



## Energy+ Inc.

### Application for electricity distribution rates and harmonizing rates and charges in the Cambridge and North Dumfries and Brant County service areas beginning January 1, 2019

#### DECISION ON CONFIDENTIALITY REQUESTS December 21, 2018

#### Introduction

Energy+ Inc. (Energy+) filed a cost of service application with the Ontario Energy Board (OEB) on April 30, 2018 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Energy+ charges for electricity distribution, to be effective January 1, 2019.

On September 14, 2018, the OEB made a determination on confidentiality requests made by Energy+ as part of its application. Pursuant to the OEB's Decision, Energy+ filed the following three documents on the public record on September 21, 2018:

1. Letter from Toyota Motor Manufacturing Canada Inc. (TMMC) to Energy+ dated April 19, 2018;
2. Letter from Energy+ to TMMC dated April 23, 2018; and
3. Chapter 2, Distribution System Capital Plan - Appendix D – CBRE June 2015 Update.

## Energy + Confidentiality Request

As part of its interrogatory responses filed on September 14, 2018, Energy+ requested confidential treatment for information about a third party and certain individuals that was contained in some of its interrogatory responses (Energy + IRRs). OEB staff submitted comments on Energy+'s confidentiality request on October 16, 2018. Energy+ and TMMC provided responses to OEB staff's comments on October 19, 2018 and October 23, 2018 respectively.

On December 12, 2018, Energy + filed a Settlement Proposal,<sup>1</sup> which includes a redacted version of Appendix E: Energy+'s Settlement Proposal – Clarification Questions. In the cover letter accompanying the Settlement Proposal, Energy+ identified two particular questions for which confidential treatment is sought on the basis that they contain customer specific load information, namely:

1. VECC Settlement Clarification Question 3 e)
2. VECC Settlement Clarification Question 7 a)

In this Decision, the OEB makes a determination on the confidentiality request of Energy+ with respect to information contained in some of the Energy+ IRRs and in Appendix E of the Settlement Proposal.

## TMMC Confidentiality Request

TMMC filed written evidence on September 27, 2018 (TMMC Evidence), which consisted of a partially redacted version of the TMMC Evidence on the public record and a request for confidential treatment for the redacted portions. OEB staff and School Energy Coalition (SEC) made submissions on TMMC's confidentiality request on October 16, 2018. TMMC replied on October 23, 2018.

TMMC also requested confidential treatment for information contained in some of its responses to interrogatories from OEB staff and intervenors dated October 25, 2018 (TMMC IRRs) related to its consumption of electricity. Only OEB staff made a submission on this request.

This Decision also makes a determination on the confidentiality request of TMMC with respect to portions of the TMMC Evidence and TMMC IRRs.

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<sup>1</sup> Energy+ Settlement Proposal, dated December 12, 2018 (Settlement Proposal)

## ***Findings***

### **Energy+'s Request for Confidentiality**

Table 1 summarizes Energy+'s requests for confidentiality, parties' comments and the OEB's decisions on Energy+'s confidentiality request for redacted portions of the Energy+ IRRs.

The OEB finds that the redacted information in items 1 to 5, 9 and 10 listed under Category 1 should remain confidential. The nature of the information is consistent with the factors considered by the OEB in assessing confidentiality requests, as set out in Appendix "A" of the OEB's *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* (Practice Direction). Furthermore, the information in the Energy+ IRRs for which confidential treatment is requested has previously been accorded confidential treatment by the OEB, as described in Appendix "B" of the Practice Direction.

Items 13 and 14 listed under Category 2 contain personal information such as names and salaries of certain individuals and the OEB determines that these items should remain confidential.

Items 6 to 8, 11 and 12 contain information related to TMMC. The OEB notes that, although Energy+ originally requested confidential treatment for these portions of the Energy+ IRRs, it considered the submissions of OEB staff and agreed in its reply submission that these portions of the Energy+ IRRs should no longer be considered confidential. TMMC also agreed with OEB staff's submission and Energy+'s reply submission that these portions of the Energy+ IRRs did not need to be treated as confidential. The OEB agrees with these parties and finds that the redacted information in these portions of the Energy+ IRRs do not contain commercially sensitive information of TMMC and should be publicly disclosed.

With respect to the two clarifications in Appendix E of the Settlement Proposal, the OEB finds that the redacted responses are customer specific load information and should remain confidential.

<b>Table 1 - Energy+ Confidential Request as Part of Interrogatory Responses</b>						
<b>Items</b>	<b>Energy+'s Request (Sep 14)</b>	<b>OEB Staff Submission (Oct 16)</b>	<b>Energy+ Reply (Oct 19)</b>	<b>TMMC Comments (Oct 23)</b>	<b>OEB Decision (Dec 21)</b>	
<b>Category 1 - third party info</b>						
1	3-VECC-17b	Co-Generation Facility Info	Agrees - third party info	Agrees	Agrees	<b>Remain Confidential</b>
2	TMMC-4	Generator Specifications	Agrees - third party info	Agrees	Agrees	
3	TMMC-7	Cost Allocation	Agrees - third party info	Agrees	Agrees	
4	TMMC-10	Standby Charge Senario	Agrees - third party info	Agrees	Agrees	
5	TMMC-11	Capital Costs	Agrees - third party info	Agrees	Agrees	
6	TMMC-12	Power Supply Details	Objection to confidentiality request on nameplate capacity of TMMC's generation facility and name of transmission station	Agrees with Staff	Agrees with Staff and Energy+	<b>Disclose the redacted information on nameplate capacity of TMMC's generation facility and name of transmission station</b>
7	TMMC-13	Load and Power Supply Details	Objection to confidentiality request on nameplate capacity of TMMC's generation facility and name of transmission station	Agrees with Staff	Agrees with Staff and Energy+	
8	TMMC-14	Energy+ Load Data (excel file on CD)	Objection to confidentiality request on hourly load data for Energy+ Cambridge system (not specific to TMMC)	Agrees with Staff	Agrees with Staff and Energy+	
9	TMMC-15	Power Supply Details	Agrees - third party info	Agrees	Agrees	<b>Remain Confidential</b>
10	TMMC-19	Cost Information & Customer Presentation	Agrees - third party info	Agrees	Agrees	<b>Remain Confidential</b>
11	TMMC-2*	Cost Allocation Model - No standby	**Objection to confidentiality request - info on load adjustment made in this Cost Allocation model does not disclose TMMC's actual load	**Agrees with Staff	**Agrees with Staff and Energy+	<b>Disclose the Cost Allocation model (No standby)</b>
12	TMMC-3*	Load Details	**Objection to confidentiality request - info on nameplate capacity of TMMC's generation facility should be publicly available	**Agrees with Staff	**Agrees with Staff and Energy+	<b>Disclose the redacted information on nameplate capacity of TMMC's generation facility</b>
<b>Category 2 - personal info</b>						
13	4-Staff-74b	2017 Corporate Income Tax Return	Agrees - personal info	Agrees	Agrees	<b>Remain Confidential</b>
14	1-SEC-13	Sucession Plan	Agrees - personal info	Agrees	Agrees	
* Submitted Sep 19, 2018 (responses to TMMC's follow-up questions)						
** Staff submission dated Nov 13, 2018; Energy+ response letter dated Nov 23, 2018; TMMC response letter dated Nov 26, 2018						

## TMMC's Request for Confidentiality

Table 2 summarizes TMMC's requests for confidential treatment of portions of the TMMC Evidence and the TMMC IRRs, parties' comments and the OEB's findings.

The OEB finds that items 1 to 5, 8 to 10, and 13 should remain confidential because these documents comprise commercially sensitive information of TMMC, including its load, consumption and billing data. The disclosure of the information could prejudice TMMC's competitive position.

With respect to items 6 and 7, the OEB considered SEC's submission that the TMMC's cost allocation model and recommended rates for the Large Use class should not be confidential. The OEB finds that the TMMC Evidence contains consumption information for TMMC and the other Large Use customer in the class, and therefore determines that these two items should remain confidential.

The OEB finds that item 11 as well as the following items identified by TMMC in its letter of October 23, 2018 and contained in the TMMC Evidence are not confidential and should be publicly disclosed:

- Page 24 – The text below Figure 1. Figure 1, itself, is confidential.
- Page 25 – The paragraph commencing with the words “[S]ome overall conclusion from this analysis are as follows:”.
- Page 28 – The first paragraph commencing “[S]ome patterns in the data are immediately apparent...”, as well as the first two bullet points commencing with the words “[I]f a cogeneration unit is in operation, it generally operates...” and “[I]n each of the periods....”.
- Page 29 – The bullet above Figure 5, commencing with the words “[I]ndividual months may have unique patterns”.
- Page 30 – All of the text below Figure 6 may be disclosed; Figure 6, itself, is confidential.
- Page 33 – The first sentence of the paragraph under Figure 9 may be disclosed (but not the two sentences that follow).

