

BY EMAIL

September 11, 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: Kitchener-Wilmot Hydro Inc. (Kitchener-Wilmot Hydro)
Application for 2020 electricity distribution rates
OEB Staff Submission on Confidentiality
Ontario Energy Board File Number: EB-2019-0049

In accordance with Procedural Order No. 3, please find attached OEB staff's submission in the above proceeding.

Yours truly,

Original Signed By

Donald Lau
Project Advisor – Rates Major Applications

Encl.

ONTARIO ENERGY BOARD

STAFF SUBMISSION ON CONFIDENTIALITY

2020 ELECTRICITY DISTRIBUTION RATES

Kitchener-Wilmot Hydro Inc.

EB-2019-0049

September 11, 2019

INTRODUCTION

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.

On July 31, 2019, pursuant to the OEB's *Practice Direction on Confidential Filings*¹(Practice Direction), Kitchener-Wilmot Hydro requested confidential treatment for certain information included in the following documents:

1. IR 2-Staff-16 Response - Proposed Downtown Projects (document 1)
2. IR 4-Staff-4 Response - PILs Tax Returns for 2018 (document 2)
3. IR 1-SEC-9 Response - Long-Range Strategic Plan of Kitchener Power Corporation (document 3)

In Procedural Order No. 3, the OEB agreed to keep the information redacted from document 2 confidential and invited OEB staff and intervenors to make submissions on the confidentiality claims for documents 1 and 3.²

In support of its confidentiality claims, Kitchener-Wilmot Hydro stated that disclosure of document 1 “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.”³ Kitchener-Wilmot Hydro also stated that disclosure of document 3 “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 Kitchener Power Corporation (KPC) and its affiliates”.⁴

Staff Submission

OEB staff does not support the request for confidentiality for document 1. Kitchener-Wilmot Hydro claims that the names of certain applicants for downtown development projects need to be redacted because the third parties are engaged in competitive business activities. Kitchener-Wilmot Hydro has provided no explanation as to how disclosure of this information could potentially prejudice the economic position of, or cause undue harm to these third parties.

¹ Practice Direction on Confidential Filings, October 28, 2016

² Procedural Order No. 3, September 3, 2019

³ EB-2019-0049, KWHI_IRR_cvrltr_Confidentiality_20190731, July 31, 2019

⁴ Ibid.

OEB staff further notes that the public version of this document still discloses the addresses of the developments and therefore names of the property owners could be obtained through the Ontario's land registry.

OEB staff supports the request for confidentiality for document 3. A significant portion of the redacted information relates to the strategic plan of Kitchener-Wilmot Hydro's parent company, KPC, and its non-regulated affiliates. Kitchener-Wilmot Hydro stated that the information has been redacted because KPC and its affiliates are engaged in competitive business activities. OEB staff agrees that the redacted information in document 3 should remain confidential. OEB staff further notes that the redacted information does not materially impact the proceeding.

All of which is respectfully submitted