

2019 COST OF SERVICE APPLICATION

ENERGY+ INC.

EB-2018-0028

OEB STAFF SUBMISSION

OCTOBER 16, 2018

Ontario Energy Board (OEB) staff has reviewed the material for which Toyota Motor Manufacturing Canada Inc. (TMMC) requested confidential treatment in its letter of September 27, 2018. OEB staff agrees that some of the redacted information should be treated as confidential.

OEB staff notes that the OEB's general policy is that all evidence should be on the public record and should be open for inspection by any person unless disclosure of the record is prohibited by law. The OEB's *Rules of Practice and Procedure* (Rules) and *Practice Direction on Confidential Filings* (Practice Direction), seek to balance the objectives of transparency and accessibility with the need to protect information that has been properly designated as confidential.

The Practice Direction sets out some of the factors that the OEB may consider in addressing the confidentiality of filings, such as:

- the potential harm that could result from the disclosure of the information, including prejudice to any person's competitive position; and
- whether the information is personal information and generally exempt from public disclosure.

OEB staff agrees that the redacted portions of Mr. Pollock's evidence comprises commercially sensitive information, including TMMC's load and billing data. This type of information is generally exempt from public disclosure as it constitutes technical, commercial and / or financial information within the meaning of section 17(1) of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31 (FIPPA). Disclosure of such information could prejudice the competitive position of TMMC and has generally been treated as confidential pursuant to the Practice Direction.

With respect to the Ms. Collis' evidence, OEB staff agrees that some portions are properly redacted, for the same reasons indicated above. However, certain portions do not contain such information and should not be redacted. In particular, OEB staff takes the view that the following portions of the Collis' evidence should not be confidential:

- Page 22 – The title of the figure should be publicly available.
- Page 23 – The whole page should be publicly available because it does not contain confidential information. The capacity of TMMC’s generation facility is not confidential on page 7 of Ms. Collis’ evidence.
- Page 25 – The last paragraph does not contain confidential information and should be publicly available.
- Page 26 – Only Figure 2 should be confidential. The rest of the page provides general information about Figure 2, which does not contain confidential information.
- Page 30 – Last 2 paragraphs do not contain confidential information and should be publicly available.
- Page 31 – Information on this whole page should not be confidential because these information are load data for Energy+’s system but not information specific to TMMC.
- Page 32 – The last paragraph does not contain confidential information and should be publicly available.

OEB staff has also reviewed the documents filed in confidence as part of Energy+’s responses to interrogatories.¹ OEB staff agrees that most of the redacted information are either third party information (Category 1) or personal information (Category 2). The Practice Direction recognizes these types of information as confidential. However, OEB staff submits that the following responses to certain interrogatories should not be confidential:

¹ Energy+ 2019 Confidential Filing IRR, Cover Letter, dated September 14, 2018.

Category 1 (third party information)

- TMMC-12 Power Supply Details – Information on the nameplate capacity of TMMC’s generation facility and the name of the transmission station should be publicly available. These information are not confidential in TMMC’s evidence.
- TMMC-13 Load and Power Supply Details – Regarding TMMC-13, questions 6 a) and c), information on the nameplate capacity of TMMC’s generation facility and the name of the transmission station should be publicly available.
- TMMC-14 Energy+ Load Data (Excel File on CD) – TMMC-14, responses to question 1, 2 and 5 should be publicly available. These information are hourly load data for Energy+’s Cambridge system but not information specific to TMMC.

All of which is respectfully submitted