



Hydro One Sault Ste. Marie Limited Partnership

Application for leave to construct: refurbish the existing section of electricity transmission line between Third Line Transformer Station and Mackay Transformer Station

PROCEDURAL ORDER NO. 2 AND DECISION ON CONFIDENTIALITY October 12, 2023

Hydro One Sault Ste. Marie Limited Partnership (HOSSM) applied to the Ontario Energy Board (OEB) on June 15, 2023, under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to refurbish approximately 90.5 kilometres of an existing 115 kilovolt single-circuit electricity transmission line between Third Line Transformer Station and Mackay Transformer Station and associated facilities in North-West Ontario (Project). HOSSM has also applied to the OEB for approval of the forms of agreement it offers to landowners if temporary construction rights for access or staging areas are required during the construction period of the Project.

In Procedural Order No. 1, issued on August 18, 2023 and then revised on September 19, 2023, the OEB established the procedural schedule for this matter, including dates for submissions on confidentiality, interrogatories from OEB staff and intervenors and interrogatory responses from HOSSM.

HOSSM's Confidentiality Request

By letter dated August 15, 2023, HOSSM requested confidential treatment of a portion of the IESO's Expedited System Impact Assessment Report¹ (SIA) included in the application. In its letter, HOSSM stated that Appendices B, C and D of the SIA contain confidential information of the IESO, the connection applicant, the transmitter and, potentially, other third parties, including information that, if disclosed, could reasonably be expected to pose a potential security threat to the integrated power system, the IESO administered markets, or those of neighbouring jurisdictions.

In Procedural Order No. 1, the OEB noted that HOSSM's request for confidentiality did not fulfill the requirements of the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction). The OEB ordered HOSSM to file the confidential information in accordance with the Practice Direction or, if HOSSM did not have the unredacted, confidential version of the SIA, it should request that the IESO provide the information.

¹ Exhibit F, Tab 1, Schedule 1, Attachment 1, Appendices B to D

In its letter dated August 22, 2023, HOSSM filed an unredacted version of the SIA on a confidential basis and requested that it be reviewed pursuant to the OEB's Rules of Practice and Procedure and the Practice Direction.

Both the August 15 and August 22, 2023 confidentiality requests indicate that the basis for confidential treatment is that the information falls within the "presumptively confidential category" set out in the Practice Direction.

HOSSM requested that all parties complete and sign a non-disclosure agreement if the OEB decided to make the unredacted version of the SIA available to intervenors.

No parties filed an objection to HOSSM's confidentiality request.

Findings

In the circumstances of this application, and given that there has been no objection to the confidentiality request, the OEB approves confidential treatment of Appendices B to D of the SIA. However, the approval granted in this case should not be taken as any indication that, in future cases, a blanket statement such as that made in HOSSM's confidentiality requests of August 15 and August 22, 2023 will be sufficient to support a request for confidential treatment. The OEB notes that the table required by section 5.1.4(b) of the Practice Direction on Confidential Filings is to be provided in respect of "each piece of information" for which confidential treatment is requested. The OEB expects the applicant, when making a request for confidential treatment of all or part of an SIA, to provide clarity about the particular information within the SIA that is the subject of the request and (except for information that is presumptively confidential) the reasons why public disclosure of that particular information would be detrimental.

Submissions

The OEB is making provision for final submissions on the application.

Further procedural orders may be issued by the OEB. It is necessary to make provision for the following matters related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. Any written submissions by OEB staff and intervenors shall be filed with the OEB and served on all other parties by **October 24, 2023**.
2. Any reply submissions by HOSSM, shall be filed with the OEB and served on all other parties by **October 31, 2023**.

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](#).

Please quote file number, **EB-2023-0061** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please 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. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 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, Vithooshan Ganesanathan at Vithooshan.Ganesanathan@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, October 12, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar