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October 1, 2018

**Delivered by Email and RESS**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2701  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2018-0028  
Confidentiality Undertakings**

We are counsel to Energy+ Inc. in respect of the above noted matter.

On September 28, 2018, Energy+ Inc. filed confidentiality undertakings signed by Mr. Bacon and Mr. Vellone in order to obtain access to certain evidence that was filed in confidence by Toyota Motor Manufacturing Canada Inc. (“TMMC”) on September 27, 2018.

In addition, following discussions with counsel for TMMC, TMMC has consented to allow an employee of Energy+ Inc. to swear a modified form of the Board’s standard confidentiality undertaking in order to gain access to the confidential materials. Enclosed with this letter is a confidentiality undertaking of Ms. Hughes. The only change that was made to the Board’s standard form of confidentiality undertaking is to indicate that Ms. Hughes is an employee of Energy+ Inc.

We would like to thank TMMC and their counsel for their cooperation in allowing Ms. Hughes to review the confidential materials. This arrangement will give the Applicant an opportunity to review the entirety of the evidence filed by TMMC, for the purposes of asking IRs and better understanding the differences between what is proposed in the Application and what is being proposed by TMMC. The arrangement also reflects the fact that most if not all of the confidential information that is subject to the Undertaking was already known to Energy+ or easily derived from known information, as a result of the fact that Energy+ serves and bills TMMC at the Cambridge Plant.

Sincerely,

**BORDEN LADNER GERVAIS LLP**

Per:

*Original signed by John A. D. Vellone*

John A. D. Vellone  
/Encl.

## Ontario Energy Board

### Form of Declaration and Undertaking

EB-2018-0028

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

**AND IN THE MATTER OF** an Application by Energy Plus Inc, pursuant to section 78 of the *Ontario Energy Board Act, 1998*, for an order or orders approving changes to the electricity distribution rates and harmonizing rates and charges in the Cambridge and North Dumfries and Brant County service areas, effective January 1, 2019

#### DECLARATION AND UNDERTAKING

I, Sarah Hughes, am an employee of Energy+ Inc.

#### DECLARATION

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am an employee of Energy+ Inc., the applicant to this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

## UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
  - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
  - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.

7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at City of Cambridge, Ontario this 1st day of October, 2018.

Signature:   
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