



Burlington**hydro**^{inc.}

Registrar
Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, ON
M4P 1E4

October 30, 2020

Dear Ms. Long,

**Re: Electricity Distribution License ED-2003-0004
2021 Cost of Service Application for Electricity Distribution Rates (EB-2020-0007)**

As part of the filing of its 2021 Cost of Service Rate Application, Burlington Hydro Inc. (“BHI”) is filing a redacted version of Exhibit 4 on the public record in accordance with the Ontario Energy Board’s Practice Direction on Confidential Filings (the “Board’s Practice Direction”) and the Board’s Rules of Practice and Procedure. The redacted information relates to the following:

1. Confidential Information – Assumed Wage Increases

Reference: Exhibit 4, Section 4.3.1.2

BHI has redacted certain information regarding expected union and non-union wage increases as filed in Exhibit 4 as discussed below; and is requesting that the Board allow the redacted information to remain in confidence in this proceeding.

BHI’s current collective agreement with the International Brotherhood of Electrical Workers (“IBEW”) expires on April 1, 2021. Negotiations between BHI and the IBEW will be taking place in the months prior to that expiry date. As such, any reference to, or inclusion of, Union compensation information provided in this Application is sensitive and could prejudice the 2021 collective bargaining process. Appendix “A” to the Practice Direction sets out the Board’s considerations in determining requests for confidentiality. Among the considerations set out in that Appendix are the following:

- (a) i. prejudice to any person’s competitive position;
- (a) iii. whether the information could interfere significantly with negotiations being carried out by a party;
- (a) iv. whether the disclosure would be likely to produce a significant loss or gain to any person; and
- (g) any other matters relating to the Freedom of Information and Protection of Privacy Act (“FIPPA”) and FIPPA exemptions.



The Board has provided a summary of pertinent FIPPA provisions in Appendix C of the Practice Direction. That summary provides, in part, as follows:

“Under section 17(1), the Board must not, without the consent of the person to whom the information relates, disclose a record where:

- (a) the record reveals a trade secret or scientific, technical, commercial, financial or labour relations information;
- (b) the record was supplied in confidence implicitly or explicitly; and
- (c) disclosure of the record could reasonably be expected to have any of the following effects:
 - i. prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization;
 - ...
 - iii. result in undue loss or gain to any person, group, committee or financial institution or agency;
 - ...”

BHI submits that the disclosure of assumed 2021 wage increases for the Union and Non-Union employee group could reasonably be expected to prejudice BHI’s negotiating position in the upcoming collective bargaining process and interfere significantly with those negotiations. As such it has made redactions in the following areas of Exhibit 4:

- Exhibit 4, Section 4.3.1.2, p150 and Table 51
- Exhibit 4, Section 4.3.1.2, p152-153 and Table 52
- Exhibit 4, Section 4.3.1.4, p172

2. Personal Information – Corporate Tax Returns

Reference: Exhibit 4, Appendix E

BHI has made a small number of redactions of personal information from its 2019 corporate tax return (filed as Appendix E in Exhibit 4) as discussed below; and is requesting that the Board allow the redacted information to remain in confidence in this proceeding. BHI submits that the redacted information constitutes personal information as that phrase is defined in the FIPPA. Specifically, the information is recorded information about identifiable individuals including information relating to contract/training agreement numbers and the individuals’ names, which appear with other personal information relating to the individuals. Accordingly, it should not be disclosed to any parties in this proceeding, in accordance with Rule 9A.02 of the Board’s Rules of Practice and Procedure and Section 4.3 of the Board’s Practice Direction.



The redactions are from the 2019 corporate tax returns filed as Appendix E in Exhibit 4 of the Application. The redacted information consists of:

- The contract numbers of apprentices who were the subject of the Investment Tax Credit (ITC) - Corporations;
- The names of co-op students who were the subject of the Ontario co-operative tax credit claims;
- The names of employees involved in certain projects; and
- The names and personal addresses of Directors and Officers of BHI.

The redactions have been made in the following areas of the document. No monetary values have been redacted.

- Total current-year credit – ITC from apprenticeship job creation expenditures – Part 21, p95
- Other Corporations, Section C Additional Project Information (for project - 2018-01 Advancements in Smart Grid Techniques) – Part 2, p122
- Director/Officer information – Part 7, p 138
- Calculation of the Ontario Co-Operative Education Tax Credit - Part 4, p140

3. Personal Information – Salary and Benefit Information

Reference: Exhibit 4, Section X

BHI has made a redaction to the salary information associated with a specific position; and is requesting that the Board allow the redacted information to remain in confidence in this proceeding. BHI submits that the redacted information constitutes personal information as that phrase is defined in the FIPPA. Specifically, the information is recorded information about identifiable individual(s) compensation. Accordingly, it should not be disclosed to any parties in this proceeding, in accordance with Rule 9A.02 of the Board’s Rules of Practice and Procedure and Section 4.3 of the Board’s Practice Direction.

The redactions have been made in the following areas of the document:

- Exhibit 4, Section 4.3.1.4, page 173

BHI is filing a confidential unredacted version of Exhibit 4 in accordance with Rule 9A.01.

Respectively submitted,

Sally Blackwell
Vice President, Regulatory Compliance & Asset Management
Email: sblackwell@burlingtonhydro.com