

J. MARK RODGER
T 416367-6190
F 416-361-7088
mrodger@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



April 26, 2011

VIA Courier, Email and RESS

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street,
Ste. 2701
Toronto ON M4P 1E4

Dear Ms. Walli

**Re: Toronto Hydro-Electric System Limited's ("THESL's") Application for approval of funding of various CDM programs
OEB File No. EB-2011-0011
OPA Program Schedules – Request for Confidentiality**

On Thursday April 21, Board staff requested that THESL produce and circulate copies of the OPA's Program Schedules that comprise attachments to the Master CDM Program Agreement entered into between the OPA and THESL. THESL has discussed this request with the OPA and we herein deliver to the Board, together with this letter, copies of the said schedules pertaining to the OPA's Residential Program, the Commercial and Institutional Program, and the Industrial Program (the "OPA Schedules").

Copies of certain excerpts from the OPA Schedules are being filed with the Board in confidence in accordance with the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"). A version of these OPA Schedules with the sensitive information redacted are attached and marked as non-confidential.

The OPA Schedules contain specific pricing information associated with the OPA's proposed Province-Wide CDM plans, which are not public information. The disclosure of this pricing information at this time could reasonably be expected to result in undue financial benefit or loss to a person. Specifically, the OPA Schedules contain sensitive commercial information that if prematurely disclosed could result in an unfair advantage being given to bidders in a forthcoming competitive tender. This information belongs to Toronto Hydro and the OPA and has potential monetary value. The disclosure of this information could reasonably be expected to prejudice the economic interests of the OPA, Toronto Hydro and ratepayers in general as bidders would have access to sensitive program pricing information that would allow them to distort their bids.

Toronto Hydro will also be delivering copies of the confidential excerpts to those of the parties' counsel who execute the Board's form of Declaration and Undertaking with respect to confidentiality,

subject to Toronto Hydro's right to object to the Board's acceptance of a Declaration and Undertaking from any person.

The Board will note that THESL is not claiming confidentiality on the vast majority of the OPA Schedules and that the request for confidentiality is limited to a very few number of pages.

THESL will also be couriering paper copies to all parties later today by overnight delivery.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Original signed by Mark Rodger

J. Mark Rodger

Encl.
copy to:

Chris Tyrrell, THESL
Intervenors of Record

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