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BY E-MAIL

June 10, 2010

To: All registered parties in proceeding EB-2009-0332:

**Re: Horizon Utilities Corporation – Z-Factor Application
EB-2009-0332: Issuance of Redacted Submissions and Undertakings**

The oral hearing in this proceeding was held entirely *in camera* on January 28, 2010. At the end of the hearing, the Panel expressed the view that much of the transcript could be placed on the public record.

In this context, the Panel asked that Horizon Utilities Corporation (“Horizon”) prepare a proposed redacted version of the transcript, based on the decisions made by the Panel on confidentiality in this proceeding, and incorporating input from the subject customer.

The Panel requested that Horizon provide this version of the transcript to Board staff who would then offer an opinion as to whether or not the proposed redactions were appropriate. The Panel suggested that there was no need to involve intervenors in this process, a suggestion which was accepted by the intervenors present at the hearing.

On April 29, 2010, the Board issued a redacted version of the transcript after the completion of this process. The Board stated that the next step would be for the Board to place on the record public versions, redacted where necessary, of the undertakings and submissions filed in this proceeding. The Board stated its intention to do this by the end of May 2010 and that if Horizon wished to provide proposed redacted versions of these documents for the Board’s consideration, it must do so by May 21, 2010. In the event that the Board had received no response from Horizon by this date, the Board stated that it would proceed to issue redacted versions without such input.

On May 21, 2010, Horizon responded to the Board’s letter and provided its proposed redacted versions of the submissions and undertakings. Horizon stated that it had prepared these versions in consultation with counsel to the Subject Customer.

The Board has now completed its review of the proposed redacted submissions and undertakings. Because of the voluminous nature of this material, copies have not been attached to this letter but have been placed in the public file on the Board's website.

The redacted submissions and undertakings are in conformity with the determinations made by the Board in this proceeding, specifically the Board's Decision and Order on Confidentiality Issues of January 18, 2010 (the "confidentiality Decision") and those made at the beginning of the oral hearing held on January 28, 2010 and reflected in the transcript.

The Board has accepted all of the redactions proposed by Horizon, except where they relate to information already on the public record in the original application. Such redactions have been removed. The Board's *Practice Direction on Confidential Filings* states in Appendix B that "Information that is in the public domain will not be considered confidential."

The Board has also determined that a number of additional redactions to those proposed by Horizon are necessary in order to meet the requirements of the confidentiality Decision. These redactions are as follows:

1. On page 14 of the Board staff submission, there is an unredacted quote from the transcripts where the Subject Customer and its consumption are referenced which was held confidential when the transcript was redacted.
2. In the Energy Probe submission, on page 7, there are unredacted references to the revised consumption forecast that have been accepted as confidential by the Board.
3. In the VECC submission, on page 6, there is information quoted from SEC #14, which is a confidential interrogatory. The quoted reference includes information related to the confidential nature of the interrogatory.
4. In the VECC submission, on page 8, there is information quoted from Undertaking J5 for which Horizon is claiming confidentiality and for which the Board has accepted this claim.
5. In the SEC submission, on page 4, there is information quoted from SEC #14, which is a confidential interrogatory. The quoted reference includes information related to the confidential nature of the interrogatory.
6. In the cover letter to Horizon's Argument-in-Chief of February 5, 2010, the Subject Customer is named. The Board has redacted this reference.

These redactions have been reflected in the versions of these documents that will be placed on the public record.

The Board notes that Horizon has not yet placed on the public record a redacted set of interrogatories conforming with the confidentiality Decision. The Board directs Horizon to file this material by June 18, 2010. This will complete the process of placing a complete set of redacted documents related to this proceeding on the public record that are in conformity with the confidentiality Decision.

Yours truly,

Original Signed By

John Pickernell
Assistant Board Secretary