



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

January 5, 2021

Dear Ms. Long,

**Re: Electricity Distribution License ED-2003-0004  
2021 Cost of Service Application (EB-2020-0007)  
Reply Submission Confidentiality Request**

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Burlington Hydro Inc. (“BHI”) filed its 2021 Cost of Service Application (“Application”) with the Ontario Energy Board (“OEB” or “Board”) on October 30, 2020, under section 78 of the Ontario Energy Board Act, 1998, seeking approval for changes to the rates that BHI charges for electricity distribution, beginning May 1, 2021.

As part of the Application, BHI filed the following information in confidence pursuant to the OEB’s Practice Direction on Confidential Filings (Practice Direction)<sup>1</sup>.

1. Information regarding assumed 2021 wage increases for the union and non-union employee group (“*Document 1*”)
  - Exhibit 4, Section 4.3.1.2
  - Exhibit 4, Section 4.3.1.4
2. Personal information contained in BHI’s 2019 corporate income tax return (“*Document 2*”)
  - Exhibit 4, Appendix E
3. Salary and benefit information associated with a specific position (“*Document 3*”)
  - Exhibit 4, Section 4.3.1.4, page 173

A more detailed description of the information requested to be treated in confidence – and the rationale for BHI’s request - was identified in BHI’s correspondence to the OEB dated November 2, 2020. BHI indicated that it would provide unredacted copies of Exhibit 4 (with the exception of Documents 2 and 3) to parties’ counsel and experts or consultants provided that they 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.

On December 11, 2020, the OEB issued Procedural Order No. 1 which provided for the filing of submissions on BHI’s request for confidentiality. Board staff and the Distributed Resource

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<sup>1</sup> Ontario Energy Board, Practice Direction on Confidential Filings, October 28, 2016



Burlington **hydro** inc.

Coalition ("DRC") filed submissions on December 17 and December 18 respectively. DRC supported Board staff's submission for all three documents referenced above.

Board staff supported (i) BHI's confidentiality request for Document 1 and (ii) had no concerns with BHI's request of treating the salary information associated with a specific position (identified as Document 3), as confidential in this proceeding.

With respect to Document 2, for the most part, OEB staff had no concerns with the redactions proposed and noted that while the tax return is relevant to the proceeding, the specific information in question has no monetary values, and therefore is not relevant to this proceeding. The one issue that OEB staff identified relates to the proposed redaction of employee names – found in Area 260 of the tax return. OEB staff submitted that BHI should instead be redacting the information in Area 261 of the tax return, beyond the employee's title, as employee's experience qualifies as personal information. With that additional redaction, OEB staff submitted that it would no longer be necessary or appropriate to include the redactions proposed in Area 260.

BHI agrees that if it had redacted the information in Area 261 of the tax return, beyond the employee's title (i.e. employee's experience) in its original filing, that it would not have been necessary to redact employees' names and titles, as these, by themselves, are not considered personal information under The Freedom of Information and Protection of Privacy Act ("FIPPA") and the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"). However, the information in Area 261 of the tax return has already been disclosed to the public with the filing of the Application and as such it is no longer confidential. If BHI were to redact employee experience and disclose employee names in an amended filing, the result will be that by virtue of both filings, the original and then the amended, none of the information in Areas 260 and 261 for which BHI is seeking confidentiality will be confidential.

As such, BHI proposes that it submits an amended filing which redacts the information in Area 261 of the tax return, beyond the employee's title, in addition to the existing redactions in Area 260 of the tax return. This would ensure that (i) employee experience can not be associated with an employee name and (ii) employee experience – personal information - does not become part of the permanent record. While the tax return is relevant to the proceeding, the specific information in question has no monetary values, and therefore BHI submits that redacting both Areas 260 and 261 as indicated above, has no impact on this proceeding.

Respectfully submitted,

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