

February 7, 2022

RESS & EMAIL

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

Attention: Nancy Marconi, Acting Registrar

Dear Ms. Marconi:

**Re: Hydro One Networks Inc. (“Hydro One”)
EB-2021-0110: Custom Incentive Rate-setting Application for 2023-2027
Distribution Rates and Transmission Revenue Requirement (“Application”)
- Request for Confidential Treatment of Updated Technical Conference
Undertaking Responses**

We are legal counsel to Hydro One, the applicant in the above-referenced proceeding. On January 19, 2022, the OEB held a motions hearing to address motions brought by two intervenors. Further to the resolution of the motions that was reached and put on the record at the motions hearing, Hydro One filed updated interrogatory and undertaking responses on January 28, 2022, and updated responses to additional undertakings on February 4, 2022. Two of the undertaking responses filed on February 4, 2022, being the updated responses to undertakings JT 5.10 and JT 5.13 (the “Updated Mercer UTs”), include certain confidential, labour relations information, similar to some prior responses that were filed confidentially. Therefore, pursuant to the OEB’s *Practice Direction on Confidential Filings* (the “Practice Direction”), Hydro One hereby requests the confidential treatment of certain information contained in the Updated Mercer UTs.

The Updated Mercer UTs contain information relating to upcoming rounds of collective bargaining, including assumptions used by Mercer regarding potential bargaining outcomes in upcoming rounds. This includes information broken out by employee group represented by the unions. Consistent with the grounds and need for confidential treatment of the Labour Relations Appendix¹ and certain labour related interrogatory responses², the redacted information contained in the Updated Mercer UTs is confidential and would be highly prejudicial to Hydro One if disclosed to union representatives, as it could be used against the

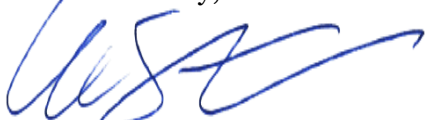
¹ Filed as Attachment 5 to Exhibit E-06-01.

² E-Staff-258; E-Staff-271; E-SEC-205; E-SEC-213; and E-SUP-10.

utility during upcoming rounds of negotiations and influence bargaining outcomes to Hydro One's (and ratepayers') detriment.

Similar to the OEB-approved treatment of the Labour Relations Appendix, Hydro One requests that any access to confidential portions of the Updated Mercer UTs only be given to those individuals who execute and file the OEB's standard confidentiality Declaration and Undertaking. Further, in respect of the PWU, the Society, and any other unions, Hydro One requests: that only external counsel and/or external consultant(s) representing the unions in this proceeding be permitted to have access to the confidential portions of the Updated Mercer UTs and, as a condition of obtaining access, the external counsel and/or consultant(s) be required to execute and file (i) the standard Declaration and Undertaking, and also (ii) an affidavit confirming that they are at arms-length from the union and are not (and will not be) involved in any way in collective bargaining on behalf of the union through to the end of the rate period covered by the Application. These requested protocols are consistent with those ordered by the OEB in its decision dated October 25, 2021 in respect of the Labour Relations Appendix.

Yours truly,



Arlen K. Sternberg

cc: Hydro One
All Parties

APPENDIX 'A'

CONFIDENTIAL COPY OF THE UPDATED UNDERTAKING RESPONSE JT 5.10

[Note: A copy of this Appendix has been filed confidentially with the OEB in accordance with the Practice Direction on Confidential Filings]

APPENDIX 'B'

CONFIDENTIAL COPY OF THE UPDATED UNDERTAKING RESPONSE JT 5.13

[Note: A copy of this Appendix is provided to the OEB only in accordance with the *Practice Direction on Confidential Filings*]