With respect to item 12, the OEB determines that the only piece of information that should remain confidential is Figure 7 on page 31 of the TMMC Evidence because TMMC's generation output at peak time could be determined if this figure was disclosed.

Table 2 - TMMC Confidential Request as Part of TMMC's Evidence and Interrogatory Responses						
Items	TMMC's Request (Sep 27)	OEB Staff Submission (Oct 16)	SEC Submission (Oct 16)	TMMC Reply (Oct 23)	OEB Decision (Dec 21)	
<b>Mr. Pollock Evidence</b>						
1	Evidence of Pollock (pp. 1-57)	TMMC load/consumption & billing data	Agrees - contains commercially sensitive info	No comment provided	Agrees	<b>Remain Confidential</b>
2	Sch JP-1 Derivation of LDG Adjustments	TMMC demand data	Agrees - contains commercially sensitive info	No comment provided	Agrees	
3	Sch JP-2 Electrical Single-Line Diagram of Facilities Serving Large Use Customers	Single line electrical diagram previously redacted by Energy+	Agrees - contains commercially sensitive info	No comment provided	Agrees	
4	Sch JP-3 Direct Assigned Feeder Costs	TMMC Costs	Agrees - contains commercially sensitive info	No comment provided	Agrees	
5	Sch JP-4 Adjusted 4NCP & 12 NCP Demand Allocation Factors Excluding TMMC	TMMC load data	Agrees - contains commercially sensitive info	No comment provided	Agrees	
6	Excel version of Sch JP-5*	Revised Class Cost of Service Study	Agrees - contains commercially sensitive info	Objection to confidentiality request - Cost Allocation Model	Objection to SEC's comment - the model includes info on dedicated feeders that serve TMMC	
7	Sch JP-6 Recommended Large Use Rate Design	TMMC billing units & billing demand	Agrees - contains commercially sensitive info	Objection to confidentiality request - Large User Rate	Objection to SEC's comment - includes info can be used to determine TMMC's demand and the other large user's demand	
8	Sch JP-7 TMMC's Standby Service Requirements	TMMC demand, outage & billing units	Agrees - contains commercially sensitive info	No comment provided	Agrees	
9	Sch JP-9 Revenues from Recommended Standby Service Rate	TMMC billing units	Agrees - contains commercially sensitive info	No comment provided	Agrees	
<b>Ms. Collis Evidence</b>						
10	Sch MC-2 TMMC-Energy+ - Hydro One Electrical Single Line Connection	Originally redacted diagram by Energy+ in its IRR from TMMC	Agrees - contains commercially sensitive info	No comment provided	Agrees	<b>Remain Confidential</b>
11	Sch MC-3 Aerial View of Connection Configuration	Originally redacted photo by Energy+ in its IRR from TMMC	Objection to confidentiality request - title of figure should be publicly disclosed	No comment provided	Agrees with Staff	<b>Disclose the title of the figure</b>
12	Sch MC-4 Toyota Load Profile	Schedule includes commercially sensitive load data	Objection to confidentiality request: various pages throughout the schedule primarily does not contain confidential info	No comment provided	<b>Objection</b> to Staff's comment re Figure 7 on page 31 - the difference between E+'s gross and net system peaks is TMMC's generation output at the time of the peak. <b>Agrees</b> with Staff's submission re page 21, 22, 23, 25, 26, 30 and 32.	<b>Figure 7 on page 31 remain confidential;</b> <b>Disclose information on page 21, 22, 23, 25, 26, 30 and 32.</b>
<b>TMMC Interrogatory Responses</b>						
13	Various responses**	Responses include TMMC's commercially sensitive info	Agrees**	No comment provided	N/A	<b>Remain Confidential</b>
*Filed Sep 28, 2018.						
**Filed Oct 25, 2018; Staff submission dated Nov 13, 2018						

The OEB expects Energy+ and TMMC to provide un-redacted versions of the documents for which confidential treatment is granted to intervenors that file the Declaration and Undertaking form in accordance with the OEB's Practice Direction. With respect to the documents, or portions of such documents, for which confidential treatment has not been granted, the OEB expects Energy+ and TMMC to file such documents on the public record of this proceeding.

All filings to the OEB must quote the file number, EB-2018-0028, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <http://www.pes.oeb.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Shuo Zhang at [Shuo.Zhang@oeb.ca](mailto:Shuo.Zhang@oeb.ca) and OEB Counsel, Ljuba Djurdjevic at [ljuba.djurdjevic@oeb.ca](mailto:ljuba.djurdjevic@oeb.ca).

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**DATED** at Toronto, December 21, 2018

### **ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary