



EB-2017-0182
EB-2017-0194
EB-2017-0364

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

- and -

**Hydro One Networks Inc.
Application to upgrade existing transmission station facilities
in the Districts of Thunder Bay and Algoma, Ontario**

-and-

**Hydro One Networks Inc.
Application for leave to construct an electricity transmission line
between Thunder Bay and Wawa, Ontario**

PROCEDURAL ORDER NO. 7 on COMBINED HEARING

September 26, 2018

This Procedural Order addresses a combined oral hearing for three applications that have been filed with the Ontario Energy Board (OEB) under section 92 of the *Ontario Energy Board Act, 1998* scheduled to start October 2, 2018.

The first application, filed by Upper Canada Transmission Inc. (NextBridge), seeks an order granting leave to construct a new electricity transmission line between Wawa and Thunder Bay with a proposed in-service date of December 2020 (NextBridge-EWT Application).¹

¹ The NextBridge-EWT Application has been assigned OEB File No. EB-2017-0182.

The other two applications, both filed by Hydro One Networks Inc. (Hydro One), seek an order granting leave to construct (i) a transmission line between the same two points as the NextBridge-EWT Application, with an in service date of the end of 2021 (Hydro One-LSL Application)²; and (ii) the facilities necessary to upgrade existing transmission stations associated with the new transmission line (Hydro One-Station Upgrades Application).³

On August 13, 2018, the OEB issued Procedural Order No.1 on Combined Hearing, through which the OEB combined the NextBridge-EWT Application, the Hydro One-Station Upgrades Application, and the Hydro One-LSL Application and set out procedural steps for hearing the three Applications as a Combined Hearing in October 2018. The OEB has issued five additional procedural orders on the Combined Hearing.⁴

Late Intervention Request

By letter to the OEB dated September 20, 2018, Anwaatin Inc. (Anwaatin) requested intervenor status in the Combined Hearing. In support of its request, Anwaatin stated that it is an Indigenous business corporation that works with Indigenous communities and that two of its member Indigenous communities: Animbiigoo Zaagi'igan Anishinaabek and Bingwi Neyaashi Anishinaabek are affected by the proposed projects.⁵ Anwaatin also indicated that it submitted the late intervention request with the consent of both NextBridge and Hydro One and on the understanding that Anwaatin accepts the record and does not intend to ask interrogatories.

Having reviewed the intervention request and based on the understanding that both NextBridge and Hydro One consent, the OEB accepts Anwaatin as an intervenor in the Combined Hearing. However, the OEB expects counsel for Anwaatin to coordinate with other intervenors to avoid duplication of efforts or submissions. In addition, as a late intervenor, Anwaatin must take the record and existing hearing schedule as it stands. An updated list of parties to the Combined Hearing is attached as Schedule A to this

² The Hydro One-LSL Application has been assigned OEB File No. EB-2017-0364.

³ The Hydro One-Station Upgrades Application has been assigned OEB File No. EB-2017-0194.

⁴ Procedural Order No. 2 on Combined Hearing (August 27, 2018) set out further procedural steps including deadlines for posing written interrogatories to NextBridge. Procedural Order No. 3 on Combined Hearing (August 31, 2018) relates only to the OEB's review of NextBridge's development costs for the NextBridge-EWT Application. Procedural Order No. 4 on Combined Hearing (September 7, 2018) granted the intervenor status to three parties who had applied for intervention by September 4, 2018 deadline. Procedural Order No. 5 on Combined Hearing (September 19, 2018) granted the intervenor status to Michipicoten First Nation. Procedural Order No. 6 (September 21, 2018) added October 3, 2018 to the hearing schedule, set the sequence for oral testimonies and asked the parties to provide information to assist developing a hearing plan.

⁵ Animbiigoo Zaagi'igan Anishinaabek and Bingwi Neyaashi Anishinaabek are among 18 Indigenous communities that the Ministry of Energy identified as needing to be consulted on the transmission line project.

Procedural Order.

The OEB has also determined that Anwaatin is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order, typically at the end of a proceeding.

Confidential Filings

NextBridge and Hydro One request confidential treatment for parts of their interrogatory responses filed on September 24, 2018.

Hydro One claims confidentiality over portions of its response to:

1. OEB Staff interrogatory 18, - Exhibit I, Tab 1, Schedule 18
2. NextBridge interrogatory 24, Attachment - Exhibit I, Tab 2, Schedule 24, Attachment 1
3. SEC interrogatory 21 - Exhibit I, Tab 5, Schedule 21.

NextBridge claims confidentiality over portions of its response to:

1. STAFF.56 Attachment
2. SEC.18
3. SEC.20

In addition, NextBridge's previous request for confidential treatment for parts of its earlier January 25, 2018 interrogatory responses remains outstanding.⁶ Most of the information for which NextBridge seeks confidentiality, from both its January and September interrogatory responses, relates to its construction budget or contract with the general contractor.

As an interim measure, the OEB is establishing a process to consider the confidentiality claims made by Hydro One and NextBridge. Counsel and consultants for intervenors are permitted access to the proposed confidential information upon filing a signed copy of the OEB's standard Declaration and Undertaking in order to allow them to make submissions on the confidentiality claims. If either Hydro One or NextBridge objects to providing its proposed confidential information to counsel or consultants of any party in

⁶ NextBridge sought confidential treatment over portions of (i) Attachments #2 and #3 to its response to OEB staff interrogatory #7; and (ii) portions of the attachment to CCC interrogatory #8. In its Decision on Confidentiality and Procedural Order No. 3 dated April 27, 2018, the OEB determined that some of this information was not confidential. The OEB has not, to date, ruled on the confidentiality claim for the balance of the information.

the Combined Hearing, it must file a written objection with the OEB specifying which parties and/or information cannot be shared and why.

Absent any objections, Hydro One and NextBridge are to provide copies of their proposed confidential information to representatives that sign and file the Declaration and Undertaking. Representatives who wish to have access to the proposed confidential information should file with the OEB, and copy Hydro One and NextBridge, a signed copy of the Declaration and Undertaking.

Representatives for three intervenors have previously signed the Declaration and Undertaking in order to have access to unredacted versions of NextBridge's January interrogatory responses.⁷ Those individuals are not required to refile a Declaration and Undertaking for the Combined Hearing but are bound to the terms of the Declaration and Undertaking for all documents over which confidentiality has been claimed in the Combined Hearing.

At the beginning of the oral hearing on October 2, 2018, the OEB will consider the confidentiality claims that have been made by both Hydro One and NextBridge. Given this preliminary matter, the OEB has revised the starting time for the hearing on October 2, 2018 to 10:00 am. The schedule for the remaining days of the hearing remain unchanged.

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.

IT IS THEREFORE ORDERED THAT:

1. Anwaatin Inc. is granted intervenor status in the Combined Hearing. The parties to the Combined Hearing are listed in Schedule A.
2. If Hydro One or NextBridge objects to providing its proposed confidential information to counsel or consultants for any party in the Combined Hearing, upon that person signing the standard Declaration and Undertaking, it must file a written objection with the OEB specifying which parties and/or information cannot be shared and why by **September 27, 2018**.

⁷ Representatives for the Metis Nation of Ontario, Consumers Council of Canada, and the School Energy Coalition have signed the Declaration and Undertaking.

3. Absent any objection under Order Provision 2, Hydro One and NextBridge are to provide unredacted copies of their proposed confidential information to persons who have signed and filed the Declaration and Undertaking by **September 28, 2018**.
4. The combined oral hearing for the NextBridge-EWT, the Hydro One-Station Upgrades and the Hydro One-LSL Applications will:
 - a. begin on October 2, 2018 at **10:00 am** in the OEB's hearing room at 2300 Yonge Street, 25th Floor, Toronto will, if necessary, continue on
 - b. October 3, 2018 at 12:30 pm.
 - c. October 4, 9, 11 and 12, 2018 at 9:30 am.
5. OEB staff and parties wishing to make submissions on the requests for confidential treatment by NextBridge and Hydro One shall make such submissions to the OEB on **October 2, 2018** at the oral hearing.
6. If Hydro One and/or NextBridge wishes to respond to any submissions on its request for confidential treatment, it shall make such submissions to the OEB at the oral hearing on **October 2, 2018**.

All filings to the OEB must quote the file numbers **EB-2017-0182/EB-2017-0194/EB-2017-0364**, be made in searchable /unrestricted PDF format electronically through the OEB's web portal at <https://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.oeb.ca/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 USB Flash drive 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.Crnojacki@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

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DATED at Toronto, September 26, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A

List of Applicants and Intervenors

**Hydro One Networks Inc.
Upper Canada Transmission Inc.
(on behalf of NextBridge Infrastructure)**

Combined Proceeding

EB-2017-0182 | EB-2017-0194 | EB-2017-0364

Procedural Order No. 7

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Upper Canada Transmission Inc.
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EB-2017-0182, EB-2017-0194, EB-2017-0364
APPLICANT & LIST OF INTERVENORS

September 26, 2018

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