

ONTARIO ENERGY BOARD

IN THE MATTER OF The *Ontario Energy Board Act, 1998*;

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

UPPER CANADA TRANSMISSION, INC.

INTERROGATORIES (TO EWT LP)

1. Section 7, paragraph b) of the application form requests a copy of a corporate organization chart. EWT LP's response indicates that corporate structure charts have been provided in Appendix 'A' to the application. The version of the application posted on the Board's website does not include an Appendix 'A'.

The OEB's Transmission Licence Application Form does not indicate that material filed in response to section 7, paragraph b) of a transmission licence application will be kept confidential. EWT LP has not included in its publicly filed material any request for confidentiality for this material, as would be required by the OEB's *Practice Direction on Confidential Filings*.

Please file a copy of Appendix 'A' on the public record.

2. Section 10 of the OEB's Transmission Licence Application Form requests, *inter alia*; i) information about each key individual's experience in the electrical transmission business and in the energy field in general; and ii) whether each key individual has been a proprietor, partner, officer or director of a business that was granted a licence under Part IV or Part V of the of the *Ontario Energy Board*

Act, 1998. This information is requested by parts of section 10 of the Application Form other than paragraph b) of section 10.

The OEB's Transmission Licence Application Form indicates that, save for the names and positions held, information provided in response to paragraph b) of section 10 of the Transmission Licence Application Form will be kept confidential. The form does not provide that the balance of the information required by section 10 will be kept confidential. EWT LP has not included in its publicly filed material any request for confidentiality for the material outlined above, which material is responsive to parts of section 10 other than paragraph b), as would be required by the OEB's *Practice Direction on Confidential Filings*.

- a. Please file on the public record a version of EWT's application that provides responses to these questions.
 - b. To the extent not included in the application as filed, please describe for each key individual named in the application their current role and responsibilities with any of the partners of EWT LP or any associated entity that holds a licence under the *Ontario Energy Board Act, 1998*.
3. Section 17 of the application requests a brief summary of the expected impact of EWT LP's proposal to participate in the OEB's East-West Tie Line Transmission Development Designation Process on, *inter alia*, facilitating competition in the provision of transmission services. EWT LP's response does not address the issue of competition.

Please provide a brief summary of the expected impact of EWT LP's licencing for the purposes of participation in the East-West Tie Line Transmission Development Designation Process on the facilitation of competition in the provision of transmission services in Ontario.

4. The OEB has stated that in the exercise of its licensing function in transmission licence application cases the Board will consider, *inter alia*, the applicant's

apparent financial status and its potential for access to further financial resources.¹ EWT LP has not provided any financial information in response in section 11 of its application that indicates how the applicant would be capitalized and financed in order to develop a transmission project.

- a. Please provide information on EWT LP's financial resources, including its access to the financial resources of each of its partners.
 - b. Please provide information on EWT LP's plans for capitalizing and financing the East-West Tie transmission project should EWT LP be successful in the upcoming designation process, and the role each of EWT LP's partners might play in such capitalization or financing.
5. The application notes [section 9a)] that the traditional territories of the six limited partners in Bumkushwada L.P. lie along the East-West Tie Line project corridor. As such, and as recognized by the OEB's G-2010-0059 *Filing Requirements: Transmission Project Development Plans* (page 10), all other applicants for designation to develop the East-West Tie Line will have a legal duty to consult and, as appropriate, accommodate the Bumkushwada partner communities.
 - a. Please file a copy of the EWT LP partnership agreement, and any other agreements involving Bumkushwada L.P. or its partner communities that might affect the ability of the partner communities to participate in consultations and, as appropriate, accommodations with other proponents for the East-West Tie Line project.
 - b. Please confirm that neither Bumkushwada L.P. nor any of its constituent partners or their communities is commercially or contractually constrained, by virtue of their involvement in EWT LP, from entertaining full consultations with UCT or any other East-West Tie transmission development proponents.

¹ Decision and Order, EB-2010-0351, page 5; Decision and Order EB-2011-0126, page 2, bottom; Decision and Order, EB-2010-0324, page 6

- c. Please confirm that neither Bumkushwada L.P. nor any of its constituent partners or their communities is commercially or contractually constrained, by virtue of their involvement in EWT LP, from participating in a transmission development project with another proponent should such other proponent be successful in the upcoming East-West Tie Line development designation process.

ALL OF WHICH IS RESPECTFULLY SUBMITTED by:



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November 21, 2011