

Kitchener-Wilmot Hydro Inc.

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

**DECISION ON CONFIDENTIALITY
July 10, 2019**

Kitchener-Wilmot Hydro Inc. (Kitchener-Wilmot Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on April 30, 2019 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Kitchener-Wilmot Hydro charges for electricity distribution, to be effective January 1, 2020. As part of this application, Kitchener-Wilmot Hydro filed the following documents 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):

1. Exhibit 2, Distribution System Plan - Appendix 2-3 – Customer Information System (CIS) Replacement Business Case dated April 2019
2. Exhibit 4, Appendix 4-7 – Bill and Mail Processing Outsourcing Proposal dated March 19, 2017
3. Exhibit 4, Appendix 4-5 – PILs Tax Returns for 2017

In support of its confidentiality claims for documents 1 and 2, Kitchener-Wilmot Hydro stated that the redacted information relates to third parties who are engaged in competitive business activities and has consistently been treated in a confidential manner. Kitchener-Wilmot Hydro further argued that disclosure of the redacted information in documents 1 and 2 “could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, and be injurious to the financial interest of the applicable third party.”² Concerning document 3, Kitchener-Wilmot Hydro indicated that the redacted information includes personal information, such as employees’ names, salaries, and/or

¹ Practice Direction on Confidential Filings, October 28, 2016

² EB-2019-0049, KWHI_Appl_redacted_20190430, April 30, 2019

employment related information, which Kitchener-Wilmot Hydro does not have consent to publicly release.

The OEB issued Procedural Order No. 1 on June 20, 2019 that, among other things, set a schedule for submissions on the confidentiality request. OEB staff and the School Energy Coalition (SEC) filed submissions on this issue.

In its submission, SEC stated that it had reviewed the redactions by Kitchener-Wilmot Hydro and believed each is reasonable to protect confidential information.

Like SEC, OEB staff did not take issue with the confidentiality claims made for documents 1 and 2. OEB staff submitted that the information redacted is related to, or with the intent to, protect vendor pricing information and should be confidential.

Concerning document 3, 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 some of the redacted information, such as employee names or contract agreement numbers, fits within the ambit of personal information.

In its reply submission, Kitchener-Wilmot Hydro stated that the redactions in document 3 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. Kitchener-Wilmot Hydro argued that the redacted information is clearly personal information. Kitchener-Wilmot Hydro 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.³

Findings

The OEB accepts the submissions of Kitchener-Wilmot Hydro. The information in document 3 will be redacted as confidential. The OEB does not need to make a determination on whether this is personal information or not because the OEB has concluded that the employee names or contract agreements are not relevant to this

³ 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

proceeding. The OEB accepts that the redacted information in documents 1 and 2 should also be accorded confidential status because its disclosure may cause harm that may prejudice the competitive position of third parties as set out in Appendix A of the OEB's *Practice Direction on Confidential Filings*.

DATED at Toronto, **July 10, 2019**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary