



Burlington **hydro** inc.

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

November 2, 2020

Dear Ms. Long,

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

On October 30, 2020, Burlington Hydro Inc. ("BHI") filed its 2021 Cost of Service Rate Application ("the Application"). In the cover letter to the Application ("EB-2020-0007\_Cover\_Letter\_Redacted\_BHI\_10302020"), BHI identified certain material that was being filed in confidence, and provided the grounds for the confidentiality request. Some of that material constituted personal information in BHI's Corporate Tax Return filed as Appendix E in Exhibit 4 of the Application. In reviewing the references to the areas in the tax return where the redacted information was located, BHI noticed that it provided references to page numbers in a stand-alone pdf version of the tax return, instead of references to the area in the tax return. Accordingly, BHI has prepared a revised cover letter (attached) containing the correct set of references to the material in respect of which confidentiality claims are being made. To be clear, the grounds for the requests have not changed – it is only the locations of the subject material that have been updated.

In addition, BHI has also made a revision to state that none of the personal information referred to in the letter will be provided to individuals who have executed the Board's form of undertaking with respect to confidentiality.

Should you have any questions or require further information, please do not hesitate to contact me.

Respectively submitted,

Sally Blackwell  
Vice President, Regulatory Compliance & Asset Management  
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Ontario Energy Board  
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October 30, 2020 – REVISED NOVEMBER 2, 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, [p95Area 601](#)
- Other Corporations, Section C Additional Project Information (for project - 2018-01 Advancements in Smart Grid Techniques) – Part 2, [p122Area 260](#)
- Director/Officer information – Part 7, [p138Areas 700, 705, 720, 730, 740, 760, 770, 780, 790](#)
- Calculation of the Ontario Co-Operative Education Tax Credit - Part 4, [p140Area 410](#)

### 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



Burlington**hydro**<sub>inc.</sub>

BHI is filing a confidential unredacted version of Exhibit 4 in accordance with Rule 9A.01. BHI will provide unredacted copies of the documents listed above (with the exception of the tax information and other personal information) to parties' counsel and experts or consultants provided that they have executed the Board's form of Declaration and Undertaking with respect to confidentiality and that they comply with the Practice Direction, subject to BHI's right to object to the Board's acceptance of a Declaration and Undertaking from any person.

Respectively submitted,

Sally Blackwell  
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