

Hydro One Networks Inc.

**Application for leave to construct a new electricity
transmission line between Hanmer Transformer Station,
and Mississagi Transformer Station in northeastern
Ontario**

**DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 2
September 14, 2026**

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on May 19, 2026, under section 92 of the *Ontario Energy Board Act, 1998* (OEB Act), for an order granting leave to construct approximately 205 kilometres of electricity transmission line and associated facilities for the Northeast Power Line Project (NEPL) in the City of Greater Sudbury, District of Sudbury, and District of Algoma. The proposed electricity transmission line would extend between Hanmer Transformer Station and Mississagi Transformer Station. This transmission line has been declared a priority transmission project under section 96.1 of the OEB Act by [Order in Council 1531/2023](#).

Hydro One has also applied to the OEB under section 97 of the OEB Act for approval of the form of land-use agreements it offers to landowners for the routing and construction of the NEPL.

In Procedural Order No. 1, the OEB granted intervenor status to Waasmoowin GP Inc. (WGP) and to the Waasmoowin Opportunities and Consultation Council (WOCC). The OEB also established a schedule for parties to file written interrogatories and for Hydro One to file responses.

Confidentiality Request

In its cover letter to interrogatory responses filed on August 20, 2026, Hydro One requested confidential treatment of certain information in its responses to OEB staff interrogatories 4(b), 4(c), 7(h), 8(c), and 11(a) citing Rule 10.01 of the [OEB Rules of Practice and Procedure](#) and Appendix A of the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction). Hydro One stated that proposed redactions to the interrogatory responses relate to commercially sensitive information, specifically the calculation of its annual line losses and unit billing in its Engineering, Procurement and Construction contracts. No party objected to the request.

Calculation of Line Losses

The OEB approves Hydro One's request to treat the line loss calculations provided in its response to OEB staff interrogatory 4 (b) and (c) as confidential.

The OEB finds that the information available on the public record, including the application and responses to interrogatories, is sufficient to provide an explanation of Hydro One's line loss calculations. Individuals requiring more detail will have access to the underlying model subject to the Practice Direction.

The OEB has recently approved similar confidentiality requests in EB-2025-0290, EB-2024-0155, and EB-2023-0198, and the OEB has considered this in approving confidential treatment in the current case. Previous confidential treatment is among the examples set out in Appendix A (e) of the Practice Direction of factors that the OEB may consider in determining a request for confidentiality. Hydro One also relies, in part, on Appendix A (e) in its request.

The OEB notes, however, that prior determinations do not relieve a party of its obligation to provide case-specific reasons supporting a request for confidentiality. This Panel shares the concerns expressed in EB-2024-0155 and EB-2023-0198 about the adequacy of the reasons provided to support confidentiality claims for line loss calculations.

The OEB's general policy is that records filed in its proceedings should be open to public inspection. This policy reflects the OEB's commitment to open, transparent, and accessible decision-making. At the same time, the OEB recognizes that some information warrants confidential treatment. The Practice Direction seeks to balance transparency and openness with the need to protect information that has been properly designated as confidential. Disclosure is the default position; confidentiality is the exception.

A party seeking confidential treatment bears the burden of demonstrating that confidentiality is warranted. Section 5.1.4(b) of the Practice Direction requires a party claiming confidentiality to set out "the basis for the confidentiality claim, including references to Appendix A, if applicable, and the reasons why public disclosure of that information would be detrimental." Hydro One asserts that disclosure could prejudice the competitive position of wholesale market participants, and likely result in a significant loss or gain to any person. However, Hydro One fails to explain how disclosure of the line loss calculations could cause harm to wholesale market participants. In the OEB's view, a reference to Appendix A, without sufficient accompanying reasons and supporting explanation, does not fully satisfy the requirements of Section 5.1.4(b).

Despite these concerns, the OEB will grant the request in this case. The OEB has previously accepted confidentiality claims for similar information, and the Panel considers it appropriate to do so here. However, Hydro One should not assume that a reference to past OEB decisions will, on its own, justify confidential treatment in future proceedings. Going forward, any request for confidential treatment must include clear, specific, and evidence-based reasons explaining why disclosure would be detrimental. Absent such reasons, the OEB may deny the request and order that the information be placed on the public record.

Engineering, Procurement and Construction Contract

The OEB approves Hydro One's request to treat the redacted information in response to OEB staff interrogatories 7(h), 8(c) and 11(a) as confidential.

The proposed redactions of interrogatory responses 7(h) and 11(a) address pricing information for line and station work under an Engineering, Procurement and Construction contract. Appendix B of the Practice Direction identifies a third party's unit pricing information as presumptively confidential. Consistent with that guidance and previous OEB decisions that have protected similar information, the OEB approves confidential treatment of the redacted information in interrogatory responses 7(h) and 11(a).

The proposed redactions to response 8(c) address the allocation of risk for trade tariffs between Hydro One and its contractor. The OEB recognizes the public interest in understanding whether ratepayers may bear tariff-related risks. However, the OEB accepts Hydro One's submission on the need for confidentiality in this regard. Hydro One submitted (in part) that these contracts are negotiated on a project-specific basis; that the market has a limited number of Engineering, Procurement and Construction vendors capable of providing these services; and that disclosure could affect future commercial negotiations and the competitiveness of procurement processes. In these circumstances, the OEB finds that maintaining confidentiality strikes an appropriate balance between transparency and the potential harm that disclosure could cause. Accordingly, the OEB approves confidential treatment of the redacted information in interrogatory response 8(c).

Submissions

The OEB approves Hydro One's request to waive its procedural right to submission of the argument-in-chief. The OEB will, as a result, consider the content of Hydro One's application in this matter as a replacement for its argument-in-chief.

In its letter of August 21, 2016, Hydro One noted that no intervenor evidence had been filed and proposed an abridged process wherein "OEB Staff and intervenors file their

written final arguments first and for Hydro One to then have reasonable time to review and provide its written final argument. This would include any reply submissions to arguments made by OEB Staff and intervenors.”

The procedural steps for a proceeding of this kind would normally include the applicant’s argument-in-chief, submissions from OEB staff and intervenors, and the applicant’s reply submission. No party opposed Hydro One’s request to depart from that process.

The OEB grants Hydro One’s request to waive its argument-in-chief. In this case, OEB staff and intervenors may file submissions in relation to Hydro One’s application first, followed by Hydro One’s reply submission.

The OEB reminds Hydro One that a reply submission is strictly limited to responding to matters raised by OEB staff and intervenors in their respective submissions. It is not an argument-in-chief and must not raise any new argument and/or issues that other parties have not had an opportunity to address. To ensure procedural fairness, the OEB will not afford any weight to any submissions that are not strictly reply.

The OEB is making provision for the following related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Any written submissions by intervenors and OEB staff shall be filed with the OEB and served on all other parties by **September 24, 2026**.
2. Any reply submissions by Hydro One shall be filed with the OEB and served on all other parties by **October 5, 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-2026-0154**) 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, Muhammad Yunus at Muhammad.Yunus@oeb.ca and OEB Counsel, Faye Kidman at Faye.Kidman@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **September 14, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Registrar