

Toronto

July 4, 2017

Richard King
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Our Matter Number: 1144209

Montréal

Calgary

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**SENT VIA EMAIL AND HARDCOPY
FILED ON RESS (**with Schedule C only)**

New York

Ontario Energy Board
2300 Yonge Street, 27th Floor
P.O. Box 2319
Toronto, ON M4P 1E4
Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Five Nations Energy Inc. (“FNEI”) – 2016 Transmission Rates (EB-2016-0231)
Request for Confidentiality and Personal Information (Response to 6-Staff-
25(n)/(o))**

Following discussions with Board Staff, we have enclosed a revised version of the FNEI response to an information request from Board Staff (6-Staff-25(n)/(o)), which was originally filed on April 12, 2017. This revised response includes certain information that FNEI requests to have filed on a confidential basis, and other information that FNEI requests be treated as personal information.

Based on our interpretation of the Ontario Energy Board’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”) and the *Rules of Practice and Procedure* (the “**Rules**”), it is our understanding that the Board will require a:

- (i) confidential un-redacted version of the document, displaying both the confidential information, pursuant to Section 5.1.4(b) of the Practice Direction, and the personal information, pursuant to Rule 9A.01(b) of the Rules. This document (the “**Confidential and Personal Version**”) is included as Schedule A and has been marked with “Confidential & Personal Information”. It is our understanding that, pursuant to Rule 9A.02 of the Rules, the Confidential and Personal Version will be held in confidence by the Board and will not be placed on the public record, nor will it be provided to any other party, including a person from whom the Board has accepted a Declaration and Undertaking under the Practice Direction;
- (ii) confidential partially-redacted version of the document, displaying the confidential information, pursuant to Section 5.1.4(b), but with the personal

information redacted, pursuant to Rule 9A.01(a) of the Rules. This document (the “**Confidential Version**”) is included as Schedule B and has been marked with “Confidential”. It is our understanding that, pursuant to Rule 9.02A of the Rules, the Confidential Version will be held in confidence by the Board and it will not be placed on the public record, however, the Board may disclose the Confidential Version to persons that have signed a Declaration and Undertaking pursuant to Section 6.1.1 of the Practice Direction; and

- (iii) non-confidential fully-redacted version of the document with the redactions including both the confidential information, pursuant to Section 5.1.4(c)(i) of the Practice Direction, and the personal information, pursuant to Rule 9A.01(a) of the Rules. This document (the “**Non-Confidential Version**”) is included as Schedule C. It is our understanding that the Non-Confidential Version will be posted to the public record, pursuant to Rule 9A.02.

The Non-Confidential Version, included as Schedule C, has been revised from the version that was submitted on April 12, 2017. Specifically, the Non-Confidential Version includes certain figures (the totals for the numerical columns) that were redacted in the original filing. Intervenors copied on this letter will be sent Schedule C only.

By way of this letter, FNEI is requesting that the information:

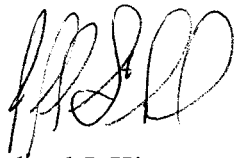
- (i) that is un-redacted in the Confidential Version, but which is redacted in the Non-Confidential Version, be kept confidential, pursuant to Section 5.3.1 of the Board’s *Practice Direction on Confidential Filings*. The basis for this request is that this information would disclose an individual person’s annual salary (i.e., FNEI’s CEO). However, this information is not personal information because FNEI’s CEO has consented to such disclosure, pursuant to Section 42(1)(b) of the *Freedom of Information and Protection of Privacy Act*, RSO 1990, c F.31, to the extent that this information is being disclosed to persons that have signed a Declaration and Undertaking pursuant to Section 6.1.1 of the Practice Direction; and
- (ii) that is un-redacted in the Confidential and Personal Version, but which is redacted in the Confidential Version, be treated as personal information for the purposes of Rule 9A of the Rules and Section 4.3 of the Practice Direction. This information is the annual salary of FNEI’s former CEO, and it should not be disclosed because it would have the effect of disclosing personal information.

We would note that the other information in the table at 6-Staff-25(n)/(o) (i.e., Board of Directors’ costs) would not normally be considered or treated

as either personal or confidential information, however, because the total of the columns is being in that table are being disclosed, the disclosure of the Board of Directors' costs would (via simple subtraction) lead to the disclosure of the personal information.

If you have any questions or would like to discuss, please do not hesitate to contact us.

Yours very truly,



FOR RICHARD KING

Richard J. King

Copy: Lawrie Gluck (OEB)
Jamie Sidlofsky (OEB)
All intervenors in EB-2016-0231 (***Schedule C only*)
Pat Chilton (FNEI)
Rod Reimer (FNEI)
Jeff St. Aubin (Osler)

Schedule A
Confidential and Personal Version

[Not sent to Intervenors]

**Schedule B
Confidential Version**

[Not sent to Intervenors]

Schedule C
Non-Confidential Version

FNEI Account 5605 Detailed Breakdown							
	2010	2011	2012	2013	2014	2015	2016
CEO Salary & Benefits	██████	██████	██████	██████	██████	██████	██████
CEO Travel	██████	██████	██████	██████	██████	██████	██████
CEO Disbursements	██████	██████	██████	██████	██████	██████	██████
Board Honoraria	██████	██████	██████	██████	██████	██████	██████
Board Travel Costs	██████	██████	██████	██████	██████	██████	██████
Board Related Disbursements	██████	██████	██████	██████	██████	██████	██████
Total:	531,749	524,560	516,412	549,323	425,499	597,789	439,806

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(p) The breakdown of an average board meeting using 2013 figures is as follows:

Honoraria	\$16,344
Travel	\$15,993
Disbursements	\$2,663
	\$35,000

FNEI does make use of conference calls for special Board meetings, but tries to conduct quarterly Board meetings face-to-face. There is little chance for informal contact between Board members (or between Board members and FNEI management) due to the remote nature of the communities that FNEI serves. FNEI feels that quarterly face to face meetings are required to allow directors the opportunity to meaningfully interact with each other and with FNEI management.

(q) Please refer to attached pdf entitled: "FNEI Suncorp Valuators - Insurance Appraisal Final Report31December2012.pdf"