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BY EMAIL

February 14, 2023

Tim Gilbert
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181 University Ave, Suite 2200
Toronto ON M5H 3M7
tim@gilbertslaw.ca

Dear Mr. Gilbert:

Re: EB-2022-0140, Haudenosaunee Development Institute (HDI) cost claim and time docket
OEB File Number: EB-2022-0140

In its January 27, 2023 [Decision and Order on Cost Awards](#) (Decision) in the EB-2022-0140 proceeding, the OEB denied HDI's request for confidential treatment of the time docket of their counsel. The OEB denied the request on the basis that HDI had not provided an explanation as to why the time docket should be treated as confidential, as required by the OEB's *Practice Direction on Confidential Filings* (Practice Direction). The OEB further noted that "HDI's time docket is broadly similar to the time docket provided by other parties that sought costs (none of whom sought confidential treatment), and these docket are all on the public record."

By way of email dated February 7, 2023, the OEB noted that as HDI had not appealed the OEB's decision the OEB would place the time docket of HDI's counsel on the public record. Accordingly, the OEB requested that HDI file a non-confidential version of its time docket.

In response to OEB staff's email, HDI refiled its time docket, however, these time docket continued to include redactions, contrary to the OEB's direction. No explanation was provided for any of the redactions.

The OEB will therefore place unredacted versions of the time docket filed by HDI on December 1, 2022 on the public record on February 17, 2023 unless HDI provides an

appropriate explanation, prior to that date, of the potential harm that could result from disclosure of the redacted information, including the basis upon which the redacted information constitutes confidential information as defined in the Practice Direction.

Yours truly,

Nancy Marconi
Registrar

c: Jack McDonald, Gilbert's Law (jack@gilbertslaw.ca)