



Ontario
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BY EMAIL

July 14, 2020

Christine E. Long
Registrar and Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Long:

**Re: Hydro Ottawa Limited (Hydro Ottawa)
Application for Rates
Ontario Energy Board (OEB) File Number: EB-2019-0261
OEB Staff Submission on Confidentiality Request**

In accordance with Procedural Order No.4, please find attached OEB staff's submission on the confidentiality requests of EPRF-112(A) through (G) and OEB-117(A) and (B) from Hydro Ottawa.

Yours truly,

Original Signed By

Shuo Zhang

Project Advisor – Electricity Distribution: Major Rate Applications & Consolidations

Attach.

**2021-2025 CUSTOM INCENTIVE RATE-SETTING
APPLICATION**

HYDRO OTTAWA LIMITED

EB-2019-0261

**OEB STAFF SUBMISSION ON REQUEST FOR
CONFIDENTIALITY**

JULY 14, 2020

Background

The Ontario Energy Board (OEB) issued Procedural Order No.4 on July 7, 2020, which provided OEB staff and intervenors an opportunity to file written submissions on Hydro Ottawa Limited's (Hydro Ottawa) request for confidential treatment for portions of its responses to interrogatories. Specifically, Hydro Ottawa requested confidential treatment for two interrogatory responses: EPRF-112(A) through (G) and OEB-117(A) and (B). Hydro Ottawa submitted that the redacted information contains commercially sensitive and security related details of its new facilities.

Discussion and OEB Staff Submission

OEB staff has reviewed the un-redacted versions of these documents and has broadly sorted each redacted item into one of the following five categories: Property Disposal & Severance, Information Technology (IT) Systems, Contaminated Soil, Site Plan and Floor Plan information and Miscellaneous. Hydro Ottawa did not provide a detailed summary of the redacted information and these categories have been created by OEB staff for the purpose of this submission. OEB staff has identified items in each category as follows:¹

Table 1. Redacted Items in EPRF-112 and OEB-117

IRR #	Reference
Contaminated Soil	
EPRF-112 A	p. 35
EPRF-112 A	p. 41
EPRF-112 A	p. 47
EPRF-112 A	p. 50
IT Systems	
EPRF-112 A	p. 62
EPRF-112 B	p. 29
EPRF-112 B	p. 35
EPRF-112 B	p. 43

¹ The page references refer to the page numbers that can be found in the upper right corner of each page of the redacted version of the listed interrogatory responses, filed by Hydro Ottawa on June 5, 2020. The un-redacted versions of the documents were filed by Hydro Ottawa on June 23, 2020.

IRR #	Reference
EPRF-112 B	p. 50
EPRF-112 B	p. 58
EPRF-112 B	p. 59
EPRF-112 B	p. 64
EPRF-112 B	p. 65
EPRF-112 B	p. 66
EPRF-112 C	p. 1
EPRF-112 C	p. 2
EPRF-112 C	p. 5-6
EPRF-112 C	p. 12
EPRF-112 C	p. 13
EPRF-112 C	p. 15-16
EPRF-112 C	p. 21
EPRF-112 C	p. 22
EPRF-112 C	p. 29
EPRF-112 C	p. 30
EPRF-112 E	p. 93-97
EPRF-112 F	P. 7
EPRF-112 F	p. 84
EPRF-112 G	p. 31
EPRF-112 G	p. 44
OEB-117 A	p. 19
OEB-117 A	p. 25
OEB-117 B	p. 1
OEB-117 B	p. 4-5
OEB-117 B	p. 24-32
OEB-117 B	p. 79-81
Property Disposal & Severance	
EPRF-112 A	p. 57
EPRF-112 A	p. 62
EPRF-112 B	p. 2
EPRF-112 B	p. 11
EPRF-112 B	p. 18
EPRF-112 B	p. 24
EPRF-112 B	p. 30
EPRF-112 B	p. 36
EPRF-112 B	p. 44
EPRF-112 B	p. 50
EPRF-112 B	p. 59
EPRF-112 B	p. 65-66
EPRF-112 C	p. 2

IRR #	Reference
EPRF-112 C	p. 12
EPRF-112 C	p. 22
EPRF-112 C	p. 29-30
EPRF-112 E	p. 21
EPRF-112 E	p. 26
EPRF-112 E	p. 47-49
EPRF-112 E	p. 77-80
EPRF-112 E	p. 99-100
EPRF-112 F	p. 3
EPRF-112 F	p. 18-20
EPRF-112 F	p. 68-75
EPRF-112 F	p. 100-108
EPRF-112 G	p. 20-28
Site Plan and Floor Plan Info	
EPRF-112 A	p. 3, 5-12
EPRF-112 B	p. 56-57
EPRF-112 E	p. 11-12
EPRF-112 F	p. 29-30
Miscellaneous	
EPRF-112 B	p. 1
EPRF-112 B	p. 29, 50
EPRF-112 E	p. 16, 38
EPRF-112 F	p. 31

OEB staff provides its submission on each category below.

Property Disposal & Severance

Hydro Ottawa has redacted information on the disposal and severance of its Merivale and Albion properties. OEB staff is not opposed to the confidential treatment of this information. OEB staff agrees that it relates to commercially sensitive information that could reasonably be expected to adversely impact future contractual negotiations and is consistent with the type of information the OEB has afforded confidential treatment in the past pursuant to OEB's *Rules of Practice and Procedure* and *Practice Direction on Confidential Filings* (Practice Direction).

IT Systems

Hydro Ottawa has redacted information on the IT systems and IT infrastructure in its new buildings. OEB staff is generally not opposed to the confidential treatment of this information. OEB staff submits that the redacted information on the physical location and specifications of Hydro Ottawa's IT systems, if made public, could reasonably pose a security risk to Hydro Ottawa's operations. However, OEB staff also believes that Hydro Ottawa has taken an overly broad approach to making these redactions and has redacted any information related to its IT systems. While OEB staff is not opposed to the redactions proposed in this instance, OEB staff submits that Hydro Ottawa should take a more focused and directed approach to redactions in the future so as to not redact information that could be made public.

Contaminated Soil

Hydro Ottawa has made a number of redactions in ERPF-112(A) with respect to contaminated soil (see Table 1). OEB staff submits that none of this information merits confidentiality as described in the Practice Direction and it should therefore be placed on the public record in its entirety. In OEB staff's view, this information relates to Hydro Ottawa's new buildings but does not contain any commercially sensitive information or security related details. Hydro Ottawa has not provided sufficient rationale to support its request for confidential treatment for information related to contaminated soil. OEB staff submits that, unless Hydro Ottawa can provide specific reasons why information regarding contaminated soil should be made confidential, they should be made public.

Site Plan and Floor Plan Information

OEB staff notes four redactions made by Hydro Ottawa of documents/drawings that relate to the site plan and layout of Hydro Ottawa's new buildings (see Table 1). OEB staff does not oppose confidential treatment of documents or floor plans that detail the location and specifications of Hydro Ottawa's IT systems for the same reasons laid out in the IT systems section above. However, OEB staff submits that the redacted information includes a general site plan drawing, specifically the redaction on ERPF-

112(A) page 6.² In OEB staff's view, this drawing shows the general site plan of Hydro Ottawa's new buildings, but does not contain any specific or explicit references to Hydro Ottawa's IT systems. As such, OEB staff submits there is no apparent security risk associated with such drawing, and this site plan drawing should therefore be made public. OEB staff submits that the remaining pages included in Item 1 and all pages within Item 2, Item 3 and Item 4 (under Site Plan and Floor Plan category in Table 1) should remain confidential.

Miscellaneous

In this category, OEB staff notes four redacted items (see Table 1) that do not fall in any of the categories described above.

Items 1 and 4 are small parts of sentences providing status updates on Hydro Ottawa's new buildings that do not appear to contain any commercially sensitive or security related information. Item 2 is information regarding Hydro Ottawa's Solar System. Item 3 provides information related to the plan for the Bank Street facility. OEB staff does not see any compelling reason why any of these items should be made confidential and submits that these items do not appear to contain commercially sensitive information or pose any security risks if disclosed. OEB staff submits that, unless Hydro Ottawa can provide specific reasons why these items should be made confidential, they should be made public.

OEB staff notes that some information contained in the redacted portions of the evidence referred to in the Contaminated Soil and Miscellaneous sections, for which OEB staff does not support confidential treatment, can be found in un-redacted form elsewhere in the redacted document.

All of which is respectfully submitted

² For example, see the redacted information in ERPF-112(A) p. 8