



## **Jay Shepherd**

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### **BY EMAIL and RESS**

February 27, 2014

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2013-0159 – Oakville Hydro Electricity Distribution Inc. – Notice of Motion**

We are counsel to the School Energy Coalition ("SEC"). Enclosed please find the Notice of Motion on behalf of SEC in the above-noted proceeding. SEC asks this motion be dealt with on an expedited basis due to the scheduled settlement conference beginning March 3<sup>rd</sup>.

Yours very truly,  
**Jay Shepherd P.C.**

*Original signed by*

Mark Rubenstein

cc: Applicant and Intervenors (by email)

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**IN THE MATTER OF** the *Ontario Energy Board Act 1998*, Schedule B to the *Energy Competition Act*, 1998, S.O. 1998, c.15;

**AND IN THE MATTER OF** an Application by Oakville Hydro Electricity Distribution Inc. for an Order or Orders approving just and reasonable rates and other service charges for the distribution of electricity, effective as of May 1, 2014.

**AND IN THE MATTER OF** Rule 29 of the Board's *Rules of Practice and Procedure*.

## **NOTICE OF MOTION**

The School Energy Coalition ("SEC") will make a motion to the Ontario Energy Board ("the Board") at its offices at 2300 Yonge Street, Toronto, on a date and at a time to be fixed by the Board.

### **PROPOSED METHOD OF HEARING**

SEC has no preference in the method of hearing this motion.

### **THE MOTION IS FOR:**

1. An order requiring Oakville Hydro Electricity Distribution Inc. to provide a full and adequate response to interrogatory 2.1-SEC-3, by producing copies of two surveys/studies.
2. Such further and other relief as the SEC may request and the Board may grant.

### **THE GROUNDS FOR THE MOTION ARE:**

1. The Board issued a Notice of Proceeding on an application by Oakville Hydro Electricity Distribution Inc ("Oakville Hydro") pursuant to section 78 of the *Ontario Energy Board Act, 1998* for an order or orders approving just and reasonable rates and other charges for electricity distributions to be effective May 1, 2014.
2. SEC is an intervenor in this proceeding.
3. Pursuant to Procedural Order #2 issued December 23<sup>rd</sup> 2013, SEC delivered written interrogatories to Oakville Hydro.

4. SEC sought various information and material that were in addition to Oakville Hydro's application, and are relevant to the proceeding. In interrogatory 2.1-SEC-3, SEC requested, "details and copies of all performance efficiency benchmarking undertaken by the Applicant."<sup>1</sup> In its response filed February 21<sup>st</sup>, Oakville Hydro responded in part, by referring to its responses to interrogatory 2.1-Energy Probe-6a and 6b. Interrogatory 2.1-Energy Probe-6 (and the corresponding response) was primarily about providing references in the application to efficiency benchmarking.<sup>2</sup>
5. On February 25<sup>th</sup> after reviewing the response, counsel for SEC sent an email to Oakville Hydro seeking clarification on the response to 2.1-SEC-3.<sup>3</sup> Specifically, SEC sought to clarify that its interrogatory 2.1-SEC-3 was broader in scope to 2.1-Energy Probe-6, and asked if it was to understand by the response that all efficiency benchmarking undertaken by Oakville Hydro had been provided in the evidence already:

Interrogatory 2.1-Energy Probe-6, both parts a and b, seek references in the evidence for efficiency benchmarking. SEC's interrogatory 2.1-SEC-3 is broader and asks for all performance efficiency benchmarking undertaken by the Applicant, regardless of it being referenced in the evidence or not.

Is SEC to understand by the response to 2.1-SEC-3 and 2.1-Energy Probe-6 that all performance efficiency benchmarking undertaken by Oakville (both details and copies) have been provided in the evidence and referenced in the interrogatory responses? If not, provide a full response to 2.1-SEC-3.<sup>4</sup>
6. On January 27<sup>th</sup> Oakville Hydro provided an email response to SEC.<sup>5</sup> Oakville Hydro provided information about three studies that it has taken part in. One of those studies was prepared by PeopleFirst HR Services and has been filed in confidence in response to interrogatory. 4.2-Staff-29, pursuant to the Board's *Practice Direction on Confidential Filings*. The two remaining studies it has refused to produce.
7. Oakville Hydro has refused to disclose two industry surveys it has taken part on the basis of the confidentiality policies it has with the third-party providers. The first, Oakville Hydro stated that under the terms of the confidentiality policy, it is "not permitted to disclose the existence or results of the survey to any regulatory body or other person unless compelled by law to do so."<sup>6</sup> With regard to the

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<sup>1</sup> Interrogatory 2.1-SEC-3 (See Appendix A)

<sup>2</sup> Interrogatory 2.1-Energy Probe-6 (See Appendix B)

<sup>3</sup> Email from Mark Rubenstein (SEC) to Mary Caputi and James Sidlofsky (Oakville), dated February 25<sup>th</sup> 2014 (See Appendix C)

<sup>4</sup> *Ibid.*

<sup>5</sup> Email from Mary Caputi (Oakville) to Mark Rubenstein (SEC) February 27<sup>th</sup> 2014 (See Appendix D)

<sup>6</sup> *Ibid.*

second, the confidentiality policy of the third-party conducting the survey, Oakville Hydro “is not permitted to disclose its participation in the study or the results of the study”.<sup>7</sup>

8. SEC seeks an order from the Board requiring Oakville Hydro to produce copies of these two reports that it has refused to provide on the basis that the confidentiality arrangements with the third-party providers prohibit disclosure.

### **Studies are Relevant**

9. In Procedural Order No. 2, the Board provided an Approved Issues List, included Issue 2.1 which asks: “[d]oes the applicant’s performance in the areas of: (1) delivering on Board-approved plans from its most recent cost of service decision; (2) reliability performance; (3) service quality, and (4) **efficiency benchmarking**, support the application?” [emphasised added]
10. SEC submits that the Board and intervenors cannot answer Issue 2.1, which specifically seeks to review Oakville Hydro performance in the area of efficiency benchmarking, without reviewing the studies and surveys that it has conducted. SEC sought that information in interrogatory 2.1-SEC-3.
11. Apart from Issue 2.1, understanding how Oakville Hydro preforms against other utilities is an important way that parties can scrutinize the application and to determine if the proposed revenue requirement will lead to “just and reasonable” rates. The Board was clear in its *Report of the Board: Renewed Regulatory Framework for Electricity Distributors: A Performance-Based Approach* that benchmarking will be an increasingly important part of rate regulation of electricity distributors.<sup>8</sup>

### **Confidentiality Agreement Not A Valid Reason for Non-Disclosure**

12. A confidentiality agreement between a utility and a third-party is not a valid reason for non-disclosure of relevant information. The Board has on numerous occasions stated that it is not bound by confidentiality agreements between utilities and third-parties. The Board in EB-2011-0140 wrote regarding a request to limit production of a document by Hydro One Networks Inc:

As set out in the Board’s *Practice Direction on Confidential Filings* (the “*Practice Direction*”), it is the Board’s general policy that all records should be open for inspection by any person unless disclosure of the record is prohibited by law. This reflects the Board’s view that its proceedings should be open, transparent and accessible. The *Practice Direction* seeks to balance these objectives with the need to protect information properly designated as confidential. In the context of this proceeding, confidentiality concerns should not prevent access by the Board and parties to this proceeding to information in the possession of HONI and GLPT relevant to the development of the East-West Tie line. The fairness of the process is a primary consideration in this case. **Moreover,**

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<sup>7</sup> *Ibid*

<sup>8</sup> *Report of the Board: Renewed Regulatory Framework for Electricity Distributors: A Performance-Based Approach*, dated October 18 2012, at p.56, 59

**the Board is not bound by confidentiality agreements entered into by the utilities it regulates, and regulated utilities may be ordered to produce documents that are the subject of such agreements. The *Practice Direction* provides adequate mechanisms for the protection of confidential material.**<sup>9</sup> [emphasis added]

13. Further, in EB-2012-0031 the Board ordered production of a benchmarking study even though the terms of that agreement between Hydro One Networks Inc. and the third-party provider did not allow for disclosure. The Board went on to say that:

We are somewhat surprised that Hydro One would agree to the confidentiality arrangements described by the company today. Hydro One is well aware of the Board's view of the importance of benchmarking."<sup>10</sup>

