



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DEFENSE DE L'INTERET PUBLIC

ONE Nicholas Street, Suite 1204, Ottawa, Ontario, Canada K1N 7B7
Tel: (613) 562-4002. Fax: (613) 562-0007. e-mail: piac@piac.ca. <http://www.piac.ca>

Michael Janigan
Counsel for VECC
613-562-4002

January 30, 2013

VIA MAIL and E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge St.
Toronto, ON
M4P 1E4

Dear Ms. Walli:

Re: EB-2012-0168 Tillsonburg Hydro Inc.

On January 23, 2013 the Board issued Procedural Order No. 2 in the above noted proceeding in respect to requests for confidentiality of certain materials requested in interrogatories 4-VECC-22 and 4-Energy Probe - 23 (noted in the procedural order as Energy Probe #1).

Neither I, nor the consultant's employed by VECC have signed a confidentiality undertaking. In light of the Board's Decision in EB-2010-0008 it is clear there are significant risks and liabilities associated with entering into such agreements. Therefore these submissions are made having reviewed only that information posted on the OEB's website.

It is VECC's view that regulated monopoly utilities should be allowed confidentiality under only limited circumstances. The withholding of information in a public proceeding is anathema to the basic premise of regulation, and should be seldom allowed. .

The material in question was filed as Exhibit 4, Tab 2, Schedule 2, Attachment 1 and is entitled Transfer Pricing Study. The Study is used to support the transfers of \$981,000 as between the regulated utility and the Town of Tillsonburg. To give a sense of the materiality of the issue, the amount represents over 35% of the last Board approved (2009) revenue requirement of this Utility. Contrary to the submission made by THI in its letter of January 23, 2013, the seven page Study provides no substantiation for its recommendations.

The response to 4-VECC-22 provides significantly more background material in support of the Study's conclusion. While we have not reviewed the response in detail, and cannot say that it answers all our concerns, VECC is satisfied the Applicant has made best efforts to do so.

The Board's Practice Direction requires the Applicant provide reasons for confidentiality. THI filed two letters in support of its request for confidentiality; dated January 21 and 23, 2013. The reason for requesting confidentiality in both letters is the release of "*individual wages and other employee sensitive data.*"

Having not reviewed un-redacted versions of this evidence it is not possible for VECC to say whether these concerns valid or not. We do accept that the publication of an individual's employment history is generally not appropriate in a public proceeding.

All of which is respectfully submitted,



Michael Janigan
Counsel for VECC

.cc. Tillsonburg Hydro Inc.- Steven Lund - slund@tillsonburg.ca
OEB - Stephen Vetsis - Stephen.Vetsis@ontarioenergyboard.ca
Maureen Helt - Maureen.Helt@ontarioenergy

All parties – via email