

October 16, 2022

RESS & EMAIL

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

Attention: Ms. Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: Wataynikaneyap Power LP - Application for Approval of 2023 Electricity Transmission Rates (EB-2022-0149) – Access to Confidential Information

We are legal counsel to Wataynikaneyap Power LP (WPLP), which is the applicant in the above-referenced proceeding. This is in response to the October 14, 2022 letter filed by Ms. Dhillon on behalf of Hydro One Remote Communities Inc. (HORCI) in respect of access to WPLP's confidential information.

A. Practical Concerns re Access to Confidential Information

In our October 13, 2022 letter on behalf of WPLP, we raised two practical concerns relating to Ms. Dhillon's request for access to confidential information on behalf of HORCI. These concerns were related to the need for clarification as to Ms. Dhillon's role in the proceeding and the party on whose behalf she is seeking access, as well as to the need for the OEB to be satisfied as to her ability to fulfill the requirements of the Declaration and Undertaking (D&U) given the circumstances of her employment.

Based on Ms. Dhillon's letter of October 14, 2022, it is clear to WPLP that she is seeking access solely on behalf of HORCI given her role as counsel of record in HORCI's 2023 distribution revenue requirement and rates application. In addition, based on the letter, WPLP is satisfied that Ms. Dhillon is able to implement practical measures to fulfill her obligations under the D&U for purposes of safeguarding WPLP's confidential information, including through the protection of electronic copies of the information from unauthorized access on Hydro One's network drive, avoiding the creation of hard copies and using the information only for purposes of representation of HORCI in this proceeding.

B. Substantive Concerns re Access to Confidential Information

In our October 13, 2022 letter, we also raised a substantive concern that some of WPLP's confidential information should not be disclosed to HORCI's representative. In particular, this concern related to certain internal compensation data from the pre-filed evidence and to certain

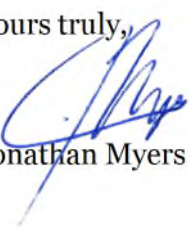
information from WPLP's interrogatories that could cause commercial harm to WPLP's EPC contractor and its Owner's Engineer. WPLP reviewed its confidential information in an effort to specifically identify those portions that it sought to protect from access by HORCI's representative.

In her October 14, 2022 letter, Ms. Dhillon clarifies the nature of the information that she seeks access to and the reasons therefore. Specifically, she indicates that on behalf of HORCI she is not seeking disclosure of WPLP's internal compensation data from the pre-filed evidence, and in respect of the confidential information contained in interrogatory responses which WPLP has sought to protect from disclosure to HORCI, Ms. Dhillon is only seeking disclosure of certain sections of the Hatch Quarterly Report filed as Attachment 1 to HONI-11, or parts thereof, which relate to scheduling or delays. WPLP accepts that such information may be of interest to HORCI and appreciates Ms. Dhillon's efforts to specify the particular parts of the document which she seeks to access. WPLP has reviewed those sections to identify the aspects that relate to scheduling or delays and confirms that those aspects can be disclosed to Ms. Dhillon on a confidential basis without causing potential harm to its EPC Contractor or Owner's Engineer.

Based on the foregoing, and to facilitate discussions during the settlement conference commencing on October 17, 2022, WPLP does not intend to wait for the OEB to formally accept the D&U or to make an order on its requests for confidential treatment. Therefore, as an interim measure immediately after filing and serving this letter, WPLP intends to provide Ms. Dhillon with access on a confidential basis, pursuant to the terms of her D&U, to all confidential information contained in its interrogatory responses as identified in WPLP's October 7, 2022 confidentiality request, with the exception of the information identified in the table on page 4 of WPLP's October 13, 2022 letter, except however that WPLP will provide access to those parts of the Hatch Quarterly Report (filed as Attachment 1 to HORCI-11) which relate to scheduling or delays as listed on p. 2 of HORCI's October 14, 2022 letter. That information consists of parts of Section 3, all but one bullet from Sections 12.2 to 12.4, and all of Appendix "K" from the Hatch Quarterly Report. Please note that there is no information within Section 8.1 of the Hatch Quarterly Report that is responsive Ms. Dhillon's request.

If you have any questions, please do not hesitate to contact me at the number shown above.

Yours truly,



Jonathan Myers

cc: Ms. Margaret Kenequanash, WPLP
Mr. Duane Fecteau, WPLP
Mr. Charles Keizer, Torys LLP