



Hydro One Networks Inc.

**Application for leave to construct: reconductoring of
transmission lines and associated transmission station
work in the Ottawa area.**

**DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 6
March 15, 2021**

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on December 2, 2020 under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order or orders granting leave to reductor existing transmission circuits M30A and M31A between Hawthorne transmission station and Merivale transmission station, and perform related transmission station enabling work. If the application is approved, Hydro One will replace the M30A and M31A circuits with dual-bundled conductor. Hydro One has also applied to the OEB for approval of the form of land use agreements it offers to landowners for the routing and construction of the project.

Hydro One's Confidentiality Request:

In accordance with Procedural Order No. 1, OEB staff and intervenors filed interrogatories on or before February 12, 2021 and Hydro One responded to interrogatories on February 26, 2021. As part of its response, under separate cover, Hydro One requested confidential treatment of the informational data underpinning its response to Environmental Defence's interrogatory #1 (Exhibit I, Tab 2, Schedule1, part a). In accordance with the OEB's *Practice Direction on Confidential Filings* (Practice Direction), the OEB allowed parties an opportunity to file any objections to Hydro One's confidentiality request, and for Hydro One to respond to any objection.

On March 4, 2021, OEB staff submitted that it did not object to Hydro One's request for confidential treatment of the data on the basis that it views the information as privileged and sensitive, and is not the type of information that is normally publicly available. OEB staff further stated that it accepted Hydro One's assertion that the information is commercially sensitive and could be used for future speculative transactional opportunities and therefore detrimental to free market forces. No other party filed a submission nor did Hydro One file a reply to OEB staff's submission.

OEB staff Request for Technical Conference Scope Expansion:

In Procedural Order No. 4, the OEB scheduled a Technical Conference for March 16, 2021 to clarify matters arising from the interrogatories related to project Alternatives 3 and 4 only. On March 12, 2021, OEB staff filed a letter with the OEB requesting that the scope of the Technical Conference be expanded to allow for further exploration of interrogatories related to the need for the project. OEB staff advised that it had discussed the possibility of an expanded scope for the Technical Conference with both Hydro One and the IESO, and that both organizations were amenable to OEB staff's request.

Decision on Hydro One's Confidentiality Request

The OEB finds that the data in the spreadsheet used by Hydro One to produce Table 1 in response to Environmental Defence's Interrogatory #1 (Exhibit I, Tab 2, Schedule1, part a) is information of a nature that is protected from public disclosure by the OEB, as defined in OEB's Practice Direction (Appendix A). The OEB has considered the potential harm that could result from public disclosure of this information, and agrees with Hydro One's concern that disclosure of this information could have a potential detrimental impact on free market forces. Similarly, the OEB finds that public disclosure of the information could reasonably be expected to prejudice the competitive position or interfere with the contractual or other negotiations of a person, group of persons, or organization; and/or result in undue loss or gain to any person, group, committee or financial institution or agency. These are among the OEB's considerations in determining requests for confidential treatment, and are among the factors set out in section 17(1) of the *Freedom of Information and Protection of Privacy Act* that support confidential treatment.

The OEB finds that the subject information shall be considered confidential and shall remain redacted from the public record. Access to the information will only be available in accordance with the Practice Direction.

Decision on the Request for Expansion of the Scope of the Technical Conference

The OEB will expand the scope of the Technical Conference to include exploration of interrogatories related to project need, as requested by OEB staff. The OEB agrees that this approach represents the most expeditious way to complete the record and should allow OEB staff and the parties to obtain the information necessary to develop informed submissions.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The scope of the transcribed Technical Conference scheduled for **Tuesday March 16, 2021** is amended to include the clarification of matters arising from the interrogatories related to project need.
2. All other dates established by Procedural Order No. 4 remain unchanged.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

All materials filed with the OEB must quote the file number, **EB-2020-0265**, and be submitted in a searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://p-pes.ontarioenergyboard.ca/PivotalUX/>. 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 <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to registrar@oeb.ca.

All communications should be directed to the attention of the Registrar 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, Andrew Bishop at Andrew.Bishop@oeb.ca and OEB Counsel, James Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-888-632-6273 (Toll free)

Fax: 416-440-7656

DATED at Toronto, **March 15, 2021**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar