



**Upper Canada Transmission, Inc. (operating as
NextBridge Infrastructure LP)**

**Application for approval of electricity transmission
revenue requirements for the period from April 1, 2022
to December 31, 2031**

**DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 2
February 5, 2021**

Upper Canada Transmission, Inc. (operating as NextBridge Infrastructure LP) (NextBridge) filed a custom incentive rate-setting application with the Ontario Energy Board (OEB) on November 4, 2020, under section 78 of the *Ontario Energy Board Act, 1998* seeking approval of rates that NextBridge will charge for electricity transmission, beginning April 1, 2022 and for each following year through to December 31, 2031.

A Notice of Hearing was issued on December 4, 2020. Procedural Order No. 1, issued on December 16, 2020, accepted Association of Major Power Consumers in Ontario (AMPCO), Building Owners and Managers Association (BOMA), Consumers Council of Canada (CCC), Energy Probe Research Foundation (Energy Probe), Hydro One Networks Inc. (Hydro One), Independent Electricity System Operator (IESO), School Energy Coalition (SEC) and Vulnerable Energy Consumer Coalition (VECC) as intervenors in the proceeding. Procedural Order No. 1 also established the process and timeline for filing interrogatories and interrogatory responses.

The OEB received a late intervention request from the Michipicoten First Nation (MFN) on January 6, 2021. On January 7, 2021, the OEB issued a letter that confirmed MFN as an intervenor in the proceeding.

NextBridge filed its interrogatory responses with the OEB on January 27, 2021.

It is the OEB's expectation that parties will be in a position to identify issues relevant to NextBridge's application now that the applicant has responded to interrogatories. NextBridge, OEB staff and the intervenors shall endeavour to develop a proposed issues list and OEB staff shall file the proposed list for the OEB's consideration. If the

parties are unable to reach consensus on all issues to include in a proposed issues list, OEB staff shall file a list that identifies issues for which consensus was not reached.

In its application, NextBridge requested that the OEB make provision for a settlement conference. The OEB agrees with this request and has provided for a settlement conference on the dates set out below. The OEB will approve an issues list prior to the settlement conference.

Following the settlement conference, provision is being made for the presentation of any settlement proposal filed by NextBridge, whether full or partial. NextBridge's presentation, if necessary, is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal.

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

Confidentiality

On January 27, 2021, NextBridge filed its interrogatory responses which included a confidentiality request pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction).¹

NextBridge requested confidential treatment of the following interrogatory response:

- Energy Probe Interrogatory #20

NextBridge stated that the requested cost breakout is highly confidential and commercially sensitive business information and that public disclosure will harm the competitive positions of NextBridge and its engineering, procurement and construction contractor. NextBridge also stated that this information could reasonably be expected to prejudice the competitive positions of NextBridge and its contractors as publicly disclosing this information will provide competitors with its internal disciplined approach to budgeting which can be used to develop their own competing projects.

Findings

The OEB has reviewed the unredacted interrogatory response Energy Probe #20 and accepts that this document contains business information that is highly confidential and

¹ Practice Direction on Confidential Filings, October 28, 2016

commercially sensitive, and that public disclosure could reasonably be expected to prejudice the economic interest and competitive position of NextBridge and its contractors. The OEB approves the request for confidential treatment of the unredacted sections of the document. The redacted version of the document will be placed on the public record for this proceeding.

The OEB is making provision for the matters set out below related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. OEB staff shall file a proposed issues list, or, alternatively, if the parties are unable to reach consensus on all issues to include in a proposed issues list, OEB staff shall file a list that identifies issues for which consensus was not reached by **February 8, 2021**.
2. A settlement conference among the parties and OEB staff will be convened on **February 16, 2021** starting at 9:30 a.m. If necessary, the settlement conference will continue on **February 18, 25 and 26, 2021**. The settlement conference will be a virtual event.
3. NextBridge shall advise the OEB as to whether there is a settlement agreement in principle arising from the settlement conference by **March 4, 2021**.
4. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **March 15, 2021**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
5. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **March 22, 2021**.
6. The OEB is setting a tentative date of **March 29, 2021, from 9:30 a.m. to 12:30 p.m.** for NextBridge to present to the OEB any settlement proposal.

Parties are responsible for ensuring that any documents they file with the OEB, such as 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-2020-0150**, 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, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at www.oeb.ca/industry. We encourage the use of RESS; however, parties who have not yet [set up an account](#), 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, Michael Price at Michael.Price@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, February 5, 2021

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar