



EB-2010-0403

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

Icon Transmission Inc. ("Icon") filed an application with the Ontario Energy Board, received on December 23, 2010, under section 60 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B.

The Board's Notice of Application and Hearing was issued on January 17, 2011. The Independent Electricity System Operator and Great Lakes Power Transmission L.P. filed intervention requests. The Power Workers' Union, Canadian Niagara Power Inc. and Mr. Pattani requested observer status. The requests for intervenor and observer status are granted.

Accompanying the application was a cover letter dated December 23, 2010 from Icon requesting confidential treatment of a corporate organizational chart submitted with the application. Icon filed a redacted version of the application which has been placed on the public record of this proceeding.

The Board's *Practice Direction on Confidential Filings* ("the Practice Direction"), section 5, establishes a process for the Board's consideration of requests for confidential treatment of certain information and documents filed with the Board. With respect to the corporate organizational chart Icon has requested be kept confidential, any party to this proceeding may object to the request for confidentiality and set out reasons for the objection.

In order to avoid delaying this proceeding, the Board has decided to designate as

confidential, on an interim basis, the organizational chart. As an interim measure, counsel, experts or consultants for intervenors who wish to have access to the unredacted organizational chart may receive it after signing the Board's Declaration and Undertaking (which can be found at Appendix D of the Practice Direction) and filing it with the Board. In the event that the Board ultimately finds that the organizational chart is not confidential, the Declaration and Undertaking will be considered to no longer apply, and the information will be placed on the public record. In the event that the Board ultimately finds that the organizational chart is confidential, then the Declaration and Undertaking will continue to apply. Parties should note that the Board may impose penalties for any breach of the confidentiality undertaking.

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:

Confidentiality

1. The organizational chart for which Iacon has made a request for confidentiality will be made available to any party that signs the Board's Declaration and Undertaking in accordance with the Board's *Practice Direction on Confidential Filings* and files it with the Board.
2. Intervenors or Board staff may file submissions on the request for confidentiality by **February 14, 2011**. Parties should have regard to the Board's Practice Direction when filing their submissions and shall copy the applicant and other intervenors.
3. The applicant may file a reply to any submission on confidentiality made by Board Staff or intervenors by **February 22, 2011** and shall copy the intervenors.

Written Interrogatories

4. If Board staff or an intervenor wishes to receive information and material from Iacon that is in addition to information filed by Iacon with the Board, and that is relevant to the hearing, Board staff or the intervenor shall request it by written interrogatories filed with the Board and delivered to Iacon on or before **March 8, 2011**.

5. Iccon shall file with the Board complete responses to the interrogatories no later than **March 22, 2011**.

Submissions on the Application

6. If Board staff or an intervenor wishes to make a submission on the merits of the application, Board staff or the intervenor must file that submission with the Board, and deliver it to the applicant by **April 5, 2011**.
7. If Iccon wishes to file a response to a submission on the merits of the application, the response must be filed with the Board by **April 19, 2011**.

All filings to the Board must quote the file number, EB-2010-0403, 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 or diskette 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, February 9, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix “A”

To The Procedural Order No. 1

EB-2010-0403

Iccon Transmission Inc.

February 9, 2011

Iccon Transmission Inc.
EB-2010-0403

APPLICANT & LIST OF PARTICIPANTS

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