



Hydro One Sault Ste. Marie LP

Application for electricity transmission revenue requirement beginning January 1, 2019 and related matters

DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 3 December 14, 2018

Hydro One Sault Ste. Marie LP (Hydro One SSM) filed an application with the Ontario Energy Board (OEB) on July 26, 2018 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), and under the OEB's *Filing Requirements for Electricity Transmission Applications*. Hydro One SSM is seeking approval for changes to its electricity transmission revenue requirement to be effective January 1, 2019 and related matters.

A Notice of Hearing was issued on September 5, 2018. The OEB issued Procedural Order No. 1 on October 5, 2018 with a timetable regarding interrogatories, requests for confidential documents, as well as associated submissions and a reply submission.

The OEB issued its Decision and Interim Rate Order on December 6, 2018 which declared Hydro One SSM's current base revenue requirement interim, effective January 1, 2019, and made findings on other items relevant to this proceeding.

Hydro One SSM requested confidential treatment of certain information filed in response to interrogatories from OEB staff. The OEB's Decision on Confidentiality and further procedural steps are set out below.

Decision on Confidentiality

In the cover letter to its December 7, 2018 interrogatory responses, Hydro One SSM advised that certain information had been redacted. Specifically, Hydro One SSM redacted information in the Transmission System Load Forecast Report¹ (Load Forecast Report) filed as the attachment to OEB staff interrogatory response #4 (IRR #4), and redacted certain information on its Key Performance Indicators filed as Attachment 1² to OEB staff interrogatory response #43 (IRR #43).

Regarding the Load Forecast Report filed as the attachment to IRR #4, Hydro One SSM redacted the specific names of customers and certain details regarding their historical load. Hydro One SSM indicated that this information may be considered commercially sensitive for the identified customers. In the Load Forecast Report, Hydro One SSM redacted data related to individual customers' consumption for directly connected customers and licensed distributors served by Hydro One SSM. For example, Hydro One SSM has redacted the actual and forecasted monthly consumption of its two electricity distributor customers, Algoma Power Inc. and PUC Distribution Inc., for the periods 2011 through 2015.

Contrary to Hydro One SSM's statement in its cover letter to the interrogatory responses, Hydro One SSM disclosed the names of directly connected commercial customers in Tables 25-28 on pages 20-22 of the Load Forecast Report. However, as noted above, Hydro One SSM redacted the billing determinants data (which are presumably on a MW basis), for the periods 2011 through 2018 of directly connected commercial customers on pages 20-22, and in the summary tables on pages 6-9.

Regarding the Key Performance Indicators Summary (KPI Summary) filed in Attachment 1 to IRR # 43, Hydro One SSM redacted the names of several private individuals to protect their privacy.

Hydro One SSM did not provide unredacted copies of the information to the OEB.

Findings

The OEB has considered Hydro One SSM's notification to the OEB regarding the redacted information. The OEB notes that Hydro One SSM did not follow the OEB's *Practice Direction on Confidential Filings* (Practice Direction)³ as it did not file an

¹ OEB Staff Interrogatory # 4/Attachment 1 (Exhibit I/Tab 1/Schedule 4/Attachment 1)

² OEB Staff Interrogatory # 43/Attachment 1 (Exhibit I/Tab 1/Schedule 43/Attachment 1)

³ Practice Direction, revised October 28, 2016

unredacted version of the information for which confidential treatment was sought from the OEB.

The OEB will not require disclosure of the redacted information in IRR #4 for the directly connected customers. The OEB finds that the billing determinants and consumption data of directly connected commercial customers are not relevant to this proceeding. It is Hydro One SSM's load forecast in aggregate which is relevant to the OEB in deciding this application. There is no need for Hydro One SSM to file this information on an unredacted basis.

The OEB finds that all data related to Algoma Power Inc. and PUC Distribution Inc. (including the actual and forecasted consumption) on pages 2-22 of the Load Forecast Report shall not be treated as confidential, as this is public information. Algoma Power Inc. and PUC Distribution Inc. are electricity distributors regulated by the OEB. The consumption for these electricity distributors is public information, as it is filed by the distributors on an annual basis pursuant to the OEB's *Reporting and Record-Keeping Requirements* and is subsequently reported by the OEB in its annual *Yearbook of Electricity Distributors*.

