



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. 9
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.

Four Procedural Orders addressing scheduling, issues development and preliminary matters were issued in succession following receipt of the Application. 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 7, 2008 the Board issued Procedural Order No. 6 which addressed an issue of confidentiality related to a System Model used by the Independent Electricity System Operator (“IESO”). On April 1, 2008, the Board issued its Decision and Order on Confidentiality Matters. Procedural Order No. 7 established a Motions Day to hear motions from parties seeking answers to interrogatories.

A Motions Day was held on April 3, 2008 to hear submissions from Pollution Probe and the combined submission of the Ross Firm Group and Fallis, Fallis and McMillan with respect to certain interrogatory answers in the Bruce to Milton leave to construct application (the Motion). On April 7, 2008 the Board issued Procedural Order No. 8 requiring that Hydro One provide answers to certain interrogatories filed by intervenors. The Decision and Order on the Motion also dated April 7, 2008 required that Hydro One make its best efforts to obtain this information, from Ontario Power Generation, Bruce Power, or some other body.

The Board received a letter dated April 10, 2008 from the Ontario Power Authority (OPA) requesting that certain information provided in response to Pollution Probe interrogatories 19(a), 19(d), 38 and 47(c) be treated in confidence in accordance with Rule 10 of the Board’s Rules of Practice and Procedure.

On April 11, 2008, Pollution Probe wrote to the Board requesting that the information be provided to intervenor representatives who have filed the Board’s Declaration and Undertaking on an interim confidential basis pending the Board’s final determination of confidentiality. The Board has reviewed this request for obtaining access to the information for which confidentiality is sought and has found it to be a reasonable.

In this case, those eligible to receive the answers to the interrogatories will be restricted to counsel and expert witnesses for intervenors.

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 to these interrogatory responses. In the event that the Board ultimately finds that the interrogatory answers are confidential, then the Declaration and Undertaking will continue to apply.

THE BOARD ORDERS THAT:

1. Counsel and expert witnesses for any party who have signed the Board's Declaration and Undertaking in accordance with Procedural Order No. 6 dated March 7, 2008 shall be provided with the un-redacted responses to Pollution Probe's interrogatories 19(a), 19(d), 38 and 47(c) on an interim basis pending the Board's final determination of confidentiality.
2. The un-redacted responses will also immediately be made available to counsel and expert witnesses for 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.
3. Parties that dispute the OPA's claim that the interrogatory response should be accorded confidential status shall file their submissions on this issue by April 21, 2008. Parties should have regard to the Board's Practice Direction when filing their submissions.
4. The OPA may file a response by April 23, 2008.
5. 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, **by 4:45pm on the date indicated**, and copy all parties.

DATED at Toronto, April 14, 2008

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary