

December 19, 2014

**RESS, EMAIL & COURIER**

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Toronto Hydro-Electric System Limited ("Toronto Hydro")  
Custom Incentive Rate-setting ("Custom IR") Application for 2015-2019  
Electricity Distribution Rates and Charges (EB-2014-0116)  
Further Request re PEG Confidential Information**

On December 12, 2014 Toronto Hydro filed a letter indicating its intention to submit interrogatories on the Pacific Economics Group ("PEG") Report by December 22, 2014 and requesting access to certain data and other inputs used by PEG in preparing the PEG Report. Toronto Hydro requested access to the data so as to allow for its review by Toronto Hydro's consultant, Power System Engineering ("PSE"), and to assist it in the preparation of interrogatories.

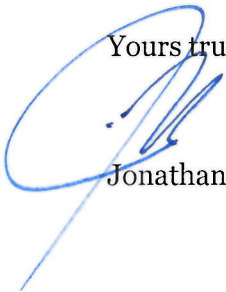
In its December 16, 2014 letter, Board staff requests confidential treatment for three components of the requested information. In its letter, Board staff notes that Toronto Hydro's consultant, PSE, has signed and filed a Declaration and Undertaking on confidentiality using the prescribed form and that the material has been provided to PSE on a confidential basis.

To the extent that the requested information is not confidential, such information should be provided directly to Toronto Hydro and its legal counsel, as well as to PSE. In addition to PSE requiring access to the confidential PEG information, as described in Appendix 'A' to Toronto Hydro's December 12, 2014 letter, certain Toronto Hydro employees and its internal and external legal counsel and consultants also require copies of the confidential information and the ability to openly communicate with PSE in respect of its review of the confidential PEG information, as well as to allow for the preparation of interrogatories on the PEG Report. These communications may require PSE to divulge certain aspects of the PEG confidential information or information derived from the PEG confidential information. Without the ability to directly review the confidential PEG information and to freely discuss PSE's findings based on the PEG confidential information, Toronto Hydro's ability to discharge the onus that is upon it as the applicant in the proceeding will be significantly hampered.

Accordingly, we are attaching hereto signed Declaration and Undertakings in the prescribed

form on behalf of Toronto Hydro's external legal counsel and relevant consultants. In respect of Toronto Hydro's internal legal counsel and a small number of employees that will require copies of the relevant materials and the ability to communicate with PSE, as well as with external counsel and consultants, in connection with the matters described above, pursuant to Section 6.1.3 of the Board's *Practice Direction on Confidential Filings* we hereby request that the Board promptly provide a modified version of the form of Declaration and Undertaking that such individuals can sign and return to the Board so as to enable them to review the materials, participate in the necessary discussions and consider and prepare the necessary interrogatory questions. A list of all individuals that have or that will be filing signed Declarations and Undertakings is attached as Schedule 'A' hereto.

Yours truly,



Jonathan Myers

cc: D. Coban, Regulatory Counsel, THESL  
C. Keizer and C. Smith, Torys LLP  
M. Helt, OEB  
T. Antonopoulos, OEB  
M. Davies, OEB  
Intervenors of Record for EB-2014-0116

**Schedule 'A'**

**1. External Legal Counsel and Consultants**

The following individuals have or will be providing signed Declarations and Undertakings in the Board's standard form:

- Steve Fenrick, PSE
- Matt Sekeres , PSE
- Lullit Getachew, PSE
- Joel Singer, Singer & Watts Management Consulting
- Charles Keizer, Torys LLP
- Crawford Smith, Torys LLP
- Jonathan Myers, Torys LLP

**2. Toronto Hydro Employees Including In-house Counsel**

The following individuals will provide signed Declarations and Undertakings *in the modified form to be provided by the Board*:

- Amanda Klein, Director, Rates and Regulatory Affairs, Toronto Hydro
- Anna Tubina, Load Analyst, Toronto Hydro
- Daliana Coban, Regulatory Counsel, Toronto Hydro
- Dmitry Balashov, Regulatory Affairs Consultant, Toronto Hydro
- Kaleb Ruch, Senior Regulatory Policy Advisor, Toronto Hydro