

Undertaking J1.1: Provision of the audited financial statements for 2008 for Greater Sudbury Hydro Inc., Greater Sudbury Hydro Plus Inc., Greater Sudbury Telecommunications Inc., 1627596 Ontario Inc. and 1700211 Ontario Inc. and Greater Sudbury Utilities Inc.

Response:

Copies of the audited financial statements for 2008 for Greater Sudbury Hydro Inc. were provided in response to Board Staff Interrogatory No. 20(b).

A copy of the audited consolidated financial statements for 2008 for Greater Sudbury Utilities Inc. is available at:

http://www.greatersudbury.ca/content/div_councilagendas/documents/Consolidated_Financial_Sattements_GSU_2008_Financial_Reports_June_17_2009-7.pdf

Copies of the audited financial statements for 2008 for Greater Sudbury Hydro Plus Inc., Greater Sudbury Telecommunications Inc., 1627596 Ontario Inc. and 1700211 Ontario Inc. are being filed in confidence. These corporations are engaged in competitive business activities. Their financial information is consistently treated in a confidential manner by these companies (the disclosure of 2007 statements of operations for Greater Sudbury Telecommunications Inc., 1627596 Ontario Inc. and 1700211 Ontario Inc. by Greater Sudbury Hydro Inc. in response to Board Staff Interrogatory 25(b) was an error and should not be taken to suggest that these companies consider such information to be public). We submit that disclosure of their financial information 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 these companies. We do not have their consent to release this information.

The OEB's *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 subsection 17(1) of the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), and the Practice Direction notes (at Appendix C 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.

In keeping with the requirements of the Practice Direction, we are filing confidential unredacted versions of the audited financial statements for 2008 for Greater Sudbury Hydro Plus Inc., Greater Sudbury Telecommunications Inc., 1627596 Ontario Inc. and 1700211 Ontario Inc. We are prepared to provide unredacted copies of the 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 Sudbury Hydro's right to object to the OEB's acceptance of a Declaration and Undertaking from any person.