



Hydro One Networks Inc.

Application for leave to construct an electricity transmission line and to expropriate interests in certain lands in the Municipalities of Welland, Thorold and the City of Niagara

DECISION ON CONFIDENTIALITY

April 23, 2026

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on November 18, 2025 under section 92 of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting leave to construct approximately 18.5 kilometres of electricity transmission line and associated facilities between Abitibi Consolidated Junction and Crowland Transformer Station in the Niagara area (Welland-Thorold Project or the Project). Hydro One has also applied to the OEB, pursuant to section 97 of the OEB Act, for approval of the form of land-use agreements offered, or to be offered, to affected landowners.

In its letter to the OEB filed on March 26, 2026, Hydro One requested confidential treatment of certain information in its responses to OEB Staff Interrogatory 8 - Attachment 1 and OEB Staff Interrogatory 11(f), (g), (i), (j) and (k).¹ Hydro One cited rule 10 of the OEB's Rules of Practice and Procedure², and the OEB's Practice Direction on Confidential Filings³ in its request.

Each interrogatory and Hydro One's corresponding rationale for requesting confidential treatment of its responses is summarized below:

- **OEB Staff Interrogatory 8 - Attachment 1:** Hydro One submitted that the response "Contains information regarding the calculation of the Project's annual line losses that is highly confidential and commercially sensitive, and that public disclosure could reasonably be expected to prejudice the economic interest and competitive position of HONI". Hydro One referred to Appendix A of the OEB's Practice Direction on Confidential Filings.

¹ [Hydro One's Letter to the OEB](#), dated March 26, 2026

² [OEB Rules of Practice and Procedure](#), November 13, 2025

³ [OEB Practice Direction on Confidential Filings](#), December 17, 2021

- **OEB Staff Interrogatory 11(f), (g), (i), (j) and (k):** Hydro One submitted that the response contains information related to the “Engineering, Procurement and Construction (“EPC”) contract information, which includes unit pricing of a third party and billing rates of a third party”. Hydro One referred to Appendix B of the OEB’s Practice Direction on Confidential Filings.

Additionally, Hydro One proposed that confidential versions of these responses be “disclosed to only counsel for OEB Staff from whom the OEB accepts a Declaration and Undertaking.”

OEB staff filed a submission with the OEB on April 6, 2026, in response to Hydro One’s request. OEB staff stated that they had no concerns with Hydro One’s requested confidential treatment of information contained in Hydro One’s responses to OEB Staff Interrogatory 8 - Attachment 1 and OEB Staff Interrogatory 11(f), (g), (i), (j) and (k). However, OEB staff stated that it was unclear if Hydro One was proposing that confidential information only be accessible to OEB counsel if they sign an Undertaking, and that other OEB staff, OEB Commissioners and counsel for intervenors in this case should not have access to the proposed confidential information.

OEB staff submitted further that in any event, according to section 6.1.1 of the Practice Direction on Confidential Filings, the OEB generally expects that confidential information should be disclosed to persons within one of the categories set out in section 6.1.1 that have signed the OEB’s form of Declaration and Undertaking, including (a) counsel for a party, and (b) an expert or consultant for a party. OEB staff also submitted that section 6.1.2 provides that the OEB will accept a Declaration and Undertaking from a person in either of these categories except where there are compelling reasons for not doing so.⁴

The OEB’s Practice Direction on Confidential Filings provides that the party requesting confidentiality must file its response to any objections received within five (5) business days of the receipt of the objection. Hydro One did not submit a response to OEB staff’s submission.

Findings

Confidential Treatment

The OEB approves the request for confidential treatment of Hydro One’s responses to OEB staff Interrogatory 8 - Attachment 1 and OEB Staff Interrogatory 11(f), (g), (i), (j) and (k).

⁴ [OEB Staff Submission on Confidentiality](#), April 6, 2026

The OEB finds that the evidence for which Hydro One is seeking confidential treatment is within the categories of information that will presumptively be considered confidential outlined in Appendix B of the Practice Direction on Confidential Filings. The OEB also takes into account the OEB staff submission which is aligned.

Internal OEB Access

Hydro One proposed that the confidential versions of its responses to OEB Staff Interrogatory 8 - Attachment 1 and OEB Staff Interrogatory 11(f), (g), (i), (j) and (k) be disclosed only to counsel for OEB Staff from whom the OEB accepts a Declaration and Undertaking.

If Hydro One meant to request that Commissioners and OEB staff would not have access to the confidential information, except OEB staff counsel after signing a Declaration and Undertaking, the OEB denies this request.

As noted in the OEB staff submission, Hydro One has provided no reason for the OEB to modify its standard internal processes regarding the handling confidential information for the purposes of this case. Also, the OEB notes that the Practice Direction on Confidential Filings does not apply to OEB staff and Commissioners, as it states in section 2 that it “does not address the manner in which Commissioners and OEB staff will administer confidential information, which is an issue of the OEB’s internal processes.”

Lastly, even if the Practice Direction on Confidential Filings wasn’t specific on the internal information management issue, OEB counsel would remain able to share Confidential Information within the OEB based on the OEB’s standard Form of Declaration and Undertaking.

Access outside of OEB

If Hydro One meant to request that counsel outside the OEB be granted access to the confidential information only after signing a Declaration and Undertaking, the OEB approves this request, seeing as it is consistent with the terms of the Practice Direction on Confidential Filings. If Hydro One instead meant to request any other process, the OEB would still refer to the above-referenced approach as the appropriate course.

As provided for in section 6.1.1 of the Practice Direction on Confidential Filings, the OEB generally expects that confidential information should be disclosed to persons within one of the categories set out in section 6.1.2 who have signed the OEB's form of Declaration and Undertaking, namely:

- (a) counsel for a party; and
- (b) an expert or consultant for a party.

Section 6.1.2 provides further that the OEB will accept a Declaration and Undertaking from a person in either of these categories except where there are compelling reasons for not doing so.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The OEB approves the request for confidential treatment of Hydro One's responses to OEB staff Interrogatory 8 - Attachment 1 and OEB staff Interrogatory 11(f), (g), (i), (j) and (k). The redacted versions of these interrogatory responses filed by Hydro One shall remain on the public record for this proceeding.
2. Counsel or consultants for intervenors that wish to review the confidential, unredacted versions of the interrogatory responses to OEB Staff Interrogatory 8 - Attachment 1 and OEB Staff Interrogatory 11(f), (g), (i), (j) and (k) shall sign and file the OEB's Confidentiality Declaration and Undertaking form by no later than **April 30, 2026**.
3. Hydro One shall provide the confidential, unredacted versions of the interrogatory responses to OEB Staff Interrogatory 8 - Attachment 1 and OEB Staff Interrogatory 11(f), (g), (i), (j) and (k) to counsel or consultants who signed the OEB's form of Declaration and Undertaking by no later than **May 1, 2026**.

Direction for preparing materials

- Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with Rule 9A of the OEB's [Rules of Practice and Procedure](#).

- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2025-0290**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.

- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar and be received by **4:45 p.m.** on the required date.
- With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Katherine Wang at Katherine.Wang@oeb.ca and OEB Counsel, Stephanie Pope at Stephanie.Pope@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **April 23, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Registrar