

June 23, 2023

RESS & EMAIL

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

Attention: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2023-0168: Application by Wataynikaneyap Power LP (“WPLP”) for Approval of 2024 Electricity Transmission Rates (the “Application”) – Request for Confidential Treatment of Information in Pre-Filed Evidence

We are legal counsel to WPLP, the applicant in the above-referenced proceeding. WPLP filed the Application on June 23, 2023. Pursuant to the OEB’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”), WPLP hereby requests the confidential treatment of certain information contained in the Application that relates directly to issues which are the subject of ongoing commercial discussions between WPLP and its contractor in relation to the Engineering, Procurement and Construction (EPC) contract pursuant to which WPLP’s transmission system is being constructed (the “**Confidential Information**”). The Confidential Information has been redacted in the public version of the Application filed with the OEB.

As noted in the Application, WPLP continues to be engaged in commercial discussions with its EPC contractor regarding COVID-related costs and schedule impacts under the EPC contract. The Confidential Information relates to these aspects and certain contract change requests, which are under review or at different stages of resolution as between the parties.

WPLP is requesting confidential treatment of the Confidential Information because its disclosure on the public record would significantly interfere with the commercial discussions, and materially prejudice WPLP’s position in those discussions and in any resolution process that may be required in the event the discussions do not resolve the outstanding issues between the parties on a final basis. Moreover, because of the nature of the Confidential Information, its disclosure on the public record would be likely to produce a significant loss or gain to one or both of the parties to the discussions. While the Confidential Information is not presumptively confidential under Appendix B to the Practice Direction, each of the foregoing is a consideration set out in subsection (a) of Appendix A to the Practice Direction.

The only information in the Application for which WPLP is requesting confidential treatment is the Confidential Information, and WPLP is not requesting confidential treatment of such

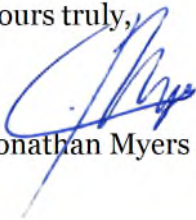
information for any reasons other than as set out above. The parts of the Application containing the Confidential Information are set out in the following table.

Exhibit Reference	Pages	Reasons/Potential Harms
A-3-1: Executive Summary	p. 13	<ul style="list-style-type: none">• Interference with ongoing commercial discussions• Material prejudice to WPLP's position in the commercial discussions and any potential dispute resolution process• Likelihood of significant loss or gain to a person
B-1-5: Project Costs	pp. 7-9, 17, 18, 23	
C-2-1: In-Service Additions	pp. 2-4, 8-11, App. A – Tables A-1 & A-2	
H-1-1-A: 2021-2023 CCCDA – Draft Revised Accounting Order	p. 1	
H-1-1-C: EPC COVID-Related Costs Deferral Account – Draft Accounting Order	p. 1	
H-2-2: COVID-Related Construction Costs	pp. 1, 4, 8	

Without limiting WPLP's rights under the Practice Direction to make further submissions in response to any requests by any person to gain access to the Confidential Information, it is WPLP's view that, if the EPC contractor or any affiliate of or person related to the EPC contractor seeks intervenor status and files a Declaration and Undertaking with the OEB, there would be compelling reasons for the OEB to either not accept such Declaration and Undertaking or for the terms thereof to be modified to ensure such person is not permitted to access the Confidential Information or any related information that WPLP may be required to file during the proceeding.

Unredacted, confidential copies of the exhibit excerpts containing the Confidential Information are provided in Appendices "A" to "F" below.

Yours truly,



Jonathan Myers

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

Appendices A to F have been filed confidentially with the OEB in accordance with the *Practice Direction on Confidential Filings*