

John A.D. Vellone
T (416) 367-6730
F 416.367.6749
jvellone@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada M5H 4E3
T 416.367.6000
F 416.367.6749
blg.com



Jessica-Ann Buchta
T (416) 367-6066
F 416.367.6749
jbuchta@blg.com

September 11, 2017

Delivered by Email, RESS & Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2701
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: InnPower Corporation
2017 Rate Application (EB-2016-0085)
Request for Confidentiality**

InnPower Corporation ("InnPower") is requesting confidentiality in response to a request by SEC to provide the most recent financial statements for InnServices Utilities Inc. ("InnServices").

InnServices is a corporation engaged in competitive businesses namely the provision of water and wastewater services. Its competitors include private sector players (such as Corix) and other municipal utilities looking to expand, such as EPCOR.

The public disclosure of its financial statements could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, and be injurious to the financial interest of InnServices since it would enable its competitors and potential customers and suppliers to ascertain the financial condition of the company.

The Board's revised *Practice Direction on Confidential Filings* (the "Practice Direction") recognizes that these are among the factors that the Board will take into consideration when addressing the confidentiality of filings. They are also addressed in section 17(1) of the Freedom of Information and Protection of Privacy Act ("FIPPA"), and the Practice Direction notes (at Appendix B of the Practice Direction) that third party information as described in subsection 17(1) of FIPPA is among the types of information previously assessed or maintained by the OEB as confidential.

InnPower has requested the company's consent to the placement of the financial statements on the public record and it has requested that the document be kept in confidence. Accordingly, InnPower requests that the InnServices financial statements be kept confidential. InnPower is prepared to provide copies of the InnServices' financial statements to parties' counsel and experts or consultants provided that they have executed the OEB's form of Declaration and Undertaking with respect to

confidentiality and that they comply with the Practice Direction, subject to InnPower's right to object to the OEB's acceptance of a Declaration and Undertaking from any person.

In keeping with the Practice Direction, InnPower is filing a confidential unredacted version of the InnServices financial statements. The unredacted version of the document has been placed in a sealed envelope marked "Confidential". A copy of this letter will be served on the parties in this proceeding.

If you require any further information, please contact the undersigned.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A.D. Vellone

John A.D. Vellone

cc: Intervenor of record in EB-2016-0085