

June 22, 2018

VIA RESS (non-confidential information only) & COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
26th Floor,
Toronto, ON M4P 1E4

Dear Ms. Walli;

Re: EB-2018-0014 – Alectra Utilities Corporation and Guelph Hydro Electric Systems Inc. – Application for Approval of Consolidation under Section 86 of the *Ontario Energy Board Act, 1998* and related relief – Applicants’ Interrogatory Responses and Confidentiality Request

In accordance with the Ontario Energy Board’s (the “Board”) Procedural Order No. 1 dated May 22, 2018, Alectra Utilities Corporation (“Alectra”) and Guelph Hydro Electric Systems Inc. (“Guelph Hydro”) (collectively, the “Applicants” in the above-noted proceeding) hereby submit the Applicants’ responses to interrogatories from Board Staff, the International Brotherhood of Electrical Workers, Local 636 (“IBEW”), and the Power Workers’ Union (“PWU”).

In addition, the Applicants are filing discrete portions of 3 interrogatory responses in confidence. The grounds for the confidentiality request are set out herein.

Confidentiality Request

In the non-confidential filing, the Applicants have redacted limited aspects of their responses to B-Staff-7, B-Staff-10, and B-Staff-12. More specifically, the redactions are found in:

- Response to B-Staff-7(b): first column (“Synergy Categories”) of Table 2;
- Response to B-Staff-10(a): first column (“Synergy Categories”) of Table 1; and
- Response to B-Staff-12: three items under second column (“Initiative”) of Table 1, and top row of Table 2.


The redactions are minimal, and are based on the applicable provisions of the Board’s *Rules of Practice and Procedure* and *Practice Direction on Confidential Filings*. Below, the Applicants set out the reasons for their confidentiality request, including the potential harm that could result from public disclosure of the relevant information.

First, the redacted content shows the specific functional areas or initiatives from which potential synergy savings may stem post-amalgamation. This information is based on current estimates and assumptions, but subject to further integration considerations, it is not yet finalized. To date, this information has neither been made available publicly nor communicated internally to all staff that may be involved in or impacted by these changes in connection with the transaction. In the interest to the employees that may be affected and the Applicants as transition progresses, it is crucial that such changes be announced (both internally and externally) and implemented in a planned and orderly fashion. The interrogatory process is not the medium for making such disclosure. In this case, disclosure of the confidential information is likely to interfere with and disrupt the Applicants’ preparation for and transition toward consolidation. In order to ensure the continuity of business operations and delivery of service to customers pending the Board’s decision and during the transition process, the Applicants submit that the redacted information must be held confidential at this time. Upon finalization, the detailed plan for consolidation, including any specific changes to functional areas and initiatives, will be communicated as appropriate to the Applicants’ staff.

Secondly, the Applicants are particularly concerned about potential interference with ongoing and future collective bargaining with their labour unions, PWU and IBEW. Specifically, the redacted content reflects sensitive and confidential labour-related information that, if disclosed, is likely to prejudice the Applicants’ bargaining position and provide undue advantage to the unions in such negotiations. Since Alectra is currently in the midst of negotiations with PWU, this impact would be real and immediate. The

Applicants understand that the confidential information would in the normal course be available to those who file a Declaration and Undertaking. However, given the aforementioned reasons, the Applicants ask that the Board ensure this confidential information is withheld from both PWU and IBEW notwithstanding any Declaration and Undertaking that may be filed on their behalf in this proceeding.

Yours truly,



Indy J. Butany-DeSouza, MBA
Vice President, Regulatory Affairs

cc: Charles Keizer, Torys
Cristina Birceanu, Guelph Hydro