

This decision was originally issued on a confidential basis and later published pursuant to the terms of the Order issued in the same proceeding on August 9, 2018.



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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**IN THE MATTER OF
KATANGA MINING LIMITED**

D. Grant Vingoe, Vice-Chair and Chair of the Panel
Deborah Leckman, Commissioner
Mark J. Sandler, Commissioner

October 18, 2017

CONFIDENTIAL ORDER
Section 17 of the
Securities Act, RSO 1990, c S.5

WHEREAS on October 18, 2017, the Ontario Securities Commission held a hearing in writing to consider written submissions following upon an application made by Katanga Mining Limited ("**Katanga**") for an order authorizing Katanga to disclose certain information pursuant to section 17 of the *Securities Act*, RSO 1990, c S.5 (the "**Act**"), which written submissions address the issue of the confidentiality of the Order issued August 9, 2017, the Reasons for Decision issued October 18, 2017 and this Order;

ON READING Staff's written submissions dated September 8, 2017 and Staff's Book of Authorities, and considering Staff's advice that Katanga is agreeable to the approach proposed in Staff's written submissions;

IT IS ORDERED THAT:

1. Pursuant to Rule 17.2(2) of the *Ontario Securities Commission Rules of Procedure* (2014), 37 OSCB 4168 (the "**Rules of Procedure**"), the Order issued August 9, 2017 (the "**August Order**"), the related Reasons for Decision issued October 18, 2017 and this Order (collectively, the August Order, the related Reasons and this Order are the "**Confidential Decisions**") shall be kept confidential until the earlier of:
 - a. August 10, 2018; and
 - b. if Staff files a Statement of Allegations naming Katanga as a Respondent, and/or other Respondents in a proceeding involving Katanga's financial statements, 30 days after the Notice of Hearing is issued to commence that enforcement proceeding,

and thereupon, subject to sections 2 and 3 of this Order, shall be published in the same manner as Commission decisions for which confidentiality has not been ordered.

2. If Staff files a Statement of Allegations naming Katanga as a Respondent, and/or other Respondents in a proceeding involving Katanga's financial statements, on or before July 10, 2018, then:
 - a. by no later than 10 days after the Notice of Hearing is issued, Staff shall file with the Registrar, and serve on Katanga and each Respondent named in the Statement of Allegations, written submissions regarding the publication of the Confidential Decisions, including details of any proposed redactions and submissions on whether publication would cause any person prejudice or otherwise not be in the public interest; and
 - b. by no later than 7 days after delivery of Staff's written submissions pursuant to subsection 2.a of this Order, Katanga and any other Respondent named in the Statement of Allegations shall deliver responding written submissions, if any, regarding the publication of the Confidential Decisions.
3. If no Statement of Allegations against Katanga is filed by Staff by July 10, 2018, then:
 - a. by no later than July 20, 2018, Staff shall file with the Registrar, and serve on Katanga, written submissions regarding the publication of the Confidential Decisions, including details of any proposed redactions and submissions on whether publication would cause any person prejudice or otherwise not be in the public interest; and
 - b. by no later than 7 days after delivery of Staff's written submissions pursuant to subsection 3.a of this Order, Katanga shall deliver its responding written submissions, if any, regarding the publication of the Confidential Decisions.
4. Pursuant to subsection 9(1.1) of the *Statutory Powers Procedure Act*, RSO 1990, c S.22 and Rule 5.2 of the Rules of Procedure, the materials filed with the Commission by Staff in connection with Katanga's application and this Order shall be kept confidential.

"D. Grant Vingoe"

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"Deborah Leckman"

Deborah Leckman

"Mark J. Sandler"

Mark J. Sandler