File No.: EB-2015-0004

2015 09 10

VIA E-MAIL

To: Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
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Toronto, ON Canada M4P 1E4
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Subject: **Hydro Ottawa Limited, Application for Rates – Submission on Motion**

Dear Ms. Walli,

Bell Canada wishes to file the present submission in relation to the motion filed on 24 August 2015 by Rogers Communication Partnership, Telus Communications Company and Quebecor Media (collectively, the Carriers) (the Carrier Motion). While we note that we do not have intervenor status with respect to the primary substance of the Hydro Ottawa application referenced above, we have been informed by Hydro Ottawa that the Carriers have sought the disclosure of information that is confidential and commercially sensitive to us. The disclosure of the information sought by the Carrier Motion has the potential to cause significant harm to our business as it has ramifications that extend beyond the present file. For this reason, we ask the Board to accept our letter as part of the record of the proceeding.

In the Carrier Motion, the Carriers are seeking an order from the Board requiring Hydro Ottawa to produce agreements that it has signed with us and with Hydro One, or alternatively, to provide a detailed description of the rights and obligations set out in these agreements. For the reasons that follow, we submit that the Board should not order the production of the agreement that we have signed with Hydro Ottawa (the Agreement) and that the Agreement should be ordered to be kept confidential in whole.

As per the Practice Direction[1], in determining whether a request for confidentiality will be granted, "[t]he Board will strive to find a balance between the general public interest in the transparency and openness and the need to protect confidential information".[2] In this regard, we support Hydro Ottawa's submission of 3 September 2013. In its submission, Hydro Ottawa has demonstrated the lack of public interest in the disclosure of the Agreement. In particular, we agree with Hydro Ottawa that the rights and obligations set out in the Agreement are wholly irrelevant to the matter being decided by the Board, which is to determine whether Hydro Ottawa's proposed pole access charges are appropriate. Releasing the Agreement will provide the Board with no additional information that would assist with the assessment of the proposed rates. The only potentially relevant piece of information – the pole access rate agreed upon between Hydro Ottawa and us, which is the Board-approved rate – is already known.[3]

1 Ontario Energy Board Practice Direction on Confidential Filings, Revised 13 October 2011 [Practice Direction].
2 Practice Direction, at Appendix A.
3 See, Response to the Carriers Interrogatory #1, part c, IR:H-7-1.

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While Hydro Ottawa has demonstrated that there is no public interest in the disclosure of the Agreement, we further submit that there is serious potential harm for our business should the Agreement be disclosed.

Specifically, the terms and obligations set out in the Agreement represent commercially sensitive information that we negotiated in confidence with Hydro Ottawa. We negotiate similar agreements with local distribution companies (LDCs) across Canada, and the terms and obligations set out in each agreement are uniquely tailored to the specific circumstances that exist in the relevant territory served by the particular LDC. Accordingly, it is imperative that these agreements be maintained in confidence, as the disclosure of the terms of a given agreement could significantly interfere with our ability to negotiate future agreements with other LDCs.

For example, as the context of each agreement we sign with a LDC is different, the terms that we negotiated with Hydro Ottawa may not be appropriate for use in an agreement being negotiated with a different LDC. In order to allow for open negotiations that account for the specific context of any given set of circumstances, it is imperative that the terms of our agreements be maintained in confidence and exempt from disclosure to the public. If the terms of the Agreement are disclosed, there is meaningful risk that this will interfere significantly with our negotiating position when discussing the terms of future agreements we may seek to enter with other LDCs, whereby we may be pressured to accept terms similar to those used in the Agreement, even though those terms may not be appropriate in a different context. The end result could prejudice our competitive position, and result in material harm for our company.

Accordingly, we submit that the Agreement should not be ordered to be produced by the Board, in whole or in part, or in a summary form providing a detailed description of the terms, as the potential harm from any such disclosure greatly outweighs the public interest.

We thank the Board for its attention to this important matter.

Yours truly,

[Original signed by P. Gauvin]

Philippe Gauvin
Bell Canada
Senior Legal Counsel

cc: Ontario Energy Board
- Christie Clark (christie.clark@ontarioenergyboard.ca)
- Maureen Helt (maureen.helt@ontarioenergyboard.ca)

Parties to EB-2015-0004
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