

Oshawa PUC Networks Inc.

**Application for electricity distribution rates beginning
January 1, 2021**

**PARTIAL DECISION ON CONFIDENTIALITY
AND PROCEDURAL ORDER NO. 3
November 23, 2020**

Oshawa PUC Networks Inc. (Oshawa PUC Networks) filed a cost of service application with the Ontario Energy Board (OEB) 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 Oshawa PUC Networks charges for electricity distribution, beginning January 1, 2021. The application was accepted by the OEB as complete as of August 19, 2020.

Procedural Order No.1 was issued on September 14, 2020, which among other matters, set out dates for procedural steps for this case.

On October 19, 2020, Oshawa PUC Networks filed a letter with the OEB requesting an extension to file its interrogatory responses from October 20, 2020, to November 16, 2020. Procedural Order No. 2 was issued on October 22, 2020, granting the request and revising the dates for subsequent procedural steps due to the requested extension.

On November 16, 2020, Oshawa PUC Networks filed its interrogatory responses which included a confidentiality request pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction).¹

Oshawa PUC Networks requested confidential treatment of certain information contained in two interrogatory responses:

1. 4-EP-21(c) (Document 1)
 - Specifically, this information pertains to the 2019 total compensation for the CEO of Oshawa PUC Networks
2. DRC-7(a), Appendix Q – Taking A.I.M Proposal - Operational Plan (Document 2)

¹ Practice Direction on Confidential Filings, October 28, 2016

- Portions of this document include personal information, specifically, the names, positions and responsibilities of individuals employed at UtilityPULSE, as well as the price quotation provided by this third party to Oshawa PUC Networks for their customer engagement services

Oshawa PUC Networks has provided reasons for the confidentiality request, including reasons why public disclosure of the information would be contrary to the *Freedom of Information and Protection of Privacy Act (FIPPA)*.²

The OEB finds that the personal information contained in Document 1 consisting of the 2019 total compensation information of the CEO is properly considered personal information pursuant to FIPPA. The OEB made a similar finding in another proceeding where the OEB noted:

In regard to the personal information, which includes the titles and compensation of specific identifiable individuals employed by Toronto Hydro that is not otherwise in the public domain, contained in the responses to 1B-SEC-3 (Appendix D) and 4A-SEC-90, the OEB finds that this information is properly considered personal.³

In accordance with section 4.3.1 of the OEB's Practice Direction⁴ and Rule 9A.02 of the OEB's Rules of Practice and Procedure⁵, the information contained in Document 1 regarding the CEO compensation will be treated as confidential information and will not be provided to any party, including a person who has provided a Declaration and Undertaking pursuant to the OEB's Practice Direction on Confidential Filings.

At this time, provision will be made for the filing of submissions on Oshawa PUC Networks' request for confidential treatment of Document 2. Counsel and consultants for intervenors that wish to make submissions on the request for confidentiality for this document shall be granted access to the un-redacted document provided they have executed the OEB's [Declaration and Undertaking](#). The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Oshawa PUC Networks. If Oshawa PUC Networks objects to a Declaration and Undertaking, the objection shall be filed with the OEB and copied to the relevant party within **5 days** from the receipt of the Declaration and Undertaking. The relevant party shall file its reply, if

² R.S.O. 1990, c.F.31

³ EB-2018-0165, Decision on Issues List, Partial Decision on Confidentiality and Procedural Order No. 3, February 5, 2019

⁴ Practice Direction on Confidential Filings, October 28, 2016, Page 6

⁵ Ontario Energy Board – Rules of Practice and Procedure, Page 7

any, with the OEB and deliver a copy to Oshawa PUC Networks, within **5 days** from the receipt of the objection.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

The OEB finds it is necessary to make provision for the matters set out below related to this proceeding. All other dates from Procedural Order No. 2 remain unchanged.⁶

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The OEB grants confidential treatment in the form of permanent redaction for information contained in Document 1 and will not be disclosed to any party.
2. Intervenors that wish to review an unredacted version of Document 2 for which Oshawa PUC Networks Inc. requests confidential treatment will sign and file the OEB's Confidentiality Declaration and Undertaking form by no later than **November 24, 2020**.
3. Oshawa PUC Networks Inc. will provide an unredacted version of Document 2 to intervenors who signed the OEB's Confidentiality Declaration and Undertaking by no later than **November 26, 2020**.
4. OEB staff and intervenors who wish to make written submissions on Oshawa PUC Networks Inc.'s confidentiality request shall file such submissions with the OEB, and serve them on Oshawa PUC Networks and all other intervenors, by **December 2, 2020**.
5. If Oshawa PUC Networks wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all intervenors by **December 7, 2020**.

All materials filed with the OEB must quote the file number, **EB-2020-0048**, and be submitted in a searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly

⁶ The dates set out in provisions 2-7 of Procedural Order No. 2 (October 22, 2020) remain unchanged.

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 [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at www.oeb.ca/industry. We encourage the use of RESS; however, parties who have not yet [set up an account](#), may email their documents to registrar@oeb.ca.

All communications should be directed to the attention of the Registrar 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, Georgette Vlahos at Georgette.Vlahos@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

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

DATED at Toronto, **November 23, 2020**

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar