



EB-2012-0168

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Tillsonburg Hydro Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2013.

PROCEDURAL ORDER NO. 2
January 23, 2013

Tillsonburg Hydro Inc. (“THI”) filed an application (the “Application”) with the Ontario Energy Board (the “Board”) on November 8, 2012 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that THI charges for electricity distribution, to be effective May 1, 2013.

The Board issued Procedural Order No. 1 dated December 10, 2012 in which the Board established dates for the filing of written interrogatories and responses.

In correspondence dated January 17, 2013, THI notified the Board that it would be unable to provide its responses to parties’ interrogatories within the specified timelines due to the recent resignation of a key staff member. THI requested an extension of the date to file responses to interrogatories from January 22, 2013 to January 25, 2013.

The Board approves THI’s request for an extension of the filing date of its interrogatory responses.

In subsequent correspondence dated January 23, 2013, THI requested the Board’s direction with respect to the filing of confidential information in response to VECC interrogatory #22c) and Energy Probe interrogatory #1c). THI noted that its response to these interrogatories would require the disclosure of its third party auditor’s working

papers which contain sensitive information, such as individual employee wages and benefits. THI stated that due to the volume of sensitive data included in the working papers, a redacted version would not be tenable. THI stated that it was prepared to share a copy of the confidential information with any intervenors who have signed the Board's Declaration and Undertaking on Confidential Filings, should the Board require.

The Board's Practice Direction on Confidential Filings ("the Practice Direction") sets out a process to be followed when a confidentiality claim is raised during a proceeding. Specifically sections 5.1.4. of the Practice Direction provides that a request for confidentiality must include the following items:

- (a) a cover letter indicating the reasons for the confidentiality request, including the reasons why the information at issue is considered confidential and the reasons why public disclosure of that information would be detrimental;
- (b) a confidential, un-redacted version of the document containing all of the information for which confidentiality is requested. This version of the document should be marked "confidential" and should identify all portions of the document for which confidentiality is claimed, by using shading, square brackets or other appropriate markings. If confidential treatment is requested in relation to the entire document, the document should be printed on coloured paper.

The confidential, un-redacted version of the document will, subject to section 5.1.6 of the Practice Direction, be kept confidential until the Board has made a determination on the confidentiality request.

The Board directs THI to file a hard copy of the un-redacted working papers for the transfer pricing study completed by THI's third party auditor by January 25, 2013. THI must also include a summary of the contents of the confidential information in its response to VECC interrogatory #22c) and Energy Probe interrogatory #1c).

As an interim measure, the Board will allow any external counsel or external consultant for intervenors who wish to review the confidential documents that will be filed in response to VECC interrogatory #22c) and Energy Probe interrogatory #1c) to do so after signing a copy of the Board's Declaration and Undertaking with respect to confidential documents, filing it with the Board, and serving it on THI.

Intervenors and Board staff who object to THI's request for confidential treatment of any part of the interrogatory response shall file their submissions by January 30, 2013. THI shall file any reply submission by February 1, 2013. If the Board ultimately decides that the document(s) should not be afforded confidential treatment, they will be placed on the public record unless, within a period of five business days, and in accordance with section 5.1.12 of the Practice Direction, THI requests that the information be withdrawn.

THE BOARD ORDERS THAT:

1. THI shall file with the Board complete written responses to interrogatories and deliver them to all intervenors and Board staff no later than **January 25, 2013**.
2. THI shall file a copy of the un-redacted working documents as requested in VECC interrogatory #22c) and Energy Probe interrogatory #1c) with the Board and in accordance with the Practice Direction on Confidential Filings by **January 25, 2013**. THI shall also file a summary of the contents of these working papers in its response to VECC interrogatory #22c) by **January 25, 2013**.
3. Intervenors and Board staff who object to THI's claim for confidential treatment of the material so identified in the responses to VECC interrogatory #22c) and Energy Probe interrogatory #1c) shall file their submission with the Board and deliver it to all parties on or before **January 30, 2012**.
4. THI shall file its response, if any, to the submissions of Board staff and the intervenors with the Board and deliver it to all parties by **February 1, 2013**.

All filings to the Board must quote the file number, EB-2012-0168, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two

paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 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, Stephen Vetsis at Stephen.Vetsis@ontarioenergyboard.ca and Board Counsel, Maureen Helt at Maureen.Helt@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, **January 23, 2013**

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary