

Undertaking J1.13: To provide contracts between the City and Olameter and Greater Sudbury Hydro and Olameter.

Undertaking J1.14: To provide documents related to winning bids for water and electric meter pricing.

Response:

As the Board was advised during the hearing (Tr. Vol.1 – Revised – at page 151, lines 2-8), copies of this material, which consists of an agreement between the City of Greater Sudbury and URB, a Division of Olameter Inc., for water and hydro meter reading services together with tender material related to the Olameter tender, are being filed in confidence.

Olameter is engaged in competitive business activities. The disclosure of Olameter's pricing and other terms 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 Olameter since it would enable its competitors to ascertain Olameter's pricing and manipulate their pricing so as to underbid Olameter on future projects. The disclosure of this information, even if it may now be somewhat dated, could also 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 interests of the City of Sudbury and/or Sudbury Hydro since it would enable other prospective service providers to manipulate pricing for proposed meter reading services and prevent the City or Sudbury Hydro from obtaining competitive bids for those services. Sudbury Hydro does not have Olameter's 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 these items. We are prepared to provide unredacted copies of the material 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.