

## Hydro One Sault Ste. Marie LP

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

#### DECISION ON CONFIDENTIAL ITEMS January 31, 2019

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.

The OEB issued Procedural Order No. 1 on October 5, 2018, which included a timetable for filing un-redacted versions of material for which Hydro One SSM requested confidential treatment (Working Papers). The Working Papers were prepared by Power Systems Engineering Inc. (PSE) for Hydro One SSM. The PSE evidence was with respect to Hydro One Networks Inc.'s total factor productivity and total cost benchmarking analyses for its transmission operations on which Hydro One SSM based its proposed revenue cap increase.

On November 6, 2018, the OEB issued its Decision on Confidentiality and Procedural Order No. 2 (Confidentiality Decision), in which the OEB determined that the Working Papers would be treated as confidential.

The OEB issued its Decision on Confidentiality and Procedural Order No. 3 on December 14, 2018. Procedural Order No. 3 required that a technical conference be held on January 14, 2019, continuing on January 15, 2019 if necessary.

This Decision covers the following three aspects of this proceeding:

1. Confidential Treatment of a Technical Conference Transcript
2. Confidential Treatment of a Technical Conference Exhibit
3. A Confidentiality Declaration and Undertaking Request

### **1. Confidential Treatment of a Technical Conference Transcript**

The technical conference was held January 14, 2019 and January 15, 2019. A portion of the January 15, 2019 session was held *in camera* and the public version of the transcript was redacted. The redacted portion primarily related to evidence, including the Working Papers, prepared by PSE for Hydro One SSM.

In accordance with the *Practice Direction on Confidential Filings* (Practice Direction),<sup>1</sup> Hydro One SSM was required to provide the results of its review of the confidential transcript related to the *in camera* portion of the technical conference, within five business days. Hydro One SSM was to indicate those portions of the transcript that, in its view, should remain redacted.

By letter dated January 23, 2019, Hydro One SSM delivered the results of its review of the confidential transcript, as well as an updated January 15, 2019 redacted transcript (Revised Transcript). Hydro One SSM submitted that only certain items on pages 88 to 90 of the Revised Transcript required redaction. Hydro One SSM requested confidentiality for the items identified in the Revised Transcript on the basis that those items contain proprietary technical information and information about certain companies or individuals that may be harmful to the parties if released.

Hydro One SSM presented both the remainder of the *in camera* session, as well as material previously presented as public information, as public or non-confidential information in the Revised Transcript.

Hydro One SSM also proposed corrections to the transcripts for both sessions of the technical conference in a table accompanying its January 23, 2019 letter.

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<sup>1</sup> Section 6.2.4 of the Practice Direction

## Findings

The OEB has completed its review of the Revised Transcript. The OEB finds that the redactions in the Revised Transcript conform with the OEB's prior decisions on confidential filings issued in this proceeding. The Revised Transcript will be placed on the public record, in accordance with section 6.2.5(f) of the Practice Direction. The OEB also accepts Hydro One SSM's proposed corrections to both technical conference transcripts. No further procedural steps are required.

## 2. Confidential Treatment of a Technical Conference Exhibit

At the January 15, 2019 session of the technical conference, Energy Probe Research Foundation (Energy Probe), an intervenor in this proceeding, distributed an exhibit (assigned Exhibit KTX2.1) to be used during the *in camera* portion of the technical conference. Energy Probe proposed that Exhibit KTX2.1 be maintained in confidence in this proceeding. Exhibit KTX2.1, and more particularly Tables A and B of that Exhibit, included the names of comparator utilities contained in PSE's Working Papers.

On January 17, 2019, Energy Probe filed a redacted public version of Exhibit KTX2.1 that was placed on the public record of this proceeding. In its cover letter, Energy Probe advised that Hydro One SSM had reviewed the redacted Exhibit and was satisfied that the redactions protect the confidentiality of the material.

## Findings

The OEB finds that the redactions to Exhibit KTX2.1 are sufficient to protect the confidential material and are consistent with its Confidentiality Decision. The OEB notes that Energy Probe confirmed that Hydro One SSM was satisfied with the redactions to Exhibit KTX2.1. No further procedural steps are required.

### 3. A Confidentiality Declaration and Undertaking Request

Given the dates established in Procedural Order No. 1, counsel to the School Energy Coalition (SEC), an intervenor in this proceeding, filed a late Confidentiality Declaration and Undertaking with the OEB during the January 15, 2019 session of the technical conference.

No objection was received from Hydro One SSM.

#### Findings

The OEB approves the late request from SEC's counsel for access to confidential items in this proceeding. No further procedural steps are required.

The OEB will provide further procedural steps in this proceeding, including the filing of written submissions. The OEB encourages all parties to prepare any subsequent filings with the objective of minimizing or avoiding proposed redactions for confidential treatment. This will assist the OEB in issuing a public decision that does not require confidential treatment.

**DATED** at Toronto, **January 31, 2019**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary