

John A.D. Vellone
T (416) 367-6730
F (416) 361-2758
jvellone@blg.com

James K. Little
T (416) 367-6299
F (416) 361-7332
jlittle@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



May 1, 2015

Delivered by RESS, Email and Courier

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

Dear Ms. Walli:

**Re: Confidentiality Responding Submissions
North Bay Hydro Distribution Ltd. (“NBHDL”)
Board File No. EB-2014-0099**

We are writing on behalf of NBHDL to provide an update in respect of the response to interrogatory 2-SEC-38 in the above noted matter.

On March 31, 2015 SEC requested that a copy of the Electricity Distributor Association’s (“EDA”) Emergency Task Force report (referenced at page 35 of Exhibit 4 of NBHDL’s 2015 Cost of Service Application (the “Application”)) be provided.

In its interrogatory responses to 2-SEC-38, NBHDL identified that the referenced report was not relevant to matters at issue in the Application and that the report was strictly confidential information of EDA which refused to consent to disclosure as part of this proceeding.

NBHDL followed up with EDA on the issue of consent following the filing of its interrogatory responses. EDA has consented to disclosure of the report on a confidential basis only. NBHDL believes that the subject information in the report of EDA is of little probative value, however since the report is referenced in the Application and the EDA has now consented to its disclosure on a confidential basis NBHDL hereby files the report in confidence pursuant to Board’s *Practice Direction on Confidential Filings*.

The reason that this document is considered confidential and that public disclosure would be detrimental is that it contains third party information within the meaning of Section 17(1) of FIPPA. Put simply, this is not NBHDL’s confidential information but rather information confidential to EDA itself.

The EDA’s rationale for the confidential nature of this information is as follows:

“The report was approved by the EDA board for release to EDA LDC members on a confidential basis for their internal review and consideration only. In order that we could learn as much as possible from the LDCs that were affected by the ice storm, participants in the task force had been assured that the report they were contributing to was intended for EDA LDC members only.”

Public disclosure of the report could reasonably be expected to prejudice the EDA, which relies on the voluntary disclosure of sensitive information from its members, which do so on a strictly confidential basis, to compile these reports. The reports, which are currently used to benefit the industry as a whole, would not be possible to compile if they will become public documents.

Further, EDA included in its correspondence a disclaimer regarding the report which was as follows:

“This document and its recommendations are intended to provide general guidance only and each LDC is strongly encouraged to undertake its own due diligence in determining whether to incorporate these recommendations or not.”

For the reasons identified above, NBHDL therefore requests that this document, in its entirety, be treated as confidential.

At the technical conference, NBHDL will provide copies of the report to participants who have signed the Board’s Declaration and Confidentiality Undertaking in accordance with the Board’s *Practice Direction on Confidential Filings*.

Should you have any questions or require further information, please do not hesitate to contact me.

Yours Truly,

BORDEN LADNER GERVAIS LLP

Original Filed by John A.D. Vellone

John A.D. Vellone

Cc: Todd Wilcox, Cindy Tennant, Melissa Casson and Matt Payne, NBHDL
Parties in EB-2014-0099

TOR01: 5921449: v2