

Hydro One Networks Inc.

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**LAW**

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October 14, 2022

Ontario Energy Board
2300 Yonge Street, Suite 2700
P.O. Box 2319
Toronto, ON M4P 1E4

Attention: Ms. Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: Wataynikaneyap Power LP (WPLP) – Application for Approval of 2023 Electricity Transmission Rates (EB-2022-0149) – Response Re Filing of Declaration and Undertaking Form on behalf of Hydro One Remote Communities Inc.

Further to Mr. Myers' letter dated October 13, 2022 regarding the above-noted matter, Hydro One Networks Inc. ("Hydro One") and Hydro One Remote Communities Inc. ("Remotes") respond as follows.

In the current Application (EB-2022-0149), both Hydro One and Remotes were granted intervenor status. Hydro One, being a transmitter, has an interest in outcomes that may impact Ontario's transmission rates. Remotes maintains intervenor status on the basis that these proceedings directly impact its customers and operations, as well as in respect of costs included in its Revenue Requirement and Rates Application (EB-2022-0041) for which I am counsel of record.

Hydro One and Remotes acknowledge the Confidential Filing of WPLP dated July 6, 2022 and the OEB's response with respect to confidentiality of compensation costs. Remotes hereby clarifies that it is not seeking access to all confidential information filed in this proceeding. Rather, Remotes is seeking disclosure of the following sections of the Hatch Quarterly Report filed in interrogatory response to HONI-11, Attachment 1, despite the further request in WPLP's October 13, 2022 letter that Remotes not be permitted to access certain sections and appendices of the Q2

2022 Hatch Quarterly Report. Specifically, Remotes is seeking access to the following items (identified on page 4 of WPLP's October 13, 2022 letter):

- i) Section 3 Key Outstanding Issues– only as it pertains to any outstanding issues with respect to scheduling or delays;
- ii) Section 8.1 Environmental - to the extent that it provides any potential information on delays that are not reflected in Section 12 of the report;
- iii) Sections 12.2 to 12.4 – on achieved milestones, upcoming milestones, and delays; and
- iv) Appendix “K” – Schedule Analysis – to the extent that it discusses the current schedule or potential or actual.

Remotes has an interest on the basis that 10 of the 16 First Nation communities that WPLP transmission facilities expect to connect to are currently serviced by Remotes, and 6 unregulated Independent Power Authorities (IPAs) are expected to join Remotes service territory once grid connected. Current or updated scheduling of milestones and projected dates for construction of the transmission line directly affect Remotes' ability to plan work required to facilitate the connection or provide ongoing power to communities where connection is delayed. WPLP's work also impacts Remotes' relationship with its new and existing customers.

Remotes is seeking to review a portion of the Hatch Quarterly Report that deals with current and or updated scheduling or any scheduling that would impact Remotes or its new or existing customers.

With respect to my employ as Senior Legal Counsel with Hydro One, it is submitted that in this circumstance, given the limited scope of the disclosure sought by Remotes, there should be no distinction between counsel who are employees of a party and those who are external counsel. Retaining external counsel resulting in additional expense, and at the burden of customers is not reasonable. The Declaration and Undertaking dated October 11, 2022 filed on behalf of Remotes should be sufficient to place serious confidentiality requirements on in-house counsel, not just external counsel.

With respect to WPLP's assertion that in light of my employ, additional measures to ensure that confidentiality of all information is maintained, my response is as follows. As a lawyer called by the Law Society of Ontario, my duty remains the same as it applies to external counsel with respect to the execution of a Declaration and Undertaking and the safe-guarding of sensitive and confidential material. In addition to the Declaration and Undertaking executed by me on October 11, 2022, I confirm the following: (a) that confidential materials in digital format are stored on a network drive and maintain integrity from unauthorized access; no hard copies would be kept however the same control would be maintained should there be a need for a physical file; (b) that these documents would not be used for purposes outside of the scope of representation for Remotes in this proceeding; and (c) that in my professional capacity and as in-house counsel, I would maintain control over confidential documents, whether in digital format or hard copy, and as required to protect same.

Yours truly,
HYDRO ONE NETWORKS INC.
(Signed electronically)

A handwritten signature in black ink, appearing to read "Raman Dhillon". The signature is fluid and cursive, with the first name "Raman" and last name "Dhillon" clearly distinguishable.

Raman Dhillon
RD/