

Alectra Utilities Corporation

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

**DECISION ON CONFIDENTIALITY
November 4, 2019**

Alectra Utilities Corporation (Alectra Utilities) filed a Price Cap Incentive Rate-setting application with the Ontario Energy Board (OEB) on April 28, 2019 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Alectra Utilities charges for electricity distribution, 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. In Procedural Order No. 1 issued on July 9, 2019, the OEB determined that it would process Alectra Utilities' application in three streams; namely the incentive rate-setting mechanism (IRM), M-Factor, and capitalization policy. The oral hearing on the M-Factor elements was scheduled to be held on October 15, 17 and 18, 2019.

On October 15, 2019, prior to the oral hearing of the M-Factor elements of the application, the OEB heard a motion from the School Energy Coalition (SEC) for, *inter alia*, an order requiring Alectra Utilities to produce the 2019-2023 Consolidated Financial Plan (Financial Plan) of its parent company (Alectra Inc.). After hearing the motion, the OEB determined that Alectra Inc.'s 2019-2023 Financial Plan was relevant to the proceeding and must be produced on the record. The OEB stated that it would treat this Financial Plan as confidential on an interim basis, pending Alectra Utilities' submission on which sections it believed should be redacted.¹

On October 16, 2019, Alectra Utilities filed the following three documents with the OEB; collectively the Financial Plan Documents:

- The Report to the Board of Directors regarding 2019-2023 Preliminary Financial Plan (the Report)
- A PowerPoint presentation entitled 2019-2023 Alectra Financial Plan

¹ Decision on Motion by SEC_from_Transcript Vol 1 pg 87-88_20191015, EB-2019-0018, October 15, 2019

- The 2019-2023 Alectra Financial Plan (the Financial Plan)

In a letter dated October 16, 2019, Alectra Utilities described two categories of information contained in the Financial Plan Documents for which Alectra Utilities requested confidential treatment. Alectra Utilities stated that the first category of information is related to Alectra Inc.'s non-regulated business activities, along with consolidated information relating to both Alectra Utilities' regulated business and Alectra Inc.'s non-regulated business activities. Alectra Utilities noted that this information is not relevant to the application and is of no value in determining its distribution rates generally or the M-Factor proposal specifically. Alectra Utilities requested that the first category of information be permanently redacted, i.e. available only to the OEB. The second category was information that Alectra Utilities claimed to be commercially sensitive as it relates to labour negotiations with the Power Workers' Union. Alectra Utilities believed that the disclosure of the second category of information could jeopardize its position in the negotiations. Alectra Utilities requested this category of information be redacted from the public record and available only to representatives of intervenors who have filed with the OEB a signed [Declaration and Undertaking](#) to keep such information confidential.

On October 18, 2019, during the oral hearing, the OEB advised parties that it would make a decision on the first category of information for which Alectra Utilities requested permanent redaction. The OEB also asked the parties in attendance whether or not anyone intended to object to Alectra Utilities' request for the second category. No party said that it intended to object.²

On October 28, 2019, the OEB issued a letter to Alectra Utilities asking Alectra Utilities to provide reasons for requesting permanent redactions for two parts of the Report. In its responding letter dated October 31, 2019, Alectra Utilities advised that the two parts of the Report identified by the OEB were inadvertently redacted and may be disclosed on the public record. Alectra Utilities attached a revised public version of the Report to its letter.

Findings

After reviewing all the material provided by Alectra Utilities, the OEB agrees with Alectra Utilities' position on the confidentiality of the two categories of information, for the reasons that Alectra Utilities provided in its October 16, 2019 letter. The OEB grants the confidentiality requests for the information contained in the Financial Plan Documents. The first category of information will remain permanently redacted and the second

² Transcript_Alectra_Oral Hearing_Vol 3_20191018, EB-2019-0018, October 18, 2019, pages 1-2

category of information will be redacted from public record but available to representatives who have signed and filed the OEB's standard Declaration and Undertaking.

These findings are related to the circumstances of this proceeding. This Decision should not be taken to mean that consolidated financial information is never relevant to a rate-setting proceeding.

DATED at Toronto, **November 4, 2019**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary