



EB-2009-0408

IN THE MATTER OF the *Ontario Energy Board Act 1998*,
S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF an Application by Great Lakes
Power Transmission Inc. on behalf of Great Lakes Power
Transmission LP seeking changes to the uniform provincial
transmission rates for 2010.

BEFORE: Cynthia Chaplin, Presiding Member and
Vice Chair

Ken Quesnelle, Member

Decision and Order on Confidentiality of Information

Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission LP (“GLPT” or the “applicant”) filed an application with the Ontario Energy Board (the “Board”) on November 30, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998 c.15, (Schedule B) seeking approval for changes to the uniform provincial transmission rates that GLPT (and other transmitters) charge for electricity transmission, to be effective January 1, 2010. The Board has assigned Board file number EB-2009-0408 to the rate application. GLPT also filed an application with the Board on November 27, 2009 requesting that a deferral account be granted for the purposes of recording expenditures relating to renewable energy projects and required transmission system planning arising from the *Green Energy and Green Economy Act, 2009*. The Board has assigned Board file number EB-2009-0409 to this deferral account application.

The Board issued a Notice of Applications and Combined Hearing dated December 31, 2009 for both applications.

On January 29, 2010 the Board issued Procedural Order No. 1 and Interim Rate Decision, which included a schedule for procedural steps for the rate application (the “Procedural Schedule”).

GLPT’s Request for Confidential Treatment of Information

On March 3, 2010, in accordance with the Procedural Schedule, the Applicant filed responses to interrogatories filed by intervenors and Board staff, and requested that the following information and documents be treated as confidential:

- All appendices referred to in GLPT’s responses to Board staff Interrogatory # 55 (i) (a) and (d) in respect of tax-related information pertaining to both the regulated and unregulated businesses of Great Lakes Power Limited (“GLPL”).
- All of GLPT’s response to Board staff interrogatory # 96 which contains charge determinant information (load information) on delivery points owned by large customers and could reveal proprietary information.

Consistent with the Board’s Practice Direction, section 5, which establishes a process for the Board’s consideration of requests for confidential treatment of certain information and documents, on March 10, 2010 the Board issued Procedural Order No. 2. The Order designated as confidential, on an interim basis, the information and documents referenced in GLPT’s request to the Board in its letter of March 3, 2010 (the “Requested Confidential Information”). In accordance with the Order, Schools Energy Coalition (“SEC”) and Board staff made submissions by March 19, 2010 and GLPT replied to both submissions by March 24, 2010.

Board Findings

Tax Related Information

In regard to the tax-related information¹ pertaining to both the regulated and unregulated businesses of Great Lakes Power Limited (“GLPL”), Board staff submitted that the audited financial statements which accompany the tax returns for each entity filed with the government were not provided by the Applicant. Since only the audited financial statements might disclose competitive information for unregulated segments of each entity for which tax returns were filed, Board staff concluded that the Requested Confidential Information related to tax returns should not remain designated as confidential.

¹ All appendices referred to in GLPT’s responses to Board staff Interrogatory # 55 (i) (a) and (d)

SEC indicated that it had not been able to identify any information in the tax material that would be commercially sensitive or give any advantage to any competitor of the applicant or its affiliates. SEC concluded that these materials should be public.

GLPT replied that Board Staff and SEC submissions fail to consider that the tax information for which confidential treatment is being requested may be used, together with financial statements that have been filed with the Board through this proceeding, annual filings and in prior proceedings before the Board, to determine commercially sensitive financial information concerning non-regulated businesses.

The Board accepts the submissions of GLPT that the tax information could be used, along with other information on the public record, to determine amounts related to the non-regulated business which are commercially sensitive in nature. The Board concludes that the tax information will remain confidential.

Charge Determinants (Loads) of Customer Delivery Points

Board staff noted that the information on charge determinants (loads) related to the various customer delivery points conceal the identity of the customer delivery points by using letters as identifiers and that that the information for customers with multiple delivery points is grouped as a single delivery point. Board staff submitted that this approach offers adequate anonymity to the customers and their delivery points and the associated charge determinants. Board staff concluded that the information should be placed on the public record.

The Board is of the view that protection of customer information is important.

The Board notes GLPT's explanation that at least one customer can be readily identified because that particular customer purchased transformers from Great Lakes Power Limited and as such is no longer charged for transformation. The Board concludes that the load information will remain confidential. This approach protects customer confidentiality without significant adverse impact on the level of disclosure on the public record.

THE BOARD ORDERS THAT:

1. The Requested Confidential Information as specified in the letter of March 3, 2010 by Great Lakes Power Transmission LP to the Board will remain confidential.

2. Any intervenor that signed the Board's Declaration and Undertaking and received the Confidential Information shall continue to be bound by the Declaration and Undertaking and to comply with the Board's Practice Direction on Confidentiality.
3. Any intervenor that has not received the Confidential Information and wishes to do so shall execute the Board's Declaration and Undertaking and GLPT shall provide the Confidential Information to the intervenor's counsel or consultant.

DATED at Toronto on March 31, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**Appendix “A”
To
Decision and Order on Confidentiality of Information
March 31, 2010
(EB-2009-0408)**

List of Intervenors for the two Applications

**Great Lakes Power Transmission LP
Rate Application (2010 Test Year)- EB-2009-0408
Deferral Account Application - EB-2009-0409**

Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission
EB-2009-0408

APPLICANT & LIST OF INTERVENORS

March 31, 2010

APPLICANT

Rep. and Address for Service

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Great Lakes Power
Transmission LP**

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March 31, 2010

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March 31, 2010

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March 31, 2010

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Great Lakes Power Transmission Inc. on behalf of Great Lakes Power Transmission
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