The OEB directs Hydro One SSM to re-file its response to OEB staff Interrogatory #4 disclosing all data in the Report related to its electricity distributor customers – Algoma Power Inc. and PUC Distribution Inc. – as unredacted information. There is no need for Hydro One SSM to file the billing determinants data and names of directly connected commercial customers on an unredacted basis, as that data is not relevant to this proceeding.

The OEB finds that it is appropriate to permanently redact the information in the KPI Summary information filed in Attachment 1 to IRR #43 as it is personal information of individuals, as per section 4.3 of the Practice Direction. The OEB agrees that the names of individuals shall be redacted to protect their privacy. The OEB also notes that it is prohibited from releasing personal information. There is no need for Hydro One SSM to file the names of individuals on an unredacted basis.

Procedural Matters

After reviewing the evidence and the interrogatory responses, the OEB has established a process for developing a draft issues list and has set dates for the filing of expert evidence and associated interrogatories, and a technical conference. The OEB has decided at this time to proceed by way of a written hearing, subject to change if the OEB determines at a future date that an oral hearing is more appropriate.

Issues List

Hydro One SSM, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration. If there is no agreement on the issues list, OEB staff shall notify the OEB. The OEB will approve an issues list prior to the technical conference.

Expert Evidence

If OEB staff or any intervenor plans to file expert evidence in this proceeding, the proponents of such evidence shall first file a letter with the OEB by the date set out below describing the nature of the evidence; whether the expert evidence will be commissioned jointly with other parties; how those customers represented by the intervenors are affected by the subject matter of the evidence; the estimated cost for the evidence; and the anticipated date for the filing of any such evidence. The party seeking to file expert evidence shall also advise the OEB as to the expert's prior experience testifying on the subject before a regulator.

The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding, and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence.

After reviewing this material, the OEB will determine what expert evidence will be permitted, and will provide guidance on whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery.

Parties should note that the schedule set out below may be adjusted subject to the OEB's consideration of any expert evidence proposals or to accommodate any other required changes to the proceeding.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:**Confidential Information**

1. Hydro One SSM shall re-file its response to OEB staff Interrogatory #4 showing all data in the Load Forecast Report accompanying that response relating to Hydro One SSM's licensed electricity distributor customers as unredacted information, rather than as redacted information by **December 31, 2018**.

Issues List and Technical Conference

2. Hydro One SSM, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list, or OEB staff shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list, by **January 8, 2019**.
3. A transcribed technical conference will be held **January 14, 2019** starting at 9:30 a.m. at 2300 Yonge Street, 25th floor, Toronto, and continue on **January 15, 2019**, if necessary. The purpose of the technical conference is to clarify any matters arising from the interrogatories only. Parties intending to participate are to notify Hydro One SSM, with copies to all parties, of the topic areas for questioning by **January 10, 2019**.
4. Hydro One SSM shall file with the OEB complete written responses to all undertakings from the technical conference and serve them on all intervenors by **January 21, 2019**.

Expert Evidence

5. OEB staff shall inform the OEB by letter of its plans to file expert evidence in this proceeding by **January 8, 2019**, and shall provide the details described on page 4 of this document.
6. Any intervenor(s) intending to file expert evidence in this proceeding shall inform the OEB by letter of their plans by **January 11, 2019** and shall provide the details described on page 4 of this document.

7. OEB staff and any intervenor(s) shall file expert evidence with the OEB, and provide a copy to Hydro One SSM and intervenors, by **February 4, 2019**.
8. OEB staff, intervenors, or Hydro One SSM shall request any relevant information and documentation regarding the expert evidence filed by OEB staff and intervenors by written interrogatories filed with the OEB, and served on all parties, by **February 19, 2019**.
9. Intervenors and OEB staff that filed expert evidence shall file with the OEB complete written responses to the interrogatories and serve them on Hydro One SSM, all intervenors, and OEB staff by **March 7, 2019**.

All filings to the OEB must quote the file number, EB-2018-0218, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. 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.oeb.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 Registrar 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, Fiona O'Connell at Fiona.OConnell@oeb.ca and OEB Counsel, James Sidlofsky, at James.Sidlofsky@oeb.ca.

ADDRESS

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DATED at Toronto, **December 14, 2018**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary