



**Upper Canada Transmission 2, Inc.**

**Application for electricity transmission rate changes  
beginning January 1, 2024**

**DECISION ON CONFIDENTIALITY  
August 14, 2024**

Upper Canada Transmission 2, Inc. (Upper Canada Transmission) filed an application with the Ontario Energy Board (OEB) on October 10, 2023, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval to change the rates that it charges for electricity transmission, effective January 1, 2024.

On February 5, 2024, Upper Canada Transmission filed a request for confidential treatment of the following information contained in its interrogatory responses:

- **Unit pricing/ billing rate of a third party**
  - Sections of Exhibit I-01-08 Att. 5
  - Entirety of Exhibit I-01-09 Att. 1
  - Sections of Exhibit I-01-14 Att. 3
  - Entirety of Exhibit I-01-14 Att. 6.2 to 6.7
  - Sections of Exhibit I-01-14 Att. 6.8
  - Sections of Exhibit I-01-19
  - Sections of Exhibit I-01-19 Att. 1
  - Response I-01-30
  - Response I-01-32
  - Sections of Exhibit I-01-33 Att. 1
  - Response I-01-35
  - Entirety of Exhibit I-01-35 Att. 1
  - Entirety of Exhibit I-01-36 Att. 1
  - Entirety of Exhibit I-01-37 Att. 1
  - Entirety of Exhibit I-02-07 Att. 1
  - Sections of Exhibit I-02-12 Att. 2
  - Sections of Exhibit I-02-12 Att. 3
  - Response I-03-03
  - Entirety of Exhibit I-03-10 Att. 1
  - Response IR I-03-12
  - Entirety of Exhibit I-03-12 Att. 1
  - Sections of Exhibit I-03-13 Att. 1
  - Entirety of Exhibit I-03-14 Att. 2
  - Sections of Exhibit I-05-06 Att. 1
  
- **Other commercially sensitive information**

- Sections of Exhibit I-01-08 Att. 7
- Sections of Exhibit I-01-13
- Response I-02-07
- Response IR I-03-04
- Response IR I-03-08
- Response IR I-05-01
- Response IR I-05-06

Upper Canada Transmission submitted the majority of the redacted information pertains to a third-party contractor, Valard Construction LP. It asserted that potential risks to its contractor, including interference with ongoing commercial discussions, prejudice to competitive standing, obstruction of negotiations, and the possibility of significant losses or competitor gains, as a result of disclosure of this information. Upper Canada Transmission proposed the confidential versions of the interrogatory responses be disclosed to OEB staff, intervenors, their experts, and counsel, from whom the OEB accepts a Declaration and Undertaking.

In Procedural Order No. 5, the OEB approved a request from the School Energy Coalition to allow the filing of objections to the confidentiality request after the completion of the settlement conference due to the magnitude of the request and the limited time schedule.

The dates for objections to be filed to the confidentiality request was deferred again in Procedural Order No. 6.

A Settlement Proposal representing a complete settlement among the parties on all issues was filed with the OEB on May 3, 2024. On June 13, 2024, the OEB issued a Decision and Order approving the Settlement Proposal.

The OEB received one submission from OEB staff regarding the confidentiality request. OEB staff did not oppose 16 of the redaction requests related to unit pricing or billing rates of a third party, or banking and litigation information. However, OEB staff submitted that Upper Canada Transmission should not be permitted to withhold aggregate cost information or overall cost increases from the original budget as confidential. Also, OEB staff claimed that some of the redacted information was already in the public domain.

On July 15, 2024, the OEB issued a letter to all parties in the proceeding asking whether the public version of the interrogatory responses was sufficient for the public's understanding of what had transpired in the conclusion of the application by the Settlement Proposal. Upper Canada Transmission confirmed by letter that, based on discussions with all parties, the public version of the interrogatory responses and evidentiary record was sufficient.

**Findings**

The OEB is determining the confidentiality requests of an applicant after the results of the application have already been agreed upon by all parties and approved by an OEB Decision. In these circumstances, as all parties agree that the public record is sufficient to support the Settlement Proposal, which the OEB found to be in the public interest, the OEB approves confidential treatment of the redacted information. Accordingly, Upper Canada Transmission's confidentiality request is approved.

**DATED** at Toronto, **August 14, 2024**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar