

October 25, 2012

Our File No. 123153

**Via Courier and Email**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2012-0031 Hydro One Transmission**

We are counsel to the Canadian Electricity Association. We are writing with respect to a verbal order of the Board made on October 24, 2012 with respect to a report authored by the CEA titled *Transmission COPE 2011 Comprehensive Annual Report* (the "Report"). The Report was a benchmarking study that reveals confidential information of certain CEA members.

The Board ordered Hydro One to disclose the Report. The CEA intends to appeal or otherwise seek review of that order.

The CEA seeks intervenor status in the above-noted proceeding, limited to dealing with the Report.

The CEA also seeks three forms of relief. First, by analogy to Section 5.1.14 of the Board's Practice Direction on Confidential Filings, CEA advises that it intends to appeal the Order or otherwise seek review of the Order and, therefore, CEA requests that the Board not place the Report on the public record or make the report available to any person (irrespective of whether that person has signed the Board's Confidentiality Undertaking) until the aforementioned appeal or review has been concluded.

Second, the CEA requests that the Board stay the Order. A notice of application is attached in the latter regard. In our submission, in light of the CEA's application for a stay, the Board should not receive from Hydro One the Report.

Third, since the CEA was not provided notice of the motion that led to the Order being made, the CEA requests an opportunity, before the Order becomes effective, to make submissions to the Board concerning the variation of the Order. The CEA is also willing to meet with Board staff to see what helpful information the CEA can make available to the Board without compromising confidentiality.

CEA engages in many confidential benchmarking studies, some information with respect to which may be of interest to regulators and some of which is only used by utilities to improve their internal operations. The Report has never been disclosed publicly, whether to a regulator or otherwise. Moreover, all or a very large part of the data and metrics of each participating utility has not been provided to each utility's own regulator. CEA is greatly concerned that if one of its members discloses the Report, other participating utilities will no longer be willing to participate in CEA's benchmarking activities, whether with respect to transmission operations or otherwise. In CEA's view, such benchmarking activities are crucial to the continued positive development of Canada's electricity industry. It would be a great shame if the disclosure in one jurisdiction of such a confidential report meant that such reports were no longer generated to the benefit of Canada's electricity sector.

We request that while the CEA's request for relief are being addressed the Board direct Hydro One to hold off disclosing the Report.

Yours truly,

**Goodmans LLP**



Peter Ruby  
PDR/umr  
Encl.

Copy: Applicant and Intervenors  
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