

PUC Networks Inc.

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September 20, 2011

Delivered by E-mail and Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

Re: EB-2011-0073
Oshawa PUC Networks Inc.
Application to the Ontario Energy Board for Electricity Distribution Rates and Charges as of
January 1, 2012

On Thursday, September 15, 2011, Oshawa PUC Networks Inc. ("OPUCN") delivered its responses to the interrogatories in this matter through the Board's RESS system. In response to Board Staff Interrogatory No. 19 and School Energy Coalition ("SEC") Interrogatory No. 15, OPUCN advised that for reasons to be provided under separate cover, material requested in those interrogatories would be filed in confidence. Further to those responses, the reasons for the confidential filings are set out below:

Board Staff Interrogatory No. 19:

In this interrogatory, Board Staff seek information about the OPUCN bidding processes in respect of various categories of capital expenditures. As part of that response, OPUCN is providing samples of a project award form and project costing sheets. The award form relates to a tender for vacuum excavation. It includes hourly rates for the service as submitted by the three contractors that submitted bids on the provision of this work. The project costing sheet relates to the provision of underground primary service at a specified location within the OPUCN service area.

The companies that submitted bids on the vacuum excavation project are corporations which are engaged in competitive businesses. The disclosure of their hourly rates could reasonably be expected to prejudice the economic interests of, significantly prejudice the competitive positions of, cause undue financial loss to, and be injurious to the financial interests of those companies, since it would enable their competitors to ascertain the pricing of services provided by these companies and underbid them in other tender processes.

The disclosure of the project costing sheet could reasonably be expected to prejudice the economic interests of, significantly prejudice the competitive positions of, cause undue financial loss to, and be injurious to the financial interests of OPUCN and its customers, since it would enable potential bidders to ascertain the detailed pricing of parts labour and equipment and for OPUCN's capital projects, which in turn may prevent OPUCN from obtaining truly competitive bids on these projects. The costing sheet also provides information with

respect to the resources required to provide service to a specific customer, and this constitutes confidential information relating to that customer.

The Board'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. The third party pricing information contained in this material is also addressed in section 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 Board as confidential.

SEC Interrogatory No. 15:

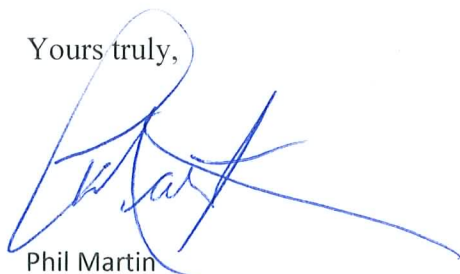
In this interrogatory, SEC seeks (in part) a copy of the agreement between the Applicant and METSCO for the completion of the Asset Management Plan. Additionally, if there was a previous RFP, proposal, Letter of Intent, Memorandum of Understanding, or other such document, SEC seeks a copy of that document. As part of that response, OPUCN is providing a copy of the statement of work for OPUCN's Asset Condition Assessment and Asset Management Plan, including OPUCN's evaluation of the proposals received from parties who participated in this competitive process, together with METSCO's proposal for the preparation of the Asset Condition Assessment and Asset Management Plan.

The firms that submitted proposals are corporations which are engaged in competitive businesses. The disclosure of their pricing and the scope of their proposed work, and of OPUCN's evaluations of their proposals, could reasonably be expected to prejudice the economic interests of, significantly prejudice the competitive positions of, cause undue financial loss to, and be injurious to the financial interests of those firms, since it would enable their competitors to ascertain the scope and pricing of services provided by these firms and use that information to their advantage in other competitive processes.

Once again, the Board's Practice Direction recognizes that these are among the factors that the Board will take into consideration when addressing the confidentiality of filings. The third party pricing information contained in this material is also addressed in section 17(1) of 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 Board as confidential.

OPUCN respectfully requests that the material referred to above in respect of Board Staff interrogatory No. 19 and SEC Interrogatory No. 15 be kept confidential. OPUCN confirms that it is prepared to provide copies of these documents to parties' counsel and experts or consultants provided that they have executed the Board's form of Declaration and Undertaking with respect to confidentiality and that they comply with the Practice Direction, subject to OPUCN's right to object to the Board's acceptance of a Declaration and Undertaking from any person. In keeping with the requirements of the Practice Direction, OPUCN is filing confidential unredacted versions of the material under separate cover, in a sealed envelope marked "Confidential".

Yours truly,



Phil Martin
VP Finance & Regulatory Compliance
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Encl.