



July 4, 2019

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: OEB File No. EB-2019-0032
ENWIN Utilities Ltd. 2020 Rates Application
Response to Confidentiality Submissions**

On April 26, 2019 (“**April Letter**”) ENWIN Utilities Ltd. (“**ENWIN**”) identified evidence in this proceeding for which ENWIN was requesting confidential treatment, and to set out the grounds for that request. In Procedural Order No. 1, issued on June 21, 2019, the Ontario Energy Board (“**OEB**” or “**Board**”) provided for Board Staff and intervenor submissions, and for a reply submission from ENWIN.

Pursuant to Procedural Order No. 1 in the above-noted proceeding, ENWIN provides the following response to the submissions of Board Staff filed June 26, 2019.

ENWIN has endeavoured to provide as much detail as possible in its Application, balancing open disclosure with the need to maintain confidentiality of third-party personal information in its possession. ENWIN has been selective in its redactions, limiting them to specific instances of confidential information within each affected document.

The following items were the subject of the ENWIN confidentiality request:

- (a) ENWIN’s 2017 federal and provincial tax return (“**Tax Return**”);

Subject to the additional commentary provided in this letter, ENWIN repeats and relies upon its submissions on confidentiality set out in the April Letter and its request that these documents be maintained in confidence pursuant to Rules 10.01 and 10.02 of the Board’s *Rules of Practice and Procedure* and the Board’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”).

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



Board Staff agreed that the Tax Return should be treated as confidential and redacted to the extent that it contains personal information about identifiable employees, and that ENWIN clarify the specific reason for redactions to the Tax Return document. ENWIN 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 ENWIN as part of a scientific research and experimental development project, as co-operative education students, or as part of an apprenticeship training program, along with the corresponding employment details including salaries and length of employment. Respectfully, such details clearly fall within the ambit of “personal information” and ENWIN does not have these individuals’ consent to the public release of this information.

ENWIN 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.*”¹

ENWIN 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. ENWIN submits that the Tax Return documents include personal information, such as individual and employee names, apprentice names, salaries, and employment related information.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 4th DAY OF JULY, 2019.

Yours very truly,

ENWIN Utilities Ltd.

A large, stylized handwritten signature in black ink, appearing to read "Paul Gleason", is written over the company name and extends downwards into the title area.

Paul Gleason
Director, Regulatory Affairs & Corporate Secretary

c.c. Intervenor of record in EB-2019-0032

¹ Chapter 2 Filing Requirements, July 12, 2018, Page. 36.