, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix “A”

To The Procedural Order No. 1

EB-2010-0351

Chatham-Kent Transmission Inc.

January 14, 2011

Chatham-Kent Transmission Inc.

EB-2010-0351

APPLICANT & LIST OF INTERVENORS

January 14, 2011

APPLICANT

Rep. and Address for Service

**Chatham-Kent Transmission
Inc.**

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INTERVENORS

Rep. and Address for Service

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Director, Regulatory Affairs
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