



**EB-2017-0182**  
**EB-2017-0194**

**Upper Canada Transmission Inc. (on behalf of  
NextBridge Infrastructure) and Hydro One Networks Inc.  
Application for leave to construct an electricity  
transmission line between Thunder Bay and Wawa, Ontario  
- and -**

**Application to upgrade existing transmission station facilities in the Districts of  
Thunder Bay and Algoma, Ontario**

**PROCEDURAL ORDER NO. 2**

**March 1, 2018**

Upper Canada Transmission Inc. (NextBridge) and Hydro One Networks Inc. (Hydro One) filed applications with the Ontario Energy Board (OEB) on July 31, 2017 under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (Act).

NextBridge's application seeks an order granting leave to construct approximately 450 kilometres of new double circuit 230 kilovolt (kV) overhead electricity transmission line in northwest Ontario (the Project). Hydro One's related application seeks an order granting leave to construct the facilities necessary to upgrade existing transmission stations associated with the Project.

On November 29, 2017 the OEB issued Procedural Order No. 1 which set out the schedule for submitting and responding to written interrogatories. On January 25, 2018, NextBridge and Hydro One each filed with the OEB their responses to the written interrogatories. This Order addresses two issues arising out of the interrogatory responses: (i) the review of NextBridge's construction and development costs; and (ii) NextBridge's request for confidential treatment of certain information.

## Review of Construction and Development Costs

In its application, and as confirmed by its interrogatory responses, NextBridge requests an order from the OEB establishing a Construction Work in Progress (CWIP) deferral account to track the construction costs for the Project, and that costs already incurred through NextBridge's development work be transferred to the CWIP account. NextBridge asks that the OEB decide on prudence of these costs as part of a future hearing prior to the in-service date for the Project.

While the OEB acknowledges NextBridge's request to postpone the review of its development costs and construction costs, the OEB will be conducting a detailed review of development and construction costs in this proceeding. The OEB finds that it is in the best interests of consumers to review costs in both of these categories at this stage of the Project.

The OEB has reviewed NextBridge's evidence and responses to the interrogatories with respect to development costs and construction costs. Based on that review, the OEB finds that a more complete record on costs is needed to assess the prudence of the development costs and the reasonableness of the construction costs. In this Order, the OEB directs NextBridge to file the evidence it believes to be necessary to support the development and construction costs for the Project.

## Confidential Filings

In providing its responses to interrogatories, NextBridge requests that the following information be treated as confidential:

1. Portions of attachments # 2 and # 3 to response to OEB staff interrogatory # 7 - documents provided to parties as part of the RFP process and parts of the contract with the general contractor
2. Portions of the attachment to CCC interrogatory # 8 - requesting detailed budget information (the proposed confidential information)

In accordance with the OEB's *Practice Direction on Confidential Filings*, NextBridge has filed with the OEB a CD containing unredacted versions of the proposed confidential information. In the cover letter dated January 25, 2018, NextBridge stated that the proposed confidential information contains competitive information and that disclosing this information to the public would be detrimental to NextBridge and the general

contractor. In addition, NextBridge stated that disclosure of proposed confidential information would: (1) adversely impact its transactions, and costs of doing business, resulting in higher costs to customers, (2) give competitors information useful in making their own marketing decisions, without expending the time and money necessary to gather and develop the data, and (3) allow competitors to profit or otherwise derive benefits at the expense of NextBridge and its customers.

The OEB has reviewed NextBridge's explanation for the confidentiality request and the proposed confidential information. Based on that review, the OEB's preliminary view is that NextBridge's requests for confidentiality appear to be overly broad. Moreover, the submissions in support of the confidentiality requests are insufficient. Pursuant to section 5.1.4(a) of the *Practice Direction on Confidential Filings*, NextBridge is required to provide its reasons for the confidentiality request (as it pertains to the portions of the records that it is requesting confidential treatment). The OEB states that this explanation should include reasons why the specific information (identified by section/page number) should be treated as confidential and the reasons why public disclosure of that specific information would be detrimental. As a result, the OEB directs NextBridge to file further detailed submissions in support of the confidentiality claims. NextBridge may also wish to re-examine the proposed confidential information and consider whether all of the information for which confidential treatment is requested is required and consider submitting a revised confidentiality request when filing its further submissions on this issue.

After receiving further explanation from NextBridge concerning the confidentiality claims, the OEB will be inviting submissions from any party who objects to NextBridge's request for confidentiality. The OEB will issue a decision on the confidential status of the proposed confidential information once it has considered any submissions.

The OEB's *Practice Direction on Confidential Filings* provides that where a party requires access to the confidential version of the document in order to submit its objection, the party may request that the OEB allow access for that purpose under suitable arrangements as to confidentiality. Should counsel and/or consultants for intervenors require access to the proposed confidential information in order to submit an objection, that party can make a written request to the OEB for access in accordance with the steps described below.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. NextBridge shall file any additional evidence on development costs and construction costs on or before **March 14, 2018**.
2. NextBridge may file a revised confidentiality request on or before **March 14, 2018**.
3. NextBridge shall file on or before **March 14, 2018** a detailed explanation of specific reasons why the proposed confidential information should be treated as confidential and why public disclosure of that information would be detrimental.
4. Should counsel and/or consultants for intervenors require access to the proposed confidential information in order to submit their objection, the party shall make a written request to the OEB, copying NextBridge, and provide a signed copy of the OEB's [Declaration and Undertaking](#) by **March 14, 2018**. In the event that NextBridge objects to sharing the proposed confidential information with any party representative that has signed the Declaration and Undertaking, it must within 2 business days from the receipt of the signed Declaration and Undertaking file its objections with the OEB and copy the relevant party. If the party to whom the objection is directed wishes to respond to the objection, it must file its reply within 2 business days from the receipt of the objection.
5. Any party that objects to the confidential treatment of the proposed confidential information shall file its written submission on this issue on or before **March 21, 2018**.
6. In response to any submissions made under paragraph 3, NextBridge may file a reply submission on or before **March 28, 2018**.

All filings to the OEB must quote the file numbers, EB-2017-0182/EB-2017-0194 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available

parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at [Zora.Crnjacki@oeb.ca](mailto:Zora.Crnjacki@oeb.ca) and OEB Counsel, Lawren Murray, at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

### **ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

E-mail: [boardsec@oeb.ca](mailto:boardsec@oeb.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, March 1, 2018

### **ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary