



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Office Phone  
Fax: 416-868-0673

**George Vegh**  
Counsel  
Direct Line: (416) 601-7709  
Direct Fax: (416) 868-0673  
Email: gvegh@mccarthy.ca

*Assistant: Thomas, Michelle*  
Direct Line: (416) 601-8200 x542186  
Email: mthomas@mccarthy.ca

February 12, 2021

**Via RESS & EMAIL**

Christine Long  
Registrar & Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Long:

**Re: Upper Canada Transmission, Inc.'s ("NextBridge"), EB-2020-0150,  
Settlement Conference**

We are counsel for the Applicant in this matter.

This letter is to confirm that the intervenor Hydro One Networks Inc. ("Hydro One") may not participate in the settlement conference commencing in the above-referenced matter on February 16, 2021, because the OEB's Practice Direction on Settlement Conferences (the "Practice Direction") prohibits Hydro One from participating in the settlement conference, absent leave from the Board:

Ontario utilities that are not the applicant in a proceeding may not participate in settlement conferences, unless they are a customer of the applicant or their participation is authorized by the Board.<sup>1</sup>

The plain and unambiguous language of the Board's Practice Direction prevents an Ontario utility, such as Hydro One, from participating in a settlement conference unless: (1) it is a customer of the applicant or (2) its participation is authorized by the Board. Hydro One is not a customer of NextBridge,<sup>2</sup> and Hydro One has not sought leave from the Board to participate in NextBridge's Settlement Conference. Accordingly, Hydro One cannot participate in the settlement conference.

Hydro One certainly had ample time to bring a motion the Board for authority to participate. The parties were made aware by Board staff of the dates of the settlement conference on January 12, 2021 and the Board confirmed those dates in Procedural Order #2, issued on February 5,

---

<sup>1</sup> Practice Direction at 3 (Rev. Oct. 28, 2016).

<sup>2</sup> Although the Board granted Hydro One intervenor status, Hydro One did not plead in its Letter seeking to intervene that it was a customer of NextBridge.

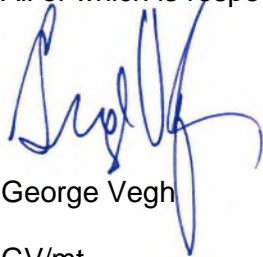
2021. Instead of complying with the requirements of the Practice Direction, on February 9, 2021, Hydro One announced that four members of Hydro One will participate at the Settlement Conference without any indication it would comply with the Practice Direction and file the requisite motion seeking Board authorization to participate.

Even if, at this late date, Hydro One were to file a motion with Monday being a holiday, it does not provide NextBridge a reasonable opportunity to review and respond to the motion, nor sufficient time for the Board to review and decide the motion, prior to the Settlement Conference.

Furthermore, there would be no basis to allow Hydro One, as a known competitor to NextBridge, permission to participate in confidential settlement negotiations in which the customer intervenors may seek to discuss confidential business information of NextBridge, which if disclosed to Hydro One, would harm the competitive positions of NextBridge and its Engineering, Procurement and Construction contractor or other contractors. Accordingly, even if Hydro One, at this late date, seeks to participate, NextBridge will file an objection.

For the foregoing reasons, NextBridge, by this letter, is confirming that Hydro One may not participate in the Settlement Conference.

All of which is respectfully submitted.



George Vegh

GV/mt

cc. Reena Goyal, McCarthy Tetrault  
Brian J. Murphy, NextBridge Infrastructure, LP  
Jennifer Tidmarsh, NextBridge Infrastructure, LP  
All Parties in EB-2020-0150