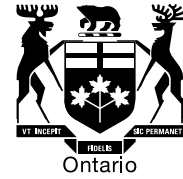


Ontario Energy Board
P.O. Box 2319
27th. Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

Commission de l'énergie de l'Ontario
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2300, rue Yonge
Toronto ON M4P 1E4
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Numéro sans frais: 1-888-632-6273



BY E-MAIL

August 17, 2016

Dear Ms. Pavao

This email is in regards to your discussion on August 10, 2016 with OEB staff and your email of August 12, 2016 to OEB staff, wherein you inquired about the Ontario Energy Board's process in respect of your submission filed in OEB proceeding EB-2016-0196 on July 25, 2016. The OEB has a standard process for the management of all correspondence and submissions received by it, which we are happy to share with you.

Submissions filed in OEB proceedings are received by the Board Secretary's Office (BSO). In the normal course, they are reviewed by the Case Administrator and posted by the BSO on OEB's public website. Typically then, all submissions on an application are publicly accessible by all parties to the application. This allows the applicant the opportunity to respond to the matters raised in such submissions.

OEB staff were advised by the BSO Case Administrator working on this proceeding, that when your submission was received it contained what appeared to be sensitive personal information and, therefore, the BSO Case Administrator placed a password protection lock on it before posting it on the OEB's public website. The only persons permitted by the BSO Case Administrator to access your letter of comment was the OEB's decision maker in this proceeding, the OEB's legal counsel, and Case Manager.

When the applicants became aware of your submission on the OEB's public website, they called the OEB for an explanation as to why the document was password protected. OEB staff explained that the letter had been password protected in order to maintain the confidentiality of the personal information therein. Accordingly, at that time, the applicants were provided with only a general description of the non-personal information therein, i.e. the length of the submission, a description of the attachments, and that you were concerned about the environmental, financial and health impacts of the proposed route modifications. Furthermore, the applicants were advised that OEB staff would be seeking your consent to share the submission with them (which you provided to the OEB on Wednesday, August 10, 2016), and upon the applicants' counsel providing the OEB with a signed Declaration and Undertaking of confidentiality

(which was provided to the OEB on August 8, 2016). Subsequently, on August 11, the letter was provided to the applicants' counsel.

A copy of the Declaration and Undertaking is attached.

Yours truly,

Original Signed By

John Pickernell
Manager, Applications Administration

Ontario Energy Board
Form of Declaration and Undertaking

EB-2016-0196

IN THE MATTER OF an Application to the Ontario Energy Board for leave to construct amending the relief requested in EB-2013-020;

DECLARATION AND UNDERTAKING

I, George Vegh, am counsel of record or a consultant for
FWRN LP and NR Capital General Partnership.

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

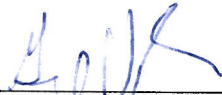
I undertake that:

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. With respect to Confidential Information other than in electronic media, 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 this 8 day of
August, 2016.

Signature: 

Name: George Vegh

Company/Firm: McCarthy Tetrault LLP

Address: 66 Wellington Street West

Telephone: 416 601-7709

Fax: 416 868-0673

E-mail: gvegh@mccarthy.ca

Ontario Energy Board
Form of Declaration and Undertaking

EB-2016-0196

IN THE MATTER OF
an Application to the Ontario Energy Board for leave to construct amending the relief requested in EB-2013-020

DECLARATION AND UNDERTAKING

I, Héloïse Apestéguy-Reux, am counsel of record or a consultant for
FWRN LP and NR Capital General Partnership.

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. With respect to Confidential Information other than in electronic media, 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
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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 this 8 day of
August, 2016.

Signature: 

Name: Héloïse Apestéguy-Reux

Company/Firm: McCarthy Tetrault LLP

Address: 66 Wellington Street West

Telephone: 416 601-7809

Fax: 416 868-0673

E-mail: hapesteguyreux@mccarthy.ca