14. The Board also made similar comments in EB-2011-0123:

Utilities, such as Guelph Hydro must be cognizant of this when entering into confidentiality agreements with third parties that extend to the provision of information and documents that the utility knows or ought to know may reasonably be required to be produced as part of the regulatory process.<sup>11</sup>

15. Recently in EB-2013-0174, and referenced in Oakville Hydro's email<sup>12</sup>, the Board ordered Veridian Connections Inc. to produce, on an interim confidentially basis, certain information that it had refused to disclose, in response to the *exact same* interrogatory that is at issue in this motion.<sup>13, 14</sup>

16. The fact that the Oakville agreement with third-parties restricts disclosure is only relevant to its potential confidentiality treatment under the Board's rules. Oakville Hydro, like any other utility, has the ability to seek to have any document it is asked to produce be provided on a confidential basis pursuant to the *Practice Direction on Confidential Filings*. The Board will then after seeking submissions from all parties, determine if such treatment should be accorded.

17. SEC submits that the Board should order Oakville to provide the information requested in Interrogatory 2.1-SEC-3, specifically the two surveys/studies that it has refused to produce.

**THE FOLLOWING DOCUMENTARY MATERIAL AND EVIDENCE WILL BE RELIED UPON AT THE HEARING OF THE MOTION:**

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<sup>9</sup> *Decision on Phase 1 Partial Decision and Order: Production of Documents* (EB-2011-0140), dated June 14 2012, at p.3

<sup>10</sup> Motion Hearing Transcript, dated October 23 2012 (EB-2012-0031) at p. 28

<sup>11</sup> *Decision on Confidentiality* (EB-2011-0123), dated August 19, 2011 at p. 3

<sup>12</sup> Email from Mary Caputi (Oakville) to Mark Rubenstein (SEC) February 27<sup>th</sup> 2014 (See Appendix D)

<sup>13</sup> *Procedural Order No.4* (EB-2013-0174), dated February 25 2014 at p.2-3

<sup>14</sup> Both the interrogatory at issue in the Veridian proceeding (EB-2013-0174) and in this proceeding state: "Please provide details and copies of all performance efficiency benchmarking undertaken by the Applicant".

1. The Record in EB-2013-0159.

2. Such further and other material as counsel may advise and the Board may permit.

**February 27, 2014**

**Jay Shepherd Professional Corporation**

2300 Yonge Street

Suite 806

Toronto, Ontario M4P 1E4

**Mark Rubenstein**

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Fax: 416-483-3305

Counsel to the School Energy Coalition

**TO: Ontario Energy Board**  
2300 Yonge Street, Suite 2701  
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Tel: 416-481-1967

Fax: 416-440-7656

**AND TO: Oakville Hydro Electricity Distribution Inc.**  
861 Redwood Square  
Oakville, ON L6J 5E3

**Mary Cuputi**

Tel: 905-825-6373

**AND TO: Borden Ladner Gervais LLP**  
40 King Street West  
Suite 4100, Scotia Plaza  
Toronto ON M5H 3Y4

**James Sidlofsky**

Tel: 416-367-6277

Fax: 416-361-2751

Counsel to the Applicant

**AND TO: Intervenors**

# APPENDIX A

In light of the recent release of PEG's benchmarking report, updated December 4<sup>th</sup>, 2013 and the upcoming finalized OEB scorecard Oakville Hydro will continue to perform benchmarking analysis.

### **2.1-Energy Probe-7**

Ref: Exhibit 2, Tab 1, Schedule 2

- a) Please provide more details on the increase in capital expenditures of \$1,894,084 from the Board approved level in 2010.

#### **RESPONSE:**

Please see Oakville Hydro's response to Energy Probe interrogatory number 2.1-EP-5.

- b) Please explain why these additional capital expenditures were required in 2010 rather than being carried forward to 2011. Please explain why other capital expenditures in 2010 were not deferred to 2011 when these additional capital expenditures became known.

#### **RESPONSE:**

The majority of the additional capital expenditure was system access projects and considered mandatory to meet the timelines for customer connections and relocation for road authorities. These projects could not be carried forward to 2011. Oakville Hydro decided to proceed as planned with the other capital expenditures, most of which were in progress or scheduled for construction.

### **2.1-SEC-3**

Please provide details and copies of all performance efficiency benchmarking undertaken by the Applicant.

#### **RESPONSE:**



Oakville Hydro has referenced details to performance efficiency benchmarking in 2.1-EP-6a and 6b. Oakville Hydro also performs its own internal analysis from the Board's Yearbook of Electricity Distributors.

## 2.1-AMPCO-5

Ref: Exhibit 2, Tab 5, Schedule 7, Reliability Performance

- a) Please provide information on interruptions by cause (cause code statistics) for the years 2008 to 2013.

### RESPONSE:

Oakville Hydro has provided information on interruptions by cause code for the years 2008 to 2013 in tables below.

Code (Description)	2008 SAIDI	2008 SAIFI	2008 CAIDI	2009 SAIDI	2009 SAIFI	2009 CAIDI
0 (Unknown/Other)	0.0241	0.9847	0.0245	0.0581	1.5959	0.0364
1 (Scheduled Outage)	0.2426	0.0998	2.4299	0.0934	0.0749	1.2473
2 (Loss of Supply)	0.3336	0.3198	1.0432	0.0002	0.0001	3.25
3 (Tree Contacts)	0.2067	0.3398	0.6084	0.0893	0.1928	0.4632
4 (Lightning)	0.0058	1.2239	0.0047	0.1541	1.1265	0.1368
5 (Defective Equipment)	0.4949	1.3755	0.3598	0.3321	1.524	0.2179
6 (Adverse Weather)	0.1413	0.2178	0.6488	0.0548	0.1738	0.3154
7 (Adverse Environment)	0.0462	0.1769	0.2611	0.005	0.0563	0.0894
8 (Human Element)	0.001	0.0066	0.1583	0.0229	0.135	0.1697
9 (Foreign Interference)	0.0464	0.2341	0.1984	0.0316	0.5753	0.055
Total (Excluding Code 2)	1.2065	1.2837	0.9399	0.7735	1.571	0.4923

# APPENDIX B

### OM&A Costs

The evidence that illustrates that Oakville Hydro has delivered on the Board approved OM&A expenditures for Oakville Hydro's ongoing smart meter costs is provided in Exhibit 4, Tab 2, Schedule 2, page 3 and Exhibit 4, Tab 3, Schedule 1, page 2.

As discussed in the evidence, Oakville Hydro incurred OM&A costs of \$427,224 in 2012 associated with its smart meter deployment. The difference between Oakville Hydro's Board approved OM&A costs and its actual costs of \$11,337, which is considered immaterial.

### **2.1-Energy Probe-6**

Ref: All Exhibits

- a) Please provide the references to any performance efficiency benchmarking undertaken by the distributor.

### **RESPONSE:**

Oakville Hydro undertook the following performance efficiency benchmarking:

1. Oakville Hydro has compared its system reliability with the province. Please see Table 1-3 in Exhibit 1, Tab 1, and Schedule 1.
2. Oakville Hydro has compared its customer satisfaction survey results with the province and on a Canada-wide basis. Please see Appendix A in Exhibit 1.
3. Oakville Hydro has used various sources in the past for compensation benchmarking. Please see Exhibit 4, Tab 3, and Schedule 4.

- b) Has the distributor considered benchmarking in relation to other distributors and/or to its own past historical performance? Please indicate where in the evidence this information has been provided for capital expenditures and OM&A expenses.

**RESPONSE:**

Oakville Hydro does consider benchmarking both to other distributors and its own past historical performance on an informal basis, including the analysis and review of industry data provided by the Board's annual Year Book of Electricity Distributors. For this rate Application however, there is no specific requirement in Chapter 2 the Board's Filing Requirements (issued on July 17, 2013) to provide this information as evidence.

