

2019 COST OF SERVICE APPLICATION

ENERGY+ INC.

EB-2018-0028

OEB STAFF SUBMISSION

NOVEMBER 13, 2018

Energy+ Interrogatory Responses

Procedural Order No.4 asked Ontario Energy Board (OEB) staff and intervenors to file written submission on Energy+'s request for confidential treatment for portions of its responses to interrogatories. Specifically, the OEB asked parties to file submission on the following documents:

Item No.	IR	Description
Category 1 – third party information		
1	3-VECC-17b	Co-Generation Facility Information
2	TMMC-4	Generator Specifications
3	TMMC-7	Cost Allocation
4	TMMC-10	Standby Charge Scenario
5	TMMC-11	Capital Costs
6	TMMC-12	Power Supply Details
7	TMMC-13	Load and Power Supply Details
8	TMMC-14	Energy+ Load Data (Excel File on CD)
9	TMMC-15	Power Supply Details
10	TMMC-19	Cost Information & Customer Presentation
11	TMMC-2 ¹	Cost Allocation 2019_EnergyPlus_Cost_Allocation_Model_No_Standby_TMMC_4.xlsm
12	TMMC-3 ²	Load Details
Category 2 – personal information		
13	4-Staff-74b	2017 Corporate Income Tax Return
14	1-SEC-13	Succession Plan

OEB staff made submission on items 1 to 10, 13 and 14 in its submission filed October 16, 2018.

With respect to item 11, Energy+ seeks confidential treatment for the Cost Allocation model without a standby charge, stating that it contains third party information and could prejudice the economic interest of, the competitive position of, cause undue financial loss to, and be injurious to the financial interest of the applicable third party.³ OEB staff notes that the Cost Allocation model with a standby charge⁴ is publicly available. OEB staff submits that if the model without a standby charge was to be disclosed, the

¹ Energy+ responses to TMMC clarification questions, filed on September 19, 2018

² *ibid*

³ Energy+ cover letter, Responses to TMMC clarification questions, dated September 19, 2018

⁴ Filed as part of interrogatory response, dated September 14, 2018.

adjustments made to the Large User class to account for a standby charge could be determined. However, OEB staff understands that the adjustments reflect the annual additional demand quantities that Energy+ will bill TMMC pursuant to the implementation of the proposed standby charge.⁵ OEB staff submits that the adjustment to load related to the application of a standby charge does not disclose TMMC's actual load and would not result in prejudice to its economic interest, competitive position or financial interest. Therefore, OEB staff submits that the Cost Allocation model without a standby charge should be publicly available.

With respect to item 12, OEB staff submits that the redacted information in TMMC-3, part 3, should not be treated as confidential. The key information is the nameplate capacity of TMMC's generation facility and the rest of the redacted information can be determined once the capacity is disclosed. Both TMMC⁶ and Energy+⁷ agreed with OEB staff that nameplate capacity of TMMC's generation facility should no longer be confidential.

TMMC's Revised Evidence and Interrogatory Responses

Regarding to Mr. Pollock's revised evidence, OEB staff submits that the redacted portions comprise commercially sensitive information and should be treated as confidential.

With respect to TMMC's responses to interrogatories, OEB staff agrees that the redacted 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. Disclosure of such information could prejudice the competitive position of TMMC and has generally been treated as confidential pursuant to OEB's *Rules of Practice and Procedure* and *Practice Direction on Confidential Filings*.

All of which is respectfully submitted

⁵ IR-TMMC-4, part 2, dated September 14, 2018.

⁶ By letter dated October 19, 2018.

⁷ By letter dated October 23, 2018.