



**EB-2012-0160**

**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 Peterborough  
Distribution Inc. for an order approving just and reasonable  
rates and other charges for electricity distribution to be  
effective May 1, 2013.

**PROCEDURAL ORDER NO. 2**

**May 31, 2013**

Peterborough Distribution Inc. ("PDI") filed a complete application (the "Application") with the Ontario Energy Board (the "Board") on March 23, 2013 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that PDI charges for electricity distribution, to be effective May 1, 2013. The Board has assigned the application file number EB-2012-0160.

The Board issued Procedural Order No. 1 on April 23, 2013, granting PDI's request to make its existing rates interim on May 1, 2013 and granting intervenor status and cost award eligibility to Energy Probe, School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC"). Procedural Order No. 1 also provided for a teleconference among parties for the purposes of clarifying PDI's evidence, to be followed by written interrogatories.

On May 27, 2013, PDI filed its responses to interrogatories. In response to interrogatory number 1-SEC-5, PDI provided, as requested, its 2012 audited financial statements and those for its affiliates Peterborough Utilities Services Inc. ("PUSI") and Peterborough Utilities Commission ("PUC"). PDI requested that the financial statements for its affiliate Peterborough Utilities Inc. ("PUI") be kept confidential (the "Proposed Confidential Material").

PUI and its subsidiaries operate various renewable generation facilities, including hydro, solar and land fill gas hydroelectric generation plants. PUI has several of its own employees and also receives varied corporate, technical and professional services from PUSI. PDI provided the following explanation for its request:

Peterborough Utilities Inc. (PUI) is a corporation engaged in competitive businesses. The public disclosure of its financial statements could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, and be injurious to the financial interest of each of these consultants since it would enable its competitors and potential customers and suppliers to ascertain the financial condition of the company.

On May 28, PDI sent a further letter to the Board requesting confidential treatment for the Proposed Confidential Material. In accordance with the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"), PDI provided a hard copy of the Proposed Confidential Material in unredacted form to the Board and served a copy of its letter requesting confidentiality on all parties to the proceeding.

The Board has decided to designate as confidential, on an interim basis, the Proposed Confidential Material. The Board will allow any external counsel or external consultant for intervenors that wish to review the Proposed Confidential Material to do so after signing a copy of the Board's Declaration and Undertaking (which can be found in Appendix C of the Board's *Practice Direction on Confidential Filings* (the "Practice Direction")), filing it with the Board and serving it on PDI.

Intervenors and Board staff who object to PDI's request for confidential treatment shall file their submissions according to the schedule set out below. If the Board ultimately decides that the Proposed Confidential Material should not be afforded confidential treatment, it will be placed on the public record unless, within a period of five business days, and in accordance with section 5.1.12 of the Practice Direction, PDI requests that the material be withdrawn.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. PDI shall provide unredacted versions of the Proposed Confidential Material to all parties that have executed a Declaration and Undertaking pursuant to the Board's Practice Direction on Confidential Filings.
2. Parties wishing to make a submission on the confidentiality status of the Proposed Confidential Material shall file such submissions with the Board and deliver them to PDI by **June 4, 2013**.
3. If PDI wishes to respond to any submissions on the confidentiality status of the Proposed Confidential Material, it shall file such submissions with the Board and deliver them to the intervenors by **June 7, 2013**.
4. To the extent possible, parties shall frame submissions related to the Proposed Confidential Material in a manner that will allow the submissions to be placed on the public record. If parties are not able to frame submissions in a manner that allows them to be placed on the public record, those submissions must be marked confidential.
5. Parties in receipt of the Proposed Confidential Material shall, in accordance with the signed Declaration and Undertaking, either return the material to the Board and communicate to PDI that they have done so, or destroy the material and execute a Certificate of Destruction, following the closing of the record to this proceeding. The Certificate must be filed with the Board and a copy sent to PDI.

All filings to the Board must quote the file number, EB-2012-0160, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two

paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

**ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary

E-mail: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, **May 31, 2013**

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary