

January 21, 2015

By Email and Electronic Filing

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2014-0116 –Toronto Hydro-System Electric Limited
School Energy Coalition’s (“SEC”) Motion**

We act as counsel to the Canadian Electricity Association (“CEA”).

In accordance with Procedural Order No. 6, we enclose the CEA’s responding motion and cross motion materials in respect of the motion brought by the SEC.

We also enclose two letters of comment from CEA utility members, Hydro Quebec TransEnergie and AltaLink Management Ltd., which were delivered to us subsequent to the swearing of the affidavit of Mr. Francis Bradley.

Yours truly,

Goodmans LLP



Peter Ruby

Copy: Mark Rubenstein

January 17, 2015

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

Dear Ms. Walli:

**RE: EB-2014-0116 Toronto Hydro-System Electric Limited
School Energy Coalition (SEC) motion before the Ontario Energy Board (OEB) for an order
requiring Toronto Hydro-System Electric Limited (Toronto Hydro) to provide confidential
benchmarking analysis of the Canadian Electricity Association (CEA)**

AltaLink Management Ltd. (AltaLink), a regulated transmission owner in Alberta, has been informed of the SEC's motion before the OEB for an order requiring Toronto Hydro to provide confidential benchmarking analysis of the CEA. In response to this motion, the CEA has been granted intervener status and has prepared a submission to which this letter is also attached. AltaLink has reviewed the CEA's submission to the OEB on this matter and fully supports the CEA's request that the SEC motion, to the extent it forces disclosure of confidential benchmarking data provided to the CEA by AltaLink, be denied.

The SEC motion requires Toronto Hydro to violate the binding confidentiality agreement all participating CEA members have in relation to participating in the provision of confidential benchmarking data. No member has the authority to release to any non-participating party any information or results associated with any other individual participating member. The importance of this confidential obligation cannot be understated.

AltaLink brings to the OEB's attention a similar circumstance in Alberta where the Alberta Energy and Utilities Board (AEUB) requested and directed AltaLink to potentially breach CEA confidentiality provisions. In the AEUB's decision, Decision 2007-012, page 107 to 108, the AEUB respected the confidentiality provisions of AltaLink to the CEA and participating members.

AltaLink participates in the CEA benchmarking studies with the strict understanding and knowledge that any benchmarking data and information provided will not be disclosed to external parties and agrees with Item 6 of the CEA's submission that if this benchmarking information were so disclosed it would act as a strong disincentive for AltaLink to continue to participate in such surveys going forward. It is through the participation and sharing of such information that members seek to find opportunities to enhance their performance, to the benefit of customers and ratepayers. AltaLink is willing to work with the CEA to develop a mutually acceptable approach to providing data for use by regulators.

Should you have any questions please contact the undersigned regarding this matter at (403) 267-3411 or by email at dennis.frehlich@altalink.ca.

Respectfully,



Dennis Frehlich, P.Eng.
Executive Vice President & Chief Operating Officer

cc Jim Burpee, President & CEO, Canadian Electricity Association
Scott Thon, President & Chief Executive Officer, AltaLink
Zora Lasic, Senior Vice President, Law & Regulatory, General Counsel, AltaLink

January 21, 2015

Mr. Jim Burpee
President and Chief Executive Officer
Canadian Electricity Association
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Planification et gestion des actifs
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Subject : Protection of Confidentiality of Benchmarking Information from HydroQuébec TransÉnergie and produced with the CEA
File: *IN THE MATTER OF* an Application by Toronto Hydro-System Electric Limited 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.
Docket: EB-2014-0116

Mr. Burpee,

It has been brought to our attention that an intervener in the above mentioned Ontario Energy Board (OEB) file - the School Energy Coalition (SEC) - has asked the OEB to compel disclosure of Canadian Electricity Association (CEA) benchmarking analysis including confidential information provided by Hydro-Québec TransÉnergie to CEA.

As stated in a formal letter sent by Hydro-Québec TransÉnergie to CEA, dated 24th October 2012 and again on March 18, 2014, all CEA Benchmarking participants have established and abided by confidentiality rules, which have been managed by CEA. Under these rules, all data that are provided by Hydro-Québec TransÉnergie to CEA are confidential. So are the Benchmarking Reports that follow.

All data that are given to CEA by Hydro-Québec TransÉnergie and shared within all benchmarking participants are for their own internal use only. Therefore, all external use of Hydro-Québec TransÉnergie data or other participants' data is strictly forbidden unless these members give their explicit agreement.

Hydro-Québec TransÉnergie does not grant its agreement for making its data available and reminds CEA that it provided this data under a strict confidentiality agreement.

Should the OEB grant the SEC's motion in this case, Hydro-Québec TransÉnergie would reconsider its participation to CEA programs or benchmarking studies. Thus, if Hydro-Québec TransÉnergie and other participants no longer participates in CEA benchmarking studies, it would have a significant impact on information sharing for the purpose of improving performance in broad range of activities - well beyond our reliability statistics to information shared through CEA's best practice work, the simple surveys and quick polls we undertake and even public attitudes research.

Hydro-Québec TransÉnergie participated in CEA programs and benchmarking studies with the understanding and the expectation that these confidentiality rules would be guaranteed. Therefore, Hydro-Québec TransÉnergie requests that CEA takes all means available to protect the confidentiality of Hydro-Québec TransÉnergie information's and the Benchmarking data. Specifically, we ask you to make legal representations before the OEB and confirm to us that you will be taking the required actions to preserve the confidentiality of Hydro-Québec TransÉnergie information's and the benchmarking data.

Best regards,



Marie-Claude Roquet, ing.
Chef – Planification et gestion des actifs
Hydro-Québec TransÉnergie

MCR/PD

c.c. Sylvain Clermont, chef – Commercialisation des services de transport,
Hydro-Québec TransÉnergie