

**Ontario Energy
Board**
P.O. Box 2319
27th. Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416-481-1967
Facsimile: 416-440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416-481-1967
Télécopieur: 416-440-7656
Numéro sans frais: 1-888-632-6273



BY EMAIL

June 4, 2013

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

Dear Ms. Walli:

**Re: Peterborough Distribution Inc. ("PDI")
2013 Distribution Rate Application
Confidentiality Request
Board File No. EB-2012-0160**

In accordance with Procedural Order No. 2, please find attached Board staff's submission in the above noted matter.

Yours truly,

Original Signed By

Martha McOuat
Project Advisor
Electricity Rates Applications

Encl.



ONTARIO ENERGY BOARD

STAFF SUBMISSION

Peterborough Distribution Inc.
Request for Confidentiality

EB-2012-0160

June 4, 2013

**Board Staff Submission
Peterborough Distribution Inc.
Request for Confidentiality
EB-2012-0160**

Introduction

On May 27, 2013, PDI filed its responses to interrogatories. In response to interrogatory number 1-SEC-4, 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.

On May 31, 2013, the Board issued Procedural Order No. 2, designating the material as confidential on an interim basis and allowing for parties' submissions on its confidentiality status.

Board staff has reviewed PDI's interrogatory responses and its letter of May 28, 2013 requesting confidential treatment.

While the Board's general policy, as stated in its Practice Direction on Confidential Filings, is that all evidence should be on the public record the Board has also recognized that some information may be of a confidential nature and should be protected.

In several cases before it the Board has found that public disclosure of financial statements of a parent holding company and/or its affiliates could create significant potential harm for the affiliate.¹

Board staff generally agrees that, if the Proposed Confidential Material contains financial information about a PDI affiliate, such as Peterborough Utilities Inc. (PUI), which is engaged in competitive business, then public disclosure of PUI's financial statements could prejudice PUI's competitive position. Accordingly such information should be treated as confidential and provided only to participants that have signed the Board's Declaration and Confidentiality Undertaking in accordance with the Practice Direction.

- All of which is respectfully submitted –

¹ For example EB-2011-0099 ("Decision on Confidentiality and Order", March 1, 2013) and EB-2011-0140 ("Decision and Order on Request for Confidentiality from RES Canada Transmission LP", January 23, 2013)