Upon review of the Application, Oakville Hydro has made some references in its evidence to benchmarking in:

- Exhibit 2, Tab 5, Schedule 7, Page 1 of 4, Table 2-51 Service Reliability Indicators. Oakville Hydro continues to monitor these indicators on a year-to-year basis and continues to have performance that exceeds the Board's objectives.
- Exhibit 2, Tab 5, Schedule 7, Page 3 of 4, Table 2-52 Service Quality Indicators. Oakville Hydro continues to monitor these indicators on a year-to-year basis and continues to have performed in excess of the minimum standard of the OEB.
- Exhibit 2, Tab 5, Schedule 2, Page 2 of 76, Appendix 2-AB Capital Expenditures Summary. The "Total Normalized Expenditure" line shows that for the 2011 and 2012 years, its actual spending has been very close to its Board of Directors approved annual capital budgets.
- Exhibit 4, Tab 3, Schedule 4, Page 19 of 25 Union pay. Oakville Hydro references on line 9 "current union contract developments with other electricity distributors". Oakville Hydro reviewed other neighboring union contract settlements before reaching its own.

In light of the recent release of PEG's benchmarking report, updated December 4<sup>th</sup>, 2013 and the upcoming finalized OEB scorecard Oakville Hydro will continue to perform benchmarking analysis.

### **2.1-Energy Probe-7**

Ref: Exhibit 2, Tab 1, Schedule 2

- a) Please provide more details on the increase in capital expenditures of \$1,894,084 from the Board approved level in 2010.

#### **RESPONSE:**

Please see Oakville Hydro's response to Energy Probe interrogatory number 2.1-EP-5.

- b) Please explain why these additional capital expenditures were required in 2010 rather than being carried forward to 2011. Please explain why other capital expenditures in 2010 were not deferred to 2011 when these additional capital expenditures became known.

#### **RESPONSE:**

The majority of the additional capital expenditure was system access projects and considered mandatory to meet the timelines for customer connections and relocation for road authorities. These projects could not be carried forward to 2011. Oakville Hydro decided to proceed as planned with the other capital expenditures, most of which were in progress or scheduled for construction.

### **2.1-SEC-3**

Please provide details and copies of all performance efficiency benchmarking undertaken by the Applicant.

#### **RESPONSE:**

# APPENDIX C

## Mark Rubenstein

---

**From:** Mark Rubenstein <mark.rubenstein@jspclaw.ca>  
**Sent:** February-25-14 7:11 PM  
**To:** 'mcaputi@oakvillehydro.com'; 'jsidlofsky@blg.com'; 'bbacon@blgcanada.com'  
**Cc:** harold.thiessen@ontarioenergyboard.ca; maureen.helt@ontarioenergyboard.ca; Randy Aiken (randy.aiken@sympatico.ca); David Macintosh (davidmacintosh@nextcity.com); Mark Garner (markgarner@rogers.com); 'Michael Janigan' (mjanigan@piac.ca); Bill Harper (bharper@econalysis.ca); shelley.grice@rogers.com; 'wmcnally@opsba.org'; Jay Shepherd (jay.shepherd@canadianenergylawyers.com)  
**Subject:** EB-2013-0159 -- Oakville --- SEC IR Clarification Question

Mary/Jamie,

In preparation for Monday's settlement conference, I have been reviewing the interrogatories responses provided by Oakville on February 21<sup>st</sup>. SEC has a question of clarification which requires an answer.

In 2.1-SEC-3, SEC asked: "Please provide details and copies of all performance efficiency benchmarking undertaken by the Applicant". Oakville responded, in part, by referencing 2.1-EP-6a. and 6b.

Interrogatory 2.1-Energy Probe-6, both parts a and b, seek references in the evidence for efficiency benchmarking. SEC's interrogatory 2.1-SEC-3 is broader and asks for all performance efficiency benchmarking undertaken by the Applicant, regardless of it being referenced in the evidence or not.

Is SEC to understand by the response to 2.1-SEC-3 and 2.1-Energy Probe-6 that all performance efficiency benchmarking undertaken by Oakville (both details and copies) have been provided in the evidence and referenced in the interrogatory responses? If not, provide a full response to 2.1-SEC-3.

