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By Email and Filed on RESS

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

Dear Ms. Marconi:

Re: Hydro One Networks Inc.- Leave to Construct Application – St. Clair Transmission Line Project (“Project”), EB-2024-0155 – Confidential Filing

We are counsel to Hydro One Networks Inc. (“Hydro One”), the Applicant in the above-referenced proceeding.

In accordance with Rule 10.01 of the Ontario Energy Board’s (“OEB”) Rules of Practice and Procedure (the “Rules”) and the OEB’s Practice Direction on Confidential Filings dated December 17, 2021 (the “Practice Direction”), Hydro One is hereby requesting confidential treatment of certain information contained in its responses to interrogatories (“IRs”) filed in this proceeding and as more particularly described below.

In accordance with subsection 6.1.2, 6.1.4 and 6.1.7 of the Practice Direction and subsections 10.01 and 10.02 of the Rules, and given the commercially sensitive nature of the information, Hydro One proposes that the confidential versions of its responses to OEB Staff interrogatories 6(a), 10(a), 10(f)-(h), 11, 12(g) and 12(m) be disclosed only to counsel to OEB Staff following receipt of the Board’s standard form of Declaration and Undertaking.

Hydro One submits that the need for the relief requested outweighs the Board’s general public interest objectives of information transparency and openness. Specifically, the noted responses and the entire attachments contain highly commercially sensitive information.

Hydro One’s Engineering and Procurement Contracts (“EPC”) are bespoke documents that pertain specifically to the facts and circumstances of this Project. The terms and conditions contained in these agreements are the subject-matter of good faith negotiations. Hydro One is concerned that the risk of accidental or inadvertent disclosure through normal course dissemination practices, particularly at this time, may reasonably have material adverse impacts upon the commercial interests of the parties involved and their future commercial and competitive interests as the Project proceeds and as more procurement activities are required for this Project and others. If the information is disseminated, it could also impact the price and costs of transmission services charged to customers. Imposing the requested dissemination restrictions on interveners in these circumstances is therefore a reasonable precautionary step. The impugned information does not reasonably pertain to the interests and concerns raised by

interveners (other than Staff) in either of their intervention submissions nor does this information pertain to any of the areas raised in questions posed in their interrogatories.

The specific information for which Hydro One seeks confidential treatment and a summary of supporting rationale are set out below as required by subsections 5.1 and 5.3 of the Practice Direction.

No.	IR	Response or Exhibit, and the information for which confidential treatment is being requested	Presumptively confidential category (Appendix B)	Additional Alternative Rationale, reasons and harms (Appendix A)
1.	I-01-06(a)	Attachment 1.		<p>The requested information consists of commercial material that is consistently treated in a confidential manner by Hydro One.</p> <p>Disclosure of this information could prejudice the competitive position of wholesale market participants, likely producing significant loss or gain.</p> <p>Confidential treatment of this commercially sensitive information is consistent with the OEB's Decision and Order dated March 15, 2021 in EB-2020-0265 and January 16, 2024 in EB-2023-0198.</p>
2.	I-01-10(a), and f-h	Attachments 1 through 3.	Unit billing of a third party (EPC contractor).	<p>Hydro One's experience as a transmission and distribution project developer is that there are a limited number of vendors offering utility services in Ontario such that disclosure of the requested information could prejudice the EPC contractor's competitive position in future competitive procurements or bids with other and future potential clients.</p> <p>Disclosure of the confidential information could also prejudice the EPC contractor's subcontracting negotiations for the project that is the subject of this proceeding.</p> <p>In addition, disclosing this information could interfere significantly with Hydro One's other and future negotiating position – including with one or more of the registered interveners in this proceeding - regarding other outsourcing agreements with the potential to reduce Hydro One's</p>

No.	IR	Response or Exhibit, and the information for which confidential treatment is being requested	Presumptively confidential category (Appendix B)	Additional Alternative Rationale, reasons and harms (Appendix A)
				likelihood of receiving lowest cost bids. Confidential treatment of this commercially sensitive information is consistent with the OEB's Decision and Orders dated December 12, 2019, in EB-2019-0082, November 9, 2022, in EB-2022-0041, and January 16, 2024 in EB-2023-0198.
3.	I-01-11	Table 1 & Response to I-01-11(b).	Unit billing of a third party (EPC contractor).	See rationale provided in row 2.
4.	I-01-12(g) and (m)	Portions of EPC contractors bids provided in response to part g) and m).	Unit pricing of a third party (EPC contractor).	See rationale provided in row 2.

Please contact the undersigning if you have any questions in regard to the foregoing.

Yours truly,
McCarthy Tétrault LLP



Gordon M. Nettleton
Partner | Associé

c: EB-2024-0155 Interested Parties