

Kitchener-Wilmot Hydro Inc.

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

**DECISION ON CONFIDENTIALITY
&
PROCEDURAL ORDER NO. 3**

September 3, 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.

The OEB issued Procedural Order No. 1 on June 20, 2019 that, among other things, set a schedule for various steps in this proceeding.

Confidentiality

By the letter dated July 31, 2019 and pursuant to the OEB's *Practice Direction on Confidential Filings*, Kitchener-Wilmot Hydro requested confidential treatment for information contained in three interrogatory responses:

1. Proposed Downtown Projects
 - IR 2-Staff-16 Response
2. PILs Tax Returns for 2018
 - IR 4-Staff-4 Response
3. Long-Range Strategic Plan of Kitchener Power Corporation
 - IR 1-SEC-9 Response
 - i. Exhibit 1, Appendix 8

In accordance with the OEB's *Practice Direction on Confidential Filings*, Kitchener-Wilmot Hydro provided reasons for the confidentiality request, including reasons why public disclosure of the redacted information would be contrary to the *Freedom of Information and Protection of Privacy Act*, and why public disclosure of the information would be injurious to the financial interest of the third parties identified in the documents.

Items 1 & 3 - Submissions on Confidentiality:

Kitchener-Wilmot Hydro stated that disclosure of the information for item 1 above could reasonably be expected to prejudice the economic interest and competitive position of third parties, and be injurious to their financial interests.

Item 3 above is the Long-Range Strategic Plan of Kitchener Power Corporation ("KPC"). Kitchener-Wilmot Hydro stated that the document contains strategic options for all KPC and its affiliates, and therefore contains commercially sensitive information. Furthermore, Kitchener-Wilmot Hydro noted that it includes information related to both regulated and non-regulated business activities carried on by KPC, and that the information related to KPC's non-regulated businesses is not relevant to this proceeding.

Kitchener-Wilmot Hydro stated that granting confidential treatment of the redacted information in items 1 and 3 would be consistent with the OEB's previous treatment of this type of information in other proceedings.

At this time, provision is being made for the filing of submissions on Kitchener-Wilmot Hydro's request for confidentiality for items 1 & 3 above. Until the OEB makes a final determination on items 1 and 3, the OEB will treat these documents as confidential on an interim basis. Counsel and consultants of intervenors that wish to be granted access to the un-redacted interrogatory responses IR 2-Staff-16 and IR 1-SEC-9 shall file a signed copy of the OEB's standard [Declaration and Undertaking](#) and provide a copy to Kitchener-Wilmot Hydro.

Item 2 - Decision on Confidentiality:

Item 2 contains individual/apprentice/employee names, salaries and employment related information contained in Kitchener-Wilmot Hydro's 2018 PILS Tax Returns. As part of this proceeding, the OEB has previously ruled that similar information in the 2017 PILS Tax Returns is not relevant to this proceeding and can remain confidential.¹ The

¹ OEB Decision on Confidentiality, July 10, 2019

same reasoning applies to the information in the 2018 PILS Tax Returns. The redacted information in item 2 will be permanently redacted as confidential, without access by way of a Declaration and Undertaking.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff and intervenors who wish to make written submissions on Kitchener-Wilmot Hydro's confidentiality requests for interrogatory responses IR 2-Staff-16 and IR 1-SEC-9 shall file such submissions with the OEB, and serve them on Kitchener-Wilmot Hydro and all other intervenors, by **September 11, 2019**.
2. If Kitchener-Wilmot Hydro wishes to respond to any of the submissions on confidentiality requests for interrogatory responses IR 2-Staff-16 and IR 1-SEC-9, the reply submission shall be filed with the OEB and served on all intervenors by **September 19, 2019**.

All filings to the OEB must quote the file number, **EB-2019-0049**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.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/Industry>. If the web portal is not 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, Donald Lau at Donald.Lau@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Registrar

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **September 3, 2019**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary