



EB-2011-0123

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 Guelph Hydro
Electric Systems Inc. for an order approving just and
reasonable rates and other charges for electricity
distribution to be effective January 1, 2012.

BEFORE: Karen Taylor
Presiding Member

Ken Quesnelle
Member

DECISION ON CONFIDENTIAL TREATMENT OF INTERROGATORY REPONSES

Guelph Hydro Electric Systems Inc. ("Guelph Hydro") filed an application ("the Application") with the Ontario Energy Board (the "Board") on June 30, 2011 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (the "Act"), seeking approval for changes to the rates that Guelph Hydro charges for electricity distribution, to be effective January 1, 2012.

The Board issued a Notice of Application and Hearing dated July 18, 2011.

On August 5, 2011, Procedural Order No. 1 was issued establishing the dates for interrogatories, responses and submissions on confidential material filed by Guelph Hydro on June 30, 2011. On August 19, 2011 the Board issued a Decision on Confidentiality.

On September 15, 2011 Guelph Hydro requested an extension for filing its interrogatory responses. On September 20, 2011 the Board issued a letter granting the extension

until September 30, 2011. Guelph Hydro filed partial responses on September 30, 2011 and requested a further extension. In so doing, Guelph Hydro noted on September 30, 2011 that it was filing the School Energy Coalition (“SEC”) interrogatory response No. 15 in confidence and on October 11, 2011 Guelph Hydro filed SEC interrogatory response No. 25 in confidence, both in accordance with the Board’s *Practice Direction on Confidential Filings* (the “Practice Direction”). In both cases Guelph Hydro stated that public disclosure of the particulars concerning both matters would constitute an unjustified invasion of personal privacy under the *Freedom of Information and Protection of Privacy Act*.

By way of correspondence dated October 5, 2011 SEC filed a response in which it agreed with the applicant that the details provided in SEC interrogatory response No.15 should be treated as confidential and had no objection to the redacted version filed by Guelph Hydro.

The Board, in Procedural Order No. 2 issued on October 12, 2011, set out subsequent procedural steps and issued a Final Issues List.

The Board issued Procedural Order No.3 on October 18, 2011, which made provision for submissions regarding the request for the confidential treatment of both interrogatory responses referenced above by October 19, 2011 and for Guelph Hydro to reply by October 21, 2011.

In its submission filed on October 19, 2011, SEC took the position that Guelph Hydro’s claim of confidentiality for SEC interrogatory response No. 25 was warranted with respect to the fourth and sixth page of the seven page appendix filed as it contains compensation information with respect to specific employees. SEC submitted that all such information should be redacted and treated as confidential and that the balance of the document should be made public. No other submissions were received.

Guelph Hydro did not file a reply submission.

Board Findings

The Board has reviewed the confidential responses to SEC interrogatories No. 15 and 25 and subsequent submissions filed by SEC.

The Board must balance the risk of accidental disclosure of personal information and the need to provide parties an opportunity to undertake effective discovery. The Board is therefore of the view that the information contained in pages four and six of the Appendix to SEC interrogatory response No. 25 should be supplied in either an aggregate format and/or on an allocation of time per employee basis. The Board agrees with SEC that the balance of the document does not require confidential treatment. The Board directs Guelph Hydro to withdraw SEC interrogatory No. 25 and re-file the requested information in such a manner that it can be placed on the public record while still affording parties the ability to conduct a meaningful analysis.

The Board agrees with SEC that the non-confidential version of SEC interrogatory response No. 15 is a satisfactory version and directs Guelph Hydro to withdraw the confidential version.

The Board orders Guelph Hydro to re-file this information no later than the commencement of the Technical Conference.

DATED at Toronto, October 26, 2011

ONTARIO ENERGY BOARD

Original Signed By

Karen Taylor
Presiding Member

Original Signed By

Ken Quesnelle
Member