



**EB-2017-0045**

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

**AND IN THE MATTER OF** an application by Halton Hills Hydro Inc. for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2018.

**PROCEDURAL ORDER NO. 3  
February 27, 2018**

Halton Hills Hydro Inc. (Halton Hills Hydro) filed applications with the Ontario Energy Board (OEB) on September 25, 2017, October 23, 2017 and December 1, 2017. The applications are for, respectively, rates pursuant to the OEB's Price Cap IR framework, the establishment and disposition of a variance account to account for and remedy an error related to depreciation expense, and recovery of costs incurred as a result of a pay equity settlement agreement (Z factor). The applications were filed under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) and under the OEB's Filing Requirements for Incentive Regulation Rate Applications, seeking approval for changes to Halton Hills Hydro's electricity distribution rates to be effective May 1, 2018.

The OEB issued a Notice of Hearing on December 22, 2017, advising that the three applications would be heard together.

In accordance with the OEB's Procedural Orders No. 1 and 2 in this proceeding, written interrogatories and responses to the interrogatories were exchanged between the applicant Halton Hills Hydro, the intervenors School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC"), and OEB staff.

By letter dated February 21, 2018, Halton Hills Hydro filed its response to SEC's Interrogatory Request number 7 (SEC IR No. 7) in confidence. SEC IR No. 7 pertains to a Memorandum of Agreement regarding Pay Equity Maintenance, dated February 2, 2017, between the utility and Power Worker's Union, CUPE Local 1000 (the Agreement). Halton Hills Hydro submitted the following:

The agreement in question is a signed confidential agreement between the two parties that indicates previous and agreed upon wage rates in addition to retroactive adjustment payments by position. In addition to the pay equity portion of the agreement, Exhibit 3 is directly related to the agreed upon internal equity that is not a part of this proceeding. It should be noted that at no time in the application did HHHI include any internal equity adjustment amounts; the requested amounts only relate to retroactive pay equity adjustments and incremental pay equity wages.

Halton Hills is a closely knit community and the employees of HHHI are well known in the community. Even though there are only positions listed in the agreement, it is very possible for citizens to be able to determine wages for specific employees in the Exhibits. HHHI would never disclose the wages of a particular employee to the public and by releasing the agreement, HHHI would, in fact be allowing for that very scenario. It should also be noted that the job description in Exhibit 5 also indicates the name of the incumbent employee.

In addition to the above argument for confidentiality, prior authorization from the Union would be required before any portion of the agreement could be made public.

Halton Hills Hydro noted that a copy of the Agreement was couriered to the OEB and that a summary of the document was forwarded to the intervenors on record. The OEB received the confidential Agreement on February 23, 2018.

The OEB considers it necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

**IT IS THEREFORE ORDERED THAT:**

1. Intervenors and OEB staff that object to Halton Hills Hydro claim for confidential treatment of the material so identified in the response to SEC IR No. 7 shall file their submission with the OEB and deliver it to all parties by **March 2, 2018**.
2. Halton Hills Hydro shall file its response, if any, to the submissions of OEB and the intervenors with the OEB and deliver it to all parties by **March 7, 2018**.
3. Any written submission by OEB staff and the intervenors on the applications shall be filed with the OEB and delivered to all other parties by **March 14, 2018**.
4. Halton Hills Hydro may file a written reply submission with the OEB, and deliver it to the intervenors on the applications by **March 21, 2018**.

All filings to the OEB must quote the file number, EB-2017-0045 and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at

<https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to the address below.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Marc Abramovitz at [Marc.Abramovitz@oeb.ca](mailto:Marc.Abramovitz@oeb.ca) and OEB Counsel, Richard Lanni at [Richard.Lanni@oeb.ca](mailto:Richard.Lanni@oeb.ca).

### **ADDRESS**

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**DATED** at Toronto, **February 27, 2018**

**ONTARIO ENERGY BOARD**

*Originally signed by*

Kirsten Walli  
Board Secretary