



June 27, 2011

WRITER'S DIRECT LINE: 807-468-1435

WRITER'S EMAIL: WJMAJOR@MAC.COM

OUR FILE NO. 02226

ONTARIO ENERGY BOARD  
P.O. Box 2319  
27<sup>th</sup> Floor  
2300 Young Street  
Toronto, ON  
M4P 1E4

VIA EMAIL

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**RE: OEB File No. EB-2011-0106, Goldcorp Application for Leave to Construct 115 kV Transmission Facilities in the Municipality of Red Lake**

---

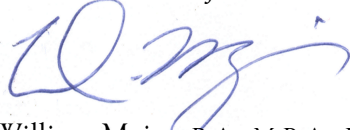
On June 17, 2011, as part of the section 92 proceedings for the above matter, the applicant Goldcorp filed the following response to interrogatory 16(A)(c) from the intervenor Lac Seul First Nation: "Goldcorp's Mine Development Plan is confidential and Goldcorp claims a confidential communication privilege with respect to it".

The Mine Development Plan is relevant to the Board's decision, and should be made available to the parties to this proceeding. Goldcorp stated in its application that viable alternatives were eliminated on the basis of incongruity with its Mine Development Plan (see Ex B/T3/S1, p. 1). Similarly, the Plan is cited as the key to determining whether or not this project is in the public interest (see *inter alia* Ex A/T2/S1, p.1). In other words, the proposed facilities are justified when considered in the context of Goldcorp's Mine Development Plan. A review of the Plan is crucial for evaluating the need for the proposed facilities, and for verifying Goldcorp's load forecasts.

Lac Seul takes the position that the applicant has not made a request for confidentiality with respect to the Mine Development Plan, or any other document, pursuant to clause 5.1.5 of the *Practice Direction on Confidential Filings*. Further, Lac Seul was not granted any opportunity to object any such requests for confidentiality. Nonetheless, the First Nation requests access to Goldcorp's Mine Development Plan, subject to any necessary arrangements as to confidentiality, pursuant to clause 4.1.4 of the *Practice Direction on Confidential Filings*.

The First Nation asks that the Board revise Procedural Order No. 1 with respect to filing deadlines for submissions, while this issue remains outstanding.

Sincerely,  
KESHEN & MAJOR



William Major, B.A., M.B.A., J.D.\*

cc: *Ian Blue, counsel for the applicant Goldcorp*

\*Practising through William J. Major Professional Corporation.