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BY EMAIL and RESS

October 18, 2010
Our File No. 20100132

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2010-0132 – Hydro One Brampton 2011 COS

We are counsel for the School Energy Coalition. Pursuant to Procedural Order #2 in this proceeding, these are SEC's submissions with respect to the parts of the business plan material filed in response to SEC #5, on which confidentiality is claimed.

There are several hundred redactions in the documents, but they all appear to fall within six general categories:

1. ***Names and contact information*** relating to employees of the Applicant, its affiliates, and companies with which it does business (such as Inergi), together with, in a few cases, actual signatures of individuals. We agree that this information should be confidential.
2. ***Forecasts and targets for the period after the test year.*** This is more difficult. We can understand that some of this information, although not all of it, may have limited relevance to the test period. However, in the context of a confidentiality claim, the Applicant must have some claim that it will be disadvantaged by the disclosure of this information. The weight the Board panel gives to it as evidence is determined by the Board panel as the case proceeds, and is irrelevant to whether the information is confidential. This is not about

whether the Board and the parties see the information. That will in any case occur. This is about whether the public also can see it, and is about transparency, not relevance. Except for the labour information, discussed below, we cannot identify any reason that any of this information would cause such a disadvantage. Some of it is so innocuous to be obvious, such as the columns for 2012 to 2015 in a blank form. Where references do exist to 2012 and beyond, there doesn't appear to be anything unusual about the amounts and plans disclosed. In general, it is, in fact, common practice for utilities to file their strategic plans, and those plans often provide information beyond the test period. The current OPG and Hydro One Transmission cases are examples. Unless there is a specific reason why that information is sensitive, we believe that it is not, and it should be kept in the public record.

3. ***Labour Cost and FTE/Headcount information after 2011.*** Certain of this information could prejudice the Applicant, and we believe that the Applicant should go through the redactions and identify those where that is the case. For example, a reference to the increase in 2012 in an existing labour contract cannot be confidential, since it is already public information. On the other hand, assumptions about increases in years beyond the test year where there is no existing contract should be treated as sensitive.
4. ***Commitments to the City of Brampton.*** Several of the documents include a section with this heading. In our submission, those commitments should be made public unless the Applicant can specifically identify how it will be prejudiced by doing so. We are unable to identify any possible prejudice.
5. ***Impacts of the clearance of Account 1562.*** In at least three places in the documents, there is a description of the dollar impact of clearance of Account 1562, which is currently an issue in this proceeding. There does not appear to be any prejudice to the Applicant in making these descriptions public along with the rest of the Application. To the extent that they are inconsistent with the Application, the Board will know that in any case from the confidential version of the documents, and there would appear to be no reason why the public should not know that there is such an inconsistency, if any.
6. ***Anticipated Regulatory Steps.*** The three examples of this all appear to be harmless. The first is the timing of certain Board of Directors communications. This is surely not secret. The second is the Hydro One plan for transmission and distribution applications over the 2011 through 2015 period. If this information has not yet been made public, in our submission it should be. The third is a description of the rate impact of 3rd Generation IRM in an email. There is nothing in this redaction that is not already widely known.

For the reasons set forth above, it is our submission that most of the redactions proposed by the Applicant are unnecessary. In a few cases (points 1 and 3 above), there are redactions that we believe are appropriate. In a few other cases under points 2 and 4 above, there is no reason yet given that confidentiality should be granted, but we propose that the Applicant be given the opportunity (for specific redactions that they name) to provide the Board with reasons why those redactions are appropriate, i.e. why the information is sensitive and should not be made public.

We note that we have been advised that there is one 3-page document – the most recent business plan submission to the Applicant's Board in October, 2010 - that is included in the redacted documents, but has not yet been provided to us in unredacted form. If the redactions follow the same pattern as those discussed above, these submissions should apply to that document as well. If the redactions include any additional categories, then we would appreciate having the opportunity to make submissions with respect to that document when we see what has been redacted.

All of which is respectfully submitted.

Yours very truly,

JAY SHEPHERD P. C.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested parties (email)