

EnWin Utilities Ltd.

**Application for electricity distribution rates and other
charges beginning January 1, 2020**

**DECISION ON CONFIDENTIALITY
July 10, 2019**

EnWin Utilities Ltd. (EnWin Utilities) filed a cost of service application with the Ontario Energy Board (OEB) on April 26, 2019 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that EnWin Utilities charges for electricity distribution, to be effective January 1, 2020. As part of this application, EnWin Utilities filed 2017 Federal and Provincial Tax Return (Tax Return) with selected portions redacted and requested confidential treatment of the redacted information pursuant to the OEB's *Practice Direction on Confidential Filings*¹ (Practice Direction).

EnWin Utilities stated that the redacted information includes personal information, such as names of individuals (employees' names and apprentices' names) and associated personal information, which EnWin Utilities does not have consent to publicly release.

The OEB issued Procedural Order No. 1 on June 21, 2019 that, among other things, set a schedule for submissions on the confidentiality request. OEB staff filed a submission on this issue.

In its submission, OEB staff agreed that the redacted information should remain confidential insofar as that information relates to individual, identifiable employees and disclosure of such information is restricted by the *Freedom of Information and Protection of Privacy Act*. OEB staff acknowledged that similar information had been held to be confidential in previous OEB proceedings but queried how the redacted information, such as employee names, student names and apprentice names, fit within the ambit of personal information.

¹ Practice Direction on Confidential Filings, October 28, 2016

In its reply submission, EnWin Utilities stated that the redactions were to redact names of individuals who were at a given time employed by EnWin Utilities 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. EnWin Utilities argued that the redacted information is clearly personal information. EnWin Utilities also took the position that the redaction of such information is consistent with the OEB's Filing Requirements, which state that personal information must be removed from a Scientific Research and Experimental Development return.²

Findings

The OEB agrees with EnWin Utilities that the redacted information on the Tax Return is considered as personal information in the context of EnWin Utilities' 2020 cost of service rate application. The Freedom of Information and Protection of Privacy Act defines personal information as recorded information about an identified individual including, but not limited to, education and employment history. The redacted information in this case included individuals' names which appeared with other personal information such as education and employment history. The OEB, therefore, grants EnWin Utilities' request of treating such information as confidential. The OEB notes that the redacted information on the Scientific Research and Experimental Development (SR&ED) return is in accordance with the OEB's Filing Requirements and consistent with the OEB's prior decisions on the confidentiality matters.

IT IS THEREFORE ORDERED THAT:

1. EnWin Utilities' redacted information on its 2017 Tax Return remains confidential.

All filings to the OEB must quote the file number, **EB-2019-0032**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://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

² Ontario Energy Board Filing Requirements for Electricity Distribution Rate Applications - 2018 Edition for 2019 Rate Applications – Chapter 2 Cost of Service, July 12, 2018 Section 2.4.5 Taxes or Payments in Lieu of Taxes

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 USB memory stick 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 Registrar 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, Tina Li at Tina.Li@oeb.ca and OEB Counsel, Ian Richler at Ian.Richler@oeb.ca.

ADDRESS

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DATED at Toronto, July 10, 2019

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary