
AIRD & BERLIS LLP

Barristers and Solicitors

Dennis M. O'Leary
Direct: 416.865.4711
E-mail: doleary@airdberlis.com

August 13, 2013

VIA EMAIL AND COURIER

Kirsten Walli
Board Secretary
Ontario Energy Board
boardsec@ontarioenergyboard.ca

**Re: EB-2013-0187/196/198
Hydro One, Norfolk MAADs**

We have been retained by Essex Powerlines Corporation (EPLC"), Niagara-on-the-Lake Hydro Inc. ("NOTL") and Bluewater Power Distribution Corporation ("Bluewater"), intervenors in the above noted proceedings.

As noted in Procedural Order No. 1, certain information filed by the Applicants as part of the pre-filed evidence was redacted by the Applicants who claimed that it is either not relevant, confidential and/or commercially sensitive. The Board in the same Procedural Order required the Applicants to provide reasons for the redaction. The Board also provided for Intervenor's to file submissions on the Applicants' claims for confidentiality and/or relevancy by July 19, 2013.

On this date, Mr. Joe Barile, counsel, filed a submission objecting to the Applicants' request for confidentiality and requesting pursuant to subsection 5.1.6 of the Board's Practice Direction on Confidential Filings ("Practice Direction") access to the confidential version of the documentation in question to be able to make an informed objection. Mr. Barile's submission confirmed that he was prepared to execute a declaration and undertaking in the form prescribed by the Board so as to provide suitable arrangements as to confidentiality to permit the documentation in question to be reviewed for the purposes of making the submission.

The Board's Procedural Order No. 2 specifically noted this request by Mr. Barile and went on to state that it would allow qualified parties (i.e. counsel for a party and/or an expert or consultant for a party) access to a confidential version of the subject materials upon the filing with the Board of a declaration and undertaking in the form prescribed in the Practice Direction. Intervenor's wishing to have access to the confidential version of the information for the purposes of making a submission were required to execute and file a declaration and undertaking with the Board on or before August 7, 2013. Mr. Barile executed and filed a declaration and undertaking in the prescribed form on this date.

By letter dated August 8, 2013, Hydro One objected to the confidential version of the information being provided to Mr. Barile and Mr. Wilde who filed a declaration and undertaking as counsel to Horizon Utilities Corporation ("Horizon"). The Hydro One letter

objected on the basis that all local distribution companies are potential bidders for the acquisition of LDC's and therefore have a competition interest. It is noteworthy that the Hydro One letter did not state that a declaration and undertaking executed by Counsel to a LDC does not provide suitable arrangements as to confidentiality so as to permit a party to make informed comments about an applicant's claim for confidentiality.

Procedural Order No. 4 was issued earlier today. This Procedural Order allows Mr. Jay Shepherd, counsel for SEC and Mr. Lawrence Wilde, counsel for Horizon access to the confidential version of the information for the purpose of making submissions on the Applicants' claims for confidentiality. The Procedural Order denied Mr. Barile similar access. While the Board confirmed that Mr. Barile is not an employee of EPLC, being an employee of EPLC's parent, it found it inappropriate to allow Mr. Barile access.

EPLC, NOTL and Bluewater all remain desirous of making submissions, through counsel, in respect of the Applicants' claims for confidential treatment and/or relevance. Accordingly, I have been retained to assist EPLC, NOTL and Bluewater and to prepare submissions in respect of the Applicants' claim for confidential treatment and/or relevance. In accordance with Procedural Order No. 2 and the Practice Direction, I attached two duly executed declarations and undertakings.

While it is acknowledged that the filing of the declaration and undertaking is subsequent to the August 7, 2013 deadline, in light of the fact that Mr. Barile filed a declaration and undertaking by this date and given the intentions demonstrated throughout to make submissions on the Applicants' claims, it is respectfully requested that the Board amend Procedural Order No. 4 to allow access to the confidential version of the materials for the purposes of making a submission by the date prescribed in Procedural Order No. 4.

It is also requested that the Board and Parties to this proceeding add the undersigned to the distribution list as Counsel for EPLC, NOTL and Bluewater. My coordinates are:

Dennis M. O'Leary
Aird & Berlis LLP
Brookfield Place, 181 Bay Street, Box 754
Toronto, Ontario
M5J 2T9

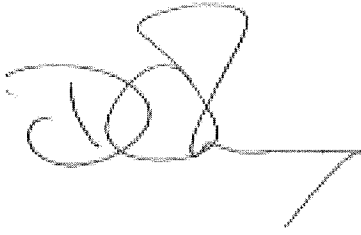
416 865-4711
416 863-1515 (fax)
doleary@airdberlis.com

Yours truly,

AIRD & BERLIS LLP

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Dennis M. O'Leary

DMO:sp

cc: jbarile@essexpower.ca
lawrencewilde@hotmail.com
kristi.sebalj@ontarioenergyboard.ca
gonajaff@ontarioenergyboard.ca
mengelberg@hydroone.com
imceachran@norfolkpower.on.ca
mrodger@blg.com
Regulatory@hydroone.com
jgirvan@uniserve.com
indy.butany@horizonutilities.com
wmcnally@opsba.org
mjanigan@piac.ca
jay.shepherd@canadianenergylawyers.com

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