

VIA RESS, EMAIL AND COURIER

December 8, 2017

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4**Re: EB-2017-0182 – Upper Canada Transmission, Inc. (UCT or NextBridge)
Application for Leave to Construct a Transmission Line
Hydro One Networks Inc. (Hydro One) – Intervenor Status Request
NextBridge Reply to Hydro One December 5, 2017 Submission**

We write to reply to the letter sent to the Board by Hydro One on December 5, 2017. Hydro One submitted the letter pursuant to Procedural Order No. 1 in EB-2017-0182 / EB-2017-0194 (Procedural Order No. 1), which provided for Hydro One to file a response to NextBridge's letter of November 13, 2017. Procedural Order No. 1 also provided NextBridge the opportunity to reply to Hydro One's response by December 11, 2017.

Following the issuance of Procedural Order No. 1 on November 29, 2017, the Independent Electricity System Operator (IESO) submitted to the Ministry of Energy its Updated Assessment of the Need for the East-West Tie Expansion (Updated Need Assessment), dated December 1, 2017. In the Updated Need Assessment, the IESO confirmed that the East-West Tie Expansion project (EWT Project) continues to be the preferred option for meeting Northwest supply needs under a range of system conditions, and that IESO continues to recommend an in-service date of 2020 for the EWT Project.¹

Subsequently, on December 4, 2017, the Minister of Energy (the Minister) wrote to the IESO about the Updated Need Assessment. In that letter the Minister observed that the Updated Need Assessment had clearly explained the need to pursue the completion of the EWT project with a 2020 in-service date, and stated that the Government of Ontario continues to support the project, as is underscored by the 2016 Order-in-Council

¹ IESO Updated Assessment of the Need for the East-West Tie Expansion, December 1, 2017, at p.19.

declaring the project a priority. The Minister also said that, given the IESO's recommended in-service date of 2020, he expects the Board to proceed in a timely manner in consideration of its performance standards for processing applications. In view of the recent and clear confirmation of a 2020 in-service date for the EWT Project, NextBridge looks forward to the OEB's consideration of its Leave to Construct (LTC) application and is focused on moving ahead with its proposal for the EWT transmission line to meet the 2020 in-service date. NextBridge has completed a significant amount of work to bring a thorough and well-supported LTC application to the Board and is committed to working diligently to advance the consideration of its LTC application by the Board. Indeed, the Board's consideration of NextBridge's application is now in process and, in particular, Procedural Order No. 1 sets out an interrogatory process in respect of NextBridge's application that includes the submission of interrogatories later this month, and the filing of responses to interrogatories by January 25, 2018.

In this context, NextBridge appreciates the Board ruling in Procedural Order No. 1 that:

- the participation of all intervenors, including Hydro One, is restricted to matters relevant to the proceeding and no intervenor is permitted to disrupt, slow or undermine the proceeding. The OEB expects all parties to comply with the timelines required by the OEB and participate in this proceeding in a responsible manner; and
- intervenors are restricted to asking interrogatories for matters relevant to the proceeding. The OEB's Rules of Practice and Procedure provide the method for an applicant to respond to requests that are beyond the scope of the proceeding. As a result, there is no need for the OEB to vet Hydro One's requests for information.²

NextBridge views this ruling as responsive to many of the concerns set forth in its November 13, 2017 letter.

Hydro One's response, however, does nothing to assuage the concerns expressed in NextBridge's November 13, 2017 letter. Rather, a fair reading of the letter is that Hydro One believes the NextBridge LTC proceeding is an appropriate forum to seek information to assist it to submit a competing LTC. Thus, Hydro One's response confirms NextBridge's concern that Hydro One views its intervention as a possible vehicle to seek information to advance its own LTC for the EWT Line Project, rather than as an intervenor that has an interest as the owner of interconnecting station facilities. Therefore, NextBridge stands by the comments made in its November 13, 2017 letter.

Also, in its December 5, 2017 submission, Hydro One set forth certain assertions. NextBridge disagrees with the assertions made by Hydro One in its response, and does

² Procedural Order No. 1, at p.3.

not view further commentary on Hydro One's assertions or positions as necessary at this time. Thus, the lack of a response by NextBridge to the allegations in Hydro One's letter is not to be taken as acceptance of any of the allegations.

In closing, NextBridge reiterates that it is focused on moving ahead with its proposal for the EWT transmission line to meet the 2020 in-service date and that it is committed to working diligently to advance the timely consideration of its leave to construct application by the Board.

Yours very truly,

AIRD & BERLIS LLP

(Original Signed)

Frederick D. Cass