



# Énergie NB Power

January 19, 2015

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Board File No. EB-2014-0116**

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This letter is in regard to a matter before the Ontario Energy Board involving an application (EB-2014-0116) by Toronto Hydro-Electric System Limited (“Toronto Hydro”) for an Order or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity as of May 1, 2015.

The Intervenor, Canadian Electricity Association (“CEA”), intends to question the constitutional validity of the Ontario Energy Board (the “Board”) compelling disclosure, and therefore reproduction, of documents owned by a third party pursuant to provincial legislation, namely section 21(1) of the *Ontario Energy Board Act, 1998, S.O. 1998*.

As part of the hearing process, the School Energy Coalition (“SEC”) has filed a motion seeking the relief pursuant to Rule 27.03 of the Board’s Rules of Practice and Procedure (the “Rules”) including (a) An order requiring Toronto Hydro to provide a full and adequate response to interrogatory 1B-SEC-8, specifically to produce benchmarking documents with respect to which Toronto Hydro has participated through the CEA.

The documents requested are those conducted by the Canadian Electricity Association (“CEA”) to which the New Brunswick Power Corporation (“NB Power”) is a long standing member.

NB Power objects to the disclosure of any survey/study conducted by CEA for two reasons:

- a) any disclosure of surveys/studies, which are classified as confidential by CEA, would violate the understanding and promise of confidentiality under which NB Power had agreed to share information; and
- b) the release of such surveys/studies may set precedence in future hearings in Ontario and across Canada and therefore bring to a stop all sharing of industry related information in the fear of more disclosures.

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NB Power strongly supports the role of the CEA and the benefits that are derived as a result of a national forum and voice for the electricity industry in Canada. The release of confidential information can have many repercussions that are detrimental to the utility and customers. The loss of a confidential forum such as the CEA would be a set-back to the electricity industry in terms of potential progress in establishing best practices, innovative customer service, and the ability to deliver electricity at low and stable rates. NB Power is a corporation of the Crown and the standard service provider for electricity in New Brunswick so we rely on cost effective measures, such as our involvement with CEA, as an avenue to ensure we provide a reliable supply of electricity at the best cost.

NB Power is in support of the CEA's position taken in the Toronto Hydro rates proceeding to oppose the Order requested by the SEC with respect to the production of benchmarking documents of which Toronto Hydro has participated through the CEA.

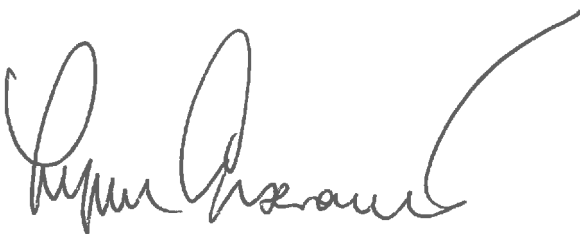
Sincerely,



Tony O'Hara  
Chief Technology Officer and Vice President of Engineering  
NB Power Corporation

CEA Transmission Council Representative

- AND -



Lynn Arsenault  
Vice President of Customer Service  
NB Power Corporation

CEA Distribution Council Representative