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Delivered by Email, RESS & Courier

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

Dear Ms. Walli:

Re: Kitchener-Wilmot Hydro Inc. (Kitchener-Wilmot Hydro)
Application for 2020 Distribution Rates
Ontario Energy Board File Number: EB-2019-0049

Board Staff have requested that Kitchener-Wilmot Hydro clarify whether the redacted information relates to personal information of employees and if so, the basis on which it should not be disclosed.

Kitchener-Wilmot Hydro notes that the sole redactions in the Tax Return filed as part of the Application were to redact names of individuals who were at a given time employed by Kitchener-Wilmot Hydro as co-operative education students or as part of an apprenticeship training program. Absent these redactions, the names of the individuals and corresponding employment details including individual salaries (Part 4, boxes J1, J2, and K, Part 21, boxes A, C, and D) and length of employment (Part 4, boxes D, E, F, G, H1 and H2) would be known.

Respectfully, such details clearly fall within the ambit of “personal information” and Kitchener-Wilmot Hydro does not have these individuals’ consent to the public release of this information.

Kitchener-Wilmot Hydro would also note that the redaction of such information is consistent with the Chapter 2 Filing Requirements, Section 2.4.5 Taxes or Payments in Lieu of Taxes whereby it states “*A Scientific Research and Experimental Development return, if filed, may have confidential personal information (e.g. Social Insurance Number, address, hourly rate, etc.) of the people who are apprenticing. All such personal confidential information must be either removed or redacted from the filing. The unredacted version need not be filed.*”

Kitchener-Wilmot Hydro is in agreement with Board Staff that the Tax Return information should remain confidential insofar as that information relates to individual, identifiable employees and disclosure of such information is restricted by FIPPA. Kitchener-Wilmot confirms that the Tax

Return documents include personal information, such as individual and employee names, apprentice names, salaries, and employment related information.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A.D. Vellone

John A.D. Vellone

cc: Liz Muir, Kitchener-Wilmot Hydro Inc.
Margaret Nanninga, Kitchener-Wilmot Hydro Inc.
Intervenors of record in EB-2019-0049