



**EB-2010-0137**

**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 Milton Hydro  
Distribution Inc. for an order approving just and reasonable  
rates and other charges for electricity distribution to be  
effective May 1, 2011.

### **DECISION ON CONFIDENTIALITY**

Milton Hydro Distribution Inc. ("Milton Hydro") filed an application with the Ontario Energy Board (the "Board"), received on August 27, 2010 under section 78 of the *Ontario Energy Board Act, 1998*, (the "Act") seeking approval for changes to the rates that Milton Hydro charges for electricity distribution, to be effective May 1, 2011.

The Board issued Procedural Order No.1 on October 19, 2010 making provision for submissions regarding the request for confidential treatment of certain information by October 22, 2010 and for Milton to reply by October 26, 2010. The information is included within the section of Milton's application entitled: "2011 EDR Smart Meter Calculation Model". Milton requested that this information be held in confidence by the Board pursuant to the Board's *Practice Direction on Confidential Filings* (the "Practice Direction").

No submissions were received by any party pursuant to Procedural Order No. 1 with respect to Milton Hydro's claim for confidentiality for detailed smart metering costing information contained in the referenced documents.

In the past, the Board has provided confidential treatment for similar detailed smart meter costing information. In the combined Smart Meter Proceeding (EB-2007-0063) the Board determined that this type of detailed information was commercially sensitive because it could be used by companies in the business of supplying smart meters.

Confidential treatment has been afforded to similar information in subsequent applications involving the review and disposition of smart meter costs. The Board will therefore grant Milton Hydro's request for confidentiality.

The Board therefore orders that Milton Hydro shall provide all unredacted confidential materials to all parties that have executed a Declaration and Undertaking pursuant to the Board's Practice Direction. The Board expects those parties to, where possible, frame interrogatories related to the confidential material in a manner that will allow the interrogatories to be placed on the public record. Parties will also be expected to frame submissions related to the confidential material in a manner that will allow the submissions to be placed on the public record. If parties are not able to frame interrogatories or submissions in a manner that allows them to be placed on the public record, those interrogatories or submissions, as the case may be, must be marked confidential.

**DATED** at Toronto, October 28, 2010

**ONTARIO ENERGY BOARD**

*Original signed by*

Cathy Spoel  
Presiding Member