



**EB-2007-0050**

**IN THE MATTER OF** the *Ontario Energy Board Act 1998*, S.O.1998, c.15, (Schedule B) (the “Act”);

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. pursuant to section 92 of the Act, for an Order or Orders granting leave to construct a transmission reinforcement project between the Bruce Power Facility and Milton Switching Station, all in the Province of Ontario.

**PROCEDURAL ORDER NO. 6**  
**The Leave to Construct Application**

Hydro One Networks Inc. (“Hydro One”) filed an amended application (the “Amended Leave to Construct Application”) with the Ontario Energy Board (the “Board”) dated November 30, 2007 under section 92 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B (the “Act”). This Amended Leave to Construct Application addresses certain changes to Hydro One’s original application filed with the Board on March 29, 2007.

Hydro One is seeking an Order of the Board to construct approximately 180 kilometres of double-circuit 500 Kilovolt (“kV”) electricity transmission line adjacent to the existing transmission corridor (500 kV and/or 230 kV) extending from the Bruce Power Facility in Kincardine Township to Hydro One’s Milton Switching Station in the town of Milton. Hydro One also proposes to make modifications at the Milton, Bruce A and Bruce B transmission stations to accommodate the new transmission lines. This Leave to Construct Application was given Board file No. EB-2007-0050.

Hydro One has submitted that the project is required to meet the increased need for transmission capacity associated with the development of wind power in the Bruce area and the return to service of nuclear units at the Bruce Power Facility. Hydro One proposes an in-service date of Fall 2011 for the new 500 kV transmission line and

related facilities. The estimated cost of the transmission project is approximately \$635 million.

On February 25, 2008, the Board issued Procedural Order No.5 setting out the schedule for interrogatories and the filing of intervenor evidence.

On March 4, 2008, the Board received a letter from the Independent Electricity System Operator (“IESO”) seeking confidential treatment pursuant to the Board’s Practice Direction on Confidential Filings (the “Practice Direction”) for an interrogatory response. The undertaking response in question (the “Interrogatory Response”) is interrogatory # 25 from the Saugeen Ojibway Nations. Although Hydro One Networks Inc. (“Hydro One”) is the applicant in this case, certain evidence relating to the “need” for the project is in fact being prepared by the IESO, which is why this interrogatory was directed to the IESO.

The Board has also received a number of letters from Mr. Pappas, an intervenor in this proceeding, with relation to the Interrogatory Response. It is Mr. Pappas’ view that the Interrogatory Response should be released to the parties immediately, and that delay in releasing the response may require an adjustment to the schedule to allow parties time to review and consider it.

The Board’s Practice Direction establishes a process for the Board’s consideration of requests for confidential status. The IESO has followed the first steps set out in the Practice Direction by filing a copy of the Interrogatory Response with the Board with an explanation as to why it believes it should be kept confidential. The next step is to allow parties that dispute that the Interrogatory Response should be accorded confidential status to make submissions on this matter.

The Board will receive submissions from parties regarding whether or not the Undertaking Response should be confidential. However, given the desire of at least one party to receive the document expeditiously, the Board will not make parties wait until this process is completed to receive the document. As an interim measure, the Interrogatory Response will immediately be made available to any party that signs the Board’s Declaration and Undertaking (which can be found at Appendix D of the Practice Direction) and files it with the Board. In the event that the Board ultimately finds that the Interrogatory Response is not confidential, the Declaration and Undertaking will be considered to no longer apply. In the event that the Board ultimately finds that the

Undertaking Response is confidential, then the Declaration and Undertaking will continue to apply.

Please be aware that further procedural orders may be issued from time to time.

**THE BOARD ORDERS THAT:**

1. The Interrogatory Response will be made available to any party that signs the Board's Declaration and Undertaking and files it with the Board.
2. Parties that dispute the IESO's claim that the Undertaking Response should be accorded confidential status shall file their submissions on this issue by March 14, 2008. Parties should have regard to the Board's Practice Direction when filing their submissions.
3. The IESO may file a response by March 19, 2008.
4. All parties filing material must provide these to the Board Secretary as ten hard copies and one electronic copy in searchable PDF format at [boardsec@gov.on.ca](mailto:boardsec@gov.on.ca), **by 4:45pm on the date indicated**, and copy all parties.

**DATED** at Toronto, March 7, 2008

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary