



EB-2012-0031

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

AND IN THE MATTER OF a review of an application filed
by Hydro One Networks Inc. for an order or orders
approving a transmission revenue requirement and rates
and other charges for the transmission of electricity for
2013 and 2014.

DECISION AND ORDER ON CONFIDENTIALITY

AND

PROCEDURAL ORDER NO. 3

October 1, 2012

Hydro One Networks Inc. ("Hydro One") filed an application, dated May 28, 2012, with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, c.15, Schedule B, seeking approval for changes to its 2013 and 2014 transmission revenue requirement and for changes to the provincial uniform transmission rates charged for electricity transmission, to be effective January 1, 2013 and January 1, 2014. The Board assigned File Number EB-2012-0031 to the application.

The Board issued a Notice of Application and Hearing dated June 20, 2012. The Board issued Procedural Order No. 1 on July 12, 2012 which approved a number of intervention requests and requests for cost award eligibility. The Board also provided a draft issues list and invited parties to make written submissions on the issues in this proceeding.

The Board notes that due to an administrative oversight, the Building Owners and Managers Association, Greater Toronto (BOMA) request for cost award eligibility was not addressed in Procedural Order No. 1. The Board approves the BOMA request.

Confidentiality

On August 13, 2012, the Board issued Procedural Order No. 2 and Decision on the draft issues list. On September 20, 2012 Hydro One filed its responses to interrogatories filed by Board staff and intervenors. Hydro One requested confidential treatment for two responses: Energy Probe Interrogatory #1 Exhibit I, Tab 2, Schedule 3.01 EP1 and Consumers Council of Canada (CCC) Interrogatory #1 Exhibit I, Tab 2, Schedule 10.01 CCC1. Hydro One filed a redacted version of each confidential interrogatory response.

As set out in the Board's Practice Direction on Confidential Filings (the "Practice Direction"), it is the Board's general policy that all evidence should be on the public record unless disclosure is prohibited. This reflects the Board's view that its proceedings should be open, transparent and accessible. The Practice Direction seeks to balance these objectives with the need to protect information properly designated as confidential.

The Board has reviewed the responses for which Hydro One has claimed confidentiality and approves the confidential status of these documents. The documents are substantially the same type of document which the Board has in the past found should be accorded confidential treatment. Any counsel or consultant for an intervenor who wishes to receive a copy of the confidential documents may do so after signing a copy of the Board's Declaration and Undertaking with respect to confidential documents, and filing it with the Board and serving it on Hydro One. Hydro One has indicated that it has no objection with this approach.

Technical Conference

The Board has reviewed the interrogatory responses provided by Hydro One and has determined that a technical conference should be held. The purpose of the technical conference is to increase the efficiency of the oral proceeding by providing parties with an opportunity to clarify the evidence, including an opportunity to address any outstanding questions with regard to the interrogatory responses.

Settlement Conference

The Board will also make provision for a settlement conference for this proceeding. The Board notes that in past Hydro One settlement conferences, the conference was limited to scoping issues and designating issues for 'argument only'.

As stated in the Board's Settlement Conference Guidelines, the Board is committed to the settlement conference process as part of its objective of achieving greater regulatory efficiency and effectiveness. A successful settlement conference process will result in Board decisions that are in the public interest and are accepted by the parties while at the same time achieving savings in time and money to all participants.

The Board's expectation is that all parties will participate in settlement discussions in good faith and will make an effort to achieve a settlement, or partial settlement and thereby realize the benefits of the settlement process.

Hearing Plan

Should matters proceed to oral hearing, to ensure that the best use is made of the time available for the evidentiary portion of the oral proceeding, parties are required to file a hearing plan with the Board by **October 31, 2012**. The plan will identify the issues that the intervenors and Board staff propose to examine orally, including the estimated time required for each issue. The Board will assume that any issues not identified by each party will not be examined any further during the oral hearing and will only be included in each party's final argument. The Board has allocated six days for this hearing (November 5, 6, 8, 9, 12, 13), parties are therefore encouraged to consider the materiality and priority of the issues they wish to examine. The hearing plan will also identify and establish the sequence of Hydro One's witness panels.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Exhibit I/Tab 2/Schedule 3.01 EP1 and Exhibit I/Tab 2/Schedule 10.01 CCC1 are confidential.
2. A transcribed Technical Conference shall be convened on **October 12, 2012**, starting at 9:30 a.m. If necessary, the Technical Conference will continue on **October 15, 2012**. The Technical Conference will be held at 2300 Yonge Street, 25th Floor, Toronto in the West Hearing Room. Parties participating in the Technical Conference are requested to file with the Board and copy Hydro One and all other

parties, by **October 5, 2012**, a list of issues, questions or matters on which they intend to seek clarification at the Technical Conference.

3. Hydro One shall respond to any undertakings given at the Technical Conference on or before **October 19, 2012**.
4. A Settlement Conference will be convened on **October 23, 2012**, starting at 9:30 a.m., with the objective of reaching a settlement among the parties on the issues. The Settlement Conference will be held in the Board's West Hearing Room at 2300 Yonge Street, 25th Floor, Toronto, and may continue until **October 25, 2012**, if needed.
5. Any Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **October 31, 2012**.
6. The proposed hearing plan described in this Procedural Order shall be filed with the Board by **October 31, 2012**.
7. The oral hearing will commence on **Monday, November 5, 2012** in the Board's North Hearing Room at 2300 Yonge Street, 25th floor, Toronto, at 9:30 a.m.

DATED at Toronto, October 1, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary