

Hydro Ottawa Limited

Application for electricity distribution rates and other charges for the period from January 1, 2021 to December 31, 2025

DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 4 July 7, 2020

Hydro Ottawa Limited (Hydro Ottawa) filed a custom incentive rate-setting application with the Ontario Energy Board (OEB) on February 11, 2020 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 Hydro Ottawa charges for electricity distribution, beginning January 1, 2021, and for each following year through to December 31, 2025.

PEG's Expert Evidence

On June 19, 2020, OEB staff filed expert evidence in the form of a report titled *Custom Incentive Rate Mechanism Design for Hydro Ottawa*, prepared by Pacific Economics Group Research LLC (PEG). The report includes working papers¹ for which OEB staff is requesting confidential treatment in their entirety. OEB staff cited the following reasons for its request:

- PEG's working papers use, in large part, the working papers of Clearspring Energy Advisors LLC (Clearspring) for which the OEB granted full confidential treatment in Procedural Order No. 1 and Decision on Confidentiality (PO No. 1)
- The working papers contain data and codes developed by PEG or acquired from commercial third-party vendors that may have agreements currently in place for public non-disclosure and the information is considered to be of commercial value to its competitors
- In a previous proceeding,² OEB staff noted in a letter that the working papers contain voluminous spreadsheets and database files that are mainly used by economists in the field and those who are familiar with the models. OEB staff

¹ Described as spreadsheets, data base files, program code and other documentation.

² EB-2019-0082, OEB letter, June 28, 2019, page 3.

further submitted that it would be onerous and unhelpful to provide redacted versions of the working papers.

OEB staff noted that in other recent proceedings, PEG's working papers and those of other economic consultants were afforded similar confidential treatment.³ OEB staff requests that the working papers be maintained in confidence pursuant to Rule 10.01 of the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings* (Practice Directions). Only parties' counsel and/or consultants who have executed the OEB's Declaration and Undertaking with respect to confidentiality will receive a copy of the working papers.

Based on the reasons provided by OEB staff, the OEB agrees that the confidential treatment granted to Hydro Ottawa in PO No. 1 should also be applied in this instance. As such, the OEB grants confidential treatment to PEG's working papers.

Hydro Ottawa Interrogatory Responses

On June 12, 2020, when filing its remaining responses to 12 outstanding interrogatories, Hydro Ottawa noted that there were six interrogatory responses that included attachments with redacted information. The six interrogatory responses are CCC-13, EPRF-112, OEB-49, OEB-117, OEB-178, and SEC-4. Hydro Ottawa provided a summary of the redacted information included in each of the six interrogatory responses. Hydro Ottawa submitted that certain material was not relevant, and that other material was confidential, but did not provide un-redacted versions of the items in respect of which confidential treatment was being requested.

On June 23, 2020, Hydro Ottawa elaborated on its request for confidential treatment for two interrogatory responses: EPRF-112(A) through (G) and OEB-117(A) and (B). The subject material related to Hydro Ottawa's new facilities.

Regarding the remaining four responses – CCC-13, OEB-49, OEB-178 and SEC-4 – based on its letter of June 12, 2020, Hydro Ottawa claimed that the redacted information in those responses is not relevant to the scope of this proceeding (as it pertains to information related to the non-regulated affiliate companies). As such, Hydro Ottawa advised that it does not intend to submit a confidential filing request for these items.

³ EB-2018-0218 Hydro One SSM, EB-2019-0082 Hydro One Networks Transmission, EB-2019-0082 Toronto Hydro-Electric System Limited

Pursuant to the Practice Directions, Hydro Ottawa filed copies of the un-redacted responses to EPRF-112 and OEB-117 with the OEB on June 23, 2020. Hydro Ottawa requested that the redacted portions of the interrogatory responses be maintained in confidence pursuant to the OEB's Practice Directions. Hydro Ottawa seeks confidential treatment for the following reasons:

- EPRF-112: the attachments contain commercially sensitive and security related matters with respect to Hydro Ottawa's new facilities
- OEB-117: the two attachments contains Class B and Class C estimates along with information on the physical security of the new facilities

The OEB is making provision for written submissions on Hydro Ottawa's confidentiality request at this time. Only those representatives of parties to the proceeding that have signed the OEB's Declaration and Undertaking, filed it with the OEB and provided a copy to Hydro Ottawa, will be provided access to the un-redacted interrogatory responses.

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

IT IS THEREFORE ORDERED THAT:

1. Counsel and consultants for intervenors who wish to review un-redacted versions of Hydro Ottawa's interrogatory responses to the attachments of EPRF-112(A) through (G) and OEB-117(A) and (B), for which confidential treatment is sought will sign and file the OEB's Confidentiality Declaration and Undertaking form, and provide a copy to Hydro Ottawa, if they have not already done so.
2. Hydro Ottawa will provide un-redacted versions of the interrogatory responses of attachments EPRF-112(A) through (G) and attachments of OEB-117(A) and (B) to parties' counsel and/or consultants who have signed the OEB's Confidentiality Declaration and Undertaking.
3. Parties that wish to file written submissions on the confidentiality requests of EPRF-112(A) through (G) and OEB-117(A) and (B) from Hydro Ottawa shall file such submissions with the OEB and deliver them to all other parties on or before **July 14, 2020**.
4. If Hydro Ottawa wishes to respond to any of the submissions, the reply submissions must be filed with the OEB and delivered to all parties on or before **July 21, 2020**.

All materials filed with the OEB must quote the file number, **EB-2019-0261**, be made in searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, 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 <https://www.oeb.ca/industry>. If the web portal is not available, parties may email their documents to boardsec@oeb.ca.

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, Shuo Zhang at Shuo.Zhang@oeb.ca and OEB Counsel, James Sidlofsky at James.Sidlofsky@oeb.ca.

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

DATED at Toronto, **July 7, 2020**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary