

June 29, 2012

**RESS, EMAIL AND COURIER**

Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli,

**Re: EB-2011-0140 - East West Tie Designation Proceeding - Declarations and Undertakings of EWT LP's Counsel**

We are counsel to EWT LP. In accordance with the Board's Phase 1 Partial Decision and Order dated June 14, 2012, enclosed are the signed declarations and undertakings of EWT LP's external counsel, Charles Keizer and Tyson Dyck, with respect to the confidential information filed by Hydro One Networks Inc. ("HONI") and Great Lakes Power Transmission LP ("GLPT").

Once we have had the opportunity to review the materials filed by HONI and GLPT, we may advise the Board that certain other representatives or employees of EWT LP require access to the confidential information as well, given the nature of that information. At that time, any such persons will file declarations and undertakings with the Board. We note that these additional requests may come after July 6, 2012, particularly if it takes time to engage persons with the appropriate expertise to review the confidential information.

Yours truly,



Tyson Dyck  
Tel 416.865.8136  
[tdyck@torys.com](mailto:tdyck@torys.com)

c: Charles Keizer, *Torys LLP*

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

**DECLARATION AND UNDERTAKING**

I, Charles Keizer, am counsel of record for EWT LP.

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

**UNDERTAKING**

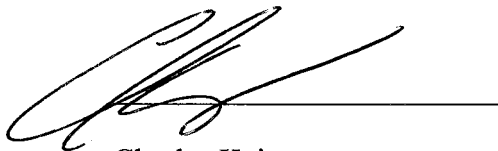
I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.

2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
  - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
  - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.
7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Toronto, Ontario this 29th day of June, 2012.

Signature:

A handwritten signature in black ink, appearing to be 'C. Keizer', written over a horizontal line.

Name:

Charles Keizer

Company/Firm

Torys LLP

Address:

79 Wellington Street West, Suite 3000, Toronto, ON, M5K 1N2

Telephone:

416-865-7512

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416-865-7380

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ckeizer@torys.com

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**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

**DECLARATION AND UNDERTAKING**

I, Tyson Dyck, am counsel of record for EWT LP.

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
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Dated at Toronto, Ontario this 29th day of June, 2012.

Signature:

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Name:

Tyson Dyck

Company/Firm

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