

**BY EMAIL**

August 27, 2019

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EnWin Utilities Ltd. (EnWin Utilities)**  
**Application for 2020 electricity distribution rates**  
**OEB Staff Submission**  
**Ontario Energy Board File Number: EB-2019-0032**

In accordance with Procedural Order No. 2, please find attached OEB staff's submission in the above proceeding.

Yours truly,

*Original Signed By*

Tina Li  
Project Advisor – Rates Major Applications

Encl.

# **ONTARIO ENERGY BOARD**

## **STAFF SUBMISSION ON CONFIDENTIALITY**

### **2020 ELECTRICITY DISTRIBUTION RATES**

Enwin Utilities Ltd.

EB-2019-0032

**August 27, 2019**

## INTRODUCTION

EnWin Utilities Ltd. (EnWin Utilities) 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*, S.O. 1998, c. 15 (Schedule B), seeking approval for changes to the rates that Enwin Utilities charges for electricity distribution, to be effective January 1, 2020.

In response to an interrogatory,<sup>1</sup> EnWin Utilities filed, in confidence, three attachments comprising of letters with respect to commercial negotiations with a customer, pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction).

EnWin Utilities requested confidentiality on the basis that these attachments contain information with respect to price, term and arrangements between EnWin Utilities and its customer and are commercially sensitive. In addition, EnWin Utilities stated that the information provided in the attachments could prejudice the negotiation process that EnWin Utilities has with its customers. EnWin Utilities stated that the disclosure of the attachments could reasonably be expected to prejudice its customer's negotiating position. Disclosure could also 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 customer.

EnWin Utilities filed a letter<sup>2</sup> from the customer supporting EnWin Utilities' request for confidentiality. The customer stated in the letter that the attachments should be kept confidential as they relate to previous negotiations and could affect its competitive position in the market if they are disclosed to the public.

### Staff Submission

The Practice Direction states that the OEB will strive to find balance between the general public interest in transparency and openness and the need to protect confidential information. Among other factors, the OEB may consider the potential harm that could result from the disclosure of the information, including prejudice to any person's competitive position.

Appendix C of the Practice Direction explains that commercially sensitive third party information will generally not be disclosed without the consent of the third party. In light of the concerns raised by EnWin and the customer regarding the harm that could result

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<sup>1</sup> EnWin Utilities' Response to Interrogatory AMPCO-40, Attachments 1 to 3, August 1, 2019

<sup>2</sup> EnWin Utilities Letter Enclosing Customer Letter of Support, August 19, 2019

from disclosure of the attachments in question, OEB staff does not dispute that the attachments contain commercially sensitive information about the customer. OEB staff therefore does not object to the request for confidential treatment.

All of which is respectfully submitted