

**Alectra Utilities Corporation**

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

**PROCEDURAL ORDER NO. 3  
September 17, 2019**

Alectra Utilities Corporation (Alectra Utilities) filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) on May 28, 2019 under section 78 of the *Ontario Energy Board Act, 1998* seeking approval for changes to its electricity distribution rates to be effective January 1, 2020. Alectra Utilities also included a proposal for additional capital funding (M-Factor) and a request to reverse the outcome of a prior OEB decision on capitalization policy.

**Confidentiality**

On September 13, 2019, Alectra Utilities filed interrogatory responses on the M-Factor elements of the application. As part of its filing, and pursuant to Rule 10.01 of the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings*, Alectra Utilities requested confidential treatment for certain information contained in third party consultant retainer agreements with Innovative Research Group, Vanry & Associates Inc., and Kinectrics Inc.<sup>1</sup> Alectra Utilities filed redacted versions of the third party consultant retainer agreements for the public record of this proceeding and un-redacted versions confidentially with the OEB.

In accordance with the OEB's *Practice Direction on Confidential Filings*, Alectra Utilities has provided reasons for the confidentiality request. Alectra Utilities stated that the redacted information consists of commercially sensitive pricing terms agreed upon by Alectra Utilities and each of its consultants through commercial negotiations. Alectra Utilities further indicated that it had been advised by the consultants that disclosing the

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<sup>1</sup> Innovative Research Group retainers are provided as Attachment 1-3 to interrogatory response 14-MANA-39. The Vanry & Associates Inc. and Kinectrics Inc. retainers are provided as Attachments 1 and 2 respectively, to interrogatory response 15-MANA-15.

redacted information could prejudice the competitive positions of the consultants in their future negotiations to provide similar services to Alectra Utilities or other potential clients.

At this time, the OEB is making provision for written submissions on Alectra Utilities' confidentiality request for parts of its third party consultant retainer agreements. Counsel and consultants for intervenors who have already filed an executed [Declaration and Undertaking](#) as part of this proceeding may request from Alectra Utilities' unredacted copies of the third party consultant retainer agreements, in order to make submissions on the confidentiality request.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. OEB staff and intervenors who wish to make written submissions on Alectra Utilities' confidentiality requests shall file such submissions with the OEB and serve them on Alectra Utilities and all other intervenors by **September 24, 2019**.
2. If Alectra Utilities wishes to respond to any of the submissions on these confidentiality requests, the reply submission shall be filed with the OEB and served on all intervenors by **September 30, 2019**.

All filings to the OEB must quote the file number, EB-2019-0018, 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 Board Secretary 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, Katherine Wang at [katherine.wang@oeb.ca](mailto:katherine.wang@oeb.ca) and OEB Counsel, Lawren Murray at [lawren.murray@oeb.ca](mailto:lawren.murray@oeb.ca).

**ADDRESS**

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Attention: Board Secretary  
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**DATED** at Toronto, September 17, 2019

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary