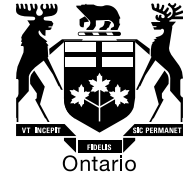


**Ontario Energy Board**  
P.O. Box 2319  
27th. Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Telephone: 416- 481-1967  
Facsimile: 416- 440-7656  
Toll free: 1-888-632-6273

**Commission de l'énergie de l'Ontario**  
C.P. 2319  
27e étage  
2300, rue Yonge  
Toronto ON M4P 1E4  
Téléphone: 416- 481-1967  
Télécopieur: 416- 440-7656  
Numéro sans frais: 1-888-632-6273



## BY E-MAIL AND WEB POSTING

October 28, 2016

**TO: All Rate Regulated Electricity Distributors  
All Rate Regulated Natural Gas Distributors  
All Rate Regulated Electricity Transmitters  
Ontario Power Generation  
Independent Electricity System Operator  
All Other Interested Parties**

**Re: Ontario Energy Board (OEB) - Amendments to:**  
- ***Practice Direction on Settlement Conferences***  
- ***Rules of Practice and Procedure***  
- ***Practice Direction on Confidential Filings***

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The OEB has amended its *Practice Direction on Settlement Conferences* to more explicitly define the privileged and confidential status of the information exchanged during an OEB-ordered settlement conference. The amendments outline the limited circumstances under which such information may be disclosed and conditions attached to disclosure. These amendments will increase the efficiency and effectiveness of the OEB's adjudicative process. The OEB is also making consequential amendments to the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings*.

### ***Practice Direction on Settlement Conferences***

The revisions to the *Practice Direction on Settlement Conferences* include both substantive and administrative amendments. An overview of the changes is provided below:

- The section formerly entitled "Confidentiality" has been removed and replaced with a new section entitled "Privilege and Confidentiality of Settlement Information". The section has been changed to:

- define “settlement information”
- make clear that settlement information is confidential, privileged and without prejudice
- in a sub-section entitled “Privilege”, describe the privileged nature of the settlement information
- in a sub-section entitled “Confidentiality”,
  - impose an obligation on a settlement conference attendee not to disclose settlement information to a non-attendee except where the attendee is seeking assistance or instructions in relation to the settlement conference, and
  - impose conditions on any such disclosure.

### **Rules of Practice and Procedure**

References to “Alternative Dispute Resolution” or “ADR” throughout the *Rules of Practice and Procedure* have been changed to “settlement conference” for consistency of terminology among the OEB’s various regulatory instruments.

Section 29.09 and 29.10 of the *Rules of Practice and Procedure* which relate to settlement conferences have also been amended to specifically reference the *Practice Direction on Settlement Conferences*.

### **Practice Direction on Confidential Filings**

Amendments to the *Practice Direction on Confidential Filings* are largely administrative and consist of replacing references to “alternative dispute resolution” or “ADR” with “settlement conference”.

Attached to this letter are versions of each of the *Practice Direction on Settlement Conferences*, the *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* tracking the amendments for ease of reference.

The revisions to each of the *Practice Direction on Settlement Conferences*, the *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* come into force October 28, 2016. The revised documents are available on the Board’s website at <http://www.ontarioenergyboard.ca>.

Yours truly,

*Original Signed By*

Kristi Sebalj  
Registrar