

KOSKIE MINSKY

July 17, 2018

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Via Courier

Ontario Energy Board
2300 Yonge Street
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Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Alectra Utilities Corporation and Guelph Hydro Electric Systems Inc. –
OEB File No. EB-2018-0014**

As you are aware, we are counsel to the International Brotherhood of Electrical Workers, Local 636 (the “IBEW”) and have been retained with respect to this matter.

Further to the Decision of the Board dated July 12, 2018 this is our objection to the applicant's request that counsel for the IBEW be denied access to confidential parts of the interrogatory responses.

The applicants have requested the confidential treatment of the responses to certain interrogatories, including B-Staff 7(b), B-Staff – 10(a) and B Staff-12 which include the following questions:

B-Staff-7 Please identify the specific areas of the distribution business where the projected cost savings (both OM&A and Capital) are expected to be generated as a result of the proposed transaction.

B-Staff-10 In the description provided on distribution system operations, a distinction is made between centralized and decentralized functions. Figure 19 provides a listing of centralized and decentralized functions. a) Please provide the anticipated reduction in operating expenditures in each of the functions listed in Figure 19.

B-Staff-12 The application provides that the proposed transaction is expected to result in cost savings in OM&A of approximately \$37 million and approximately \$3.8 million in avoided capital costs, which represent \$40.8 million in total cash savings, before transition costs of \$14.3 million. Figure 20 sets out a number of areas of the distribution business where projected cost savings are expected to be generated as a result of the proposed transaction.

In the July 12, 2018 decision, the Board found that the labour related redactions should be treated confidentially as public disclosure may interfere with collective bargaining. The Board invited the IBEW and PWU to make submissions as to whether their counsel should be denied access to this information even after signing the usual Declaration and Undertaking.

It is the IBEW's position that counsel should have access to the redacted portions of the aforementioned interrogatories subject to signing the usual Declaration and Undertaking. The information in question should not be treated by the Board as confidential.

In Procedural Order No. 1 issued on May 22, 2018 the Board approved IBEW as a proper intervenor. The IBEW has fully participated in the process to date submitting a number of interrogatories within the Board's established timelines. In order to continue full participation in the process the IBEW must be afforded the same opportunities to access and consider responses to interrogatories as other non-union representatives. The redacted information concerns specific synergies the applicant is relying on in support of this application and the applicant's ability to satisfy the no harm test. Without access to this information the IBEW will face prejudice in its ability to fully consider the impacts of this proposed transaction and make submissions as such.

The applicants have not provided any rational basis for this request for confidential treatment, nor have they provided any explanation as to how the information could interfere with ongoing and future collective bargaining. In fact, this information including financial information and plans to decrease the bargaining unit must be disclosed during the process of collective bargaining. The duty to bargain in good faith is statutorily mandated by the *Labour Relations Act*. The duty to bargain in good faith requires a party to produce accurate information to support claims that are made regarding financial positions. Such information is required to foster a rational discussion and continue the collective bargaining process. The release of this information would not cause harm or interfere with negotiations.

The applicants concerns are vague and speculative. This request for confidentiality does not address any specific tangible harm. Without any mention of specific issues that would arise from the release of this information, the IBEW faces difficulty addressing the applicant's position. The applicants confidentiality concerns are wholly protected by the Board's standard Declaration and Undertaking.

In the interests of transparency, and allowing intervenors full participation in the process the information at issue in this objection should be disclosed. The applicants have not raised any potential harm that would warrant an upholding of this confidentiality request.

Yours truly,

KOSKIE MINSKY LLP



Ernie A. Schirru
EAS:lm

c. IBEW Local 636
Attention: Mr. Brian Manninger, Business Manager

Ontario Energy Board
Attention: Ms. Saleh Lavaee, Case Manager & Mr. Ian Richler, OEB Counsel

Alectra Utilities Corporation
Attention: Ms. Indy Butany-DeSouza

Guelph Hydro Electric Systems Inc.
Attention: Ms. Cristina Birceanu

Alectra Utilities Corporation and Guelph Hydro Electric Systems Inc.
c/o Torys LLP
Attention: Mr. Charles Keizer

Chrysalis Consulting
Attention: Ms. Evelyn (Lin) Grist

Mr. John Barker & Ms. Barbara Barker

Power Workers' Union
Attention: Mr. Paul Reece

Power Workers' Union
c/o Paliare Roland Rosenberg Rothstein LLP
Attention: Mr. Richard Stephenson

Power Workers' Union
c/o Elenchus Research Associates Inc.
Attention: Mr. Bayu Kidane & Ms. Kim McKenzie