

August 16, 2019

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Alectra Utilities Corporation (“Alectra Utilities”)
Incentive Regulation Mechanism (“IRM”) Application for 2020 Electricity
Distribution Rates and Charges (OEB File No. EB-2019-0018)
Request for Confidential Treatment of Interrogatory Response**

We are counsel to Alectra Utilities in the above-referenced proceeding. Alectra Utilities filed its interrogatories responses on the IRM elements of the application on August 16, 2019. Pursuant to Rule 10.01 of the Ontario Energy Board’s (OEB) *Rules of Practice and Procedure* and the OEB’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”), Alectra Utilities hereby requests the confidential treatment, by means of redaction, for certain portions of Alectra Utilities’ CFF Wind Down Cost Estimate, which is provided as Attachment 2 to its response to interrogatory G-Staff-5 (the “**Wind Down Cost Estimate**”). Confidentiality is sought on the following basis:

1. Contractors’ Unit Pricing Information

Pages 3,4 and 6 of the Wind Down Cost Estimate contain unit pricing information related to certain amounts paid by Alectra Utilities to its contractors for their services. In some instances, the Wind Down Cost Estimate identifies contractors’ names along with the corresponding unit pricing. In other instances, while the contractor name is not included, there is a description of the contractors’ services. In these instances, while contractors’ names are not identified, we are advised by Alectra Utilities that there are very few providers for the relevant services and that the specific contractors used by Alectra Utilities for these services is well known in the industry. Consequently, if this information is disclosed, unit pricing information for Alectra Utilities’ contractors will be reasonably identifiable. This type of information is commercially sensitive and its disclosure can significantly impact the competitive position of its contractors. Confidential, unredacted copies of the relevant pages of the Wind Down Cost Estimate, which have been marked “Confidential” and which identify all portions for which confidentiality is claimed using highlighting, are provided in **Appendix “A”**

2. Personal Information

Pages 4,5 and 7 of the Wind Down Cost Estimate contain severance payment information for Alectra Utilities' former CDM employees. The relevant pages do not list the names of the employees along with the corresponding severance payment amounts, but does identify the termination dates that correspond to the severance amounts. Alectra Utilities applied limited redactions relating to the termination dates only. Because of the small number of terminations on each of the listed dates, Alectra Utilities' concern is that if this information is disclosed, current or former employees of Alectra Utilities could reasonably be able to identify the individual employees to whom the specific listed severance amounts were paid or will be paid by matching those amounts with the termination dates that such employees and former employees would have knowledge of. On this basis, Alectra Utilities considers that this information constitutes personal information as that phrase is defined in *Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31*. In accordance with section 4.3 of the Practice Direction, Alectra Utilities is not required to make a request for confidentiality of such personal information. Pursuant to Rule 9A.01 of the Rules, confidential, unredacted copies of the relevant pages of the Wind Down Cost Estimate, which have been marked "Confidential" and which identify all portions containing personal information by using highlighting, are provided in **Appendix "B"**. In accordance with section 4.3 of the Practice Direction, it is Alectra Utilities' understanding that such personal information shall not be disclosed to any party in the proceeding, including a person from whom the OEB has accepted a Declaration and Undertaking.

The information described above, for which Alectra Utilities requests or assumes confidential treatment, as applicable, is consistent with the types of information for which confidential treatment is contemplated in Appendix 'A' to the Practice Direction and for which the OEB has consistently granted confidential treatment in prior proceedings.

Please note that the appendices to this request are being provided to the OEB in a separate, sealed envelope that is marked "Confidential" and which has been excluded from the electronic version of this request. Non-confidential, redacted versions of the relevant documents have been incorporated into the interrogatory response as filed.

Yours truly,



Jonathan Myers

cc: Indy Butany-DeSouza, Alectra Utilities
All Parties

APPENDIX 'A'

Confidential Excerpts containing Contractors' Unit Pricing Information

[Note: A copy of this Appendix has been filed confidentially with the OEB in accordance with the *Practice Direction on Confidential Filings*]

APPENDIX 'B'

Confidential Excerpts containing Personal Information

**[Note: A copy of this Appendix is provided to the OEB only
in accordance with the *Rules of Practice and Procedure*]**