Mark

**Mark Rubenstein**  
Associate  
**Jay Shepherd Professional Corporation**  
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# APPENDIX D



## Mark Rubenstein

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**From:** Mary Caputi <mcaputi@oakvillehydro.com>  
**Sent:** February-27-14 4:32 PM  
**To:** 'Mark Rubenstein'; jsidlofsky@blg.com; bbacon@blgcanada.com  
**Cc:** harold.thiessen@ontarioenergyboard.ca; maureen.helt@ontarioenergyboard.ca; Randy Aiken; David Macintosh; Mark Garner; 'Michael Janigan'; Bill Harper; shelley.grice@rogers.com; wmcnally@opsba.org; Jay Shepherd; Maryanne Wilson; Jim Collins  
**Subject:** RE: EB-2013-0159 -- Oakville --- SEC IR Clarification Question

Good afternoon Mark,

Please find below the response to your clarification question:

In its interrogatory number 2.1-SEC-3, SEC asked Oakville Hydro to provide details and copies of all performance efficiency benchmarking that it had undertaken. As noted by SEC in its Clarification Question, in responding to question 2.1-SEC-3, Oakville Hydro referred SEC to its response to Energy Probe interrogatory number 2.1-EP-6a and number 2.1-EP-6b in which it listed all of the references to performance benchmarking in its Application. SEC has now clarified that it is asking for all performance efficiency benchmarking undertaken by Oakville Hydro regardless of whether it was referenced in Oakville Hydro's evidence.

In response to Board staff interrogatory number 4.2-Staff-29, Oakville filed a study prepared by PeopleFirst HR Services. That study considered compensation as it relates to both the regulated LDC (Oakville Hydro) and its competitive affiliates. Oakville Hydro filed a copy of the PeopleFirst material in confidence in accordance with the Board's *Practice Direction on Confidential Filings* (the "Practice Direction"), with certain exceptions in that certain information constitutes personal information which Oakville Hydro does not intend to disclose, and certain information is not relevant to this proceeding.

In addition to the PeopleFirst study, Oakville Hydro participated in certain industry surveys in 2013. As a participant, Oakville Hydro was required to agree to the confidentiality policy of the third parties conducting the surveys. Under the terms of the confidentiality policy of the third party conducting one of the one of the surveys, Oakville Hydro is not permitted to disclose the existence or results of the survey to any regulatory body or other person unless compelled by law to do so. Under the terms of the confidentiality policy of the third party conducting the second survey Oakville Hydro is not permitted to disclose its participation in the study or the results of the study.

Oakville Hydro notes that the Board has ordered Veridian Connections Inc. (Veridian) to produce, on a confidential basis for the time being and subject to submissions on confidentiality, the information that is the

subject of SEC's Motion to require that Veridian respond to the same question that has been asked of Oakville Hydro on a confidential basis (EB-2013-0174). In the event that SEC or any other party pursues the request for the production of the surveys in this proceeding, Oakville Hydro trusts that the Board will, at a minimum, provide Oakville Hydro and the other parties to this proceeding and the entities that prepared the surveys (and those entities under whose auspices the surveys were prepared) an opportunity to make submissions with respect to the SEC request. Oakville Hydro can advise that it has notified the entities under whose auspices the surveys were prepared of the SEC request.

Oakville Hydro also submits at this time (while reserving the right to make further submissions in this regard, and while not agreeing at this time to provide the surveys in any manner, whether publicly or in confidence) that the parties preparing the surveys are engaged in competitive businesses. The disclosure of the terms of the surveys 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 interests of those parties since it would enable their competitors to ascertain the survey methodology used by those parties. The disclosure of information related to the survey participants could also reasonably be expected to result in survey participants no longer participating in surveys of this kind, as their participation has been premised on the understanding that their information would remain confidential.

The OEB'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. They are 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 OEB as confidential. Accordingly, at a minimum, the Board should deny any request to make the subject material public. If the Board were to order disclosure of the requested material, that disclosure should be only 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 Oakville Hydro's right to object to the Board's acceptance of a Declaration and Undertaking from any person.

Regards,

Mary

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**From:** Mark Rubenstein [mailto:mark.rubenstein@jspclaw.ca]

**Sent:** Tuesday, February 25, 2014 7:11 PM

**To:** Mary Caputi; jsidlofsky@blg.com; bbacon@blgcanada.com

**Cc:** harold.thiessen@ontarioenergyboard.ca; maureen.helt@ontarioenergyboard.ca; Randy Aiken; David Macintosh; Mark Garner; 'Michael Janigan'; Bill Harper; shelly.grice@rogers.com; wmcnally@opsba.org; Jay Shepherd

**Subject:** EB-2013-0159 -- Oakville --- SEC IR Clarification Question

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