

January 7, 2021

**SENT VIA EMAIL AND RESS**

Ontario Energy Board  
2300 Yonge Street  
27th Floor, P.O. Box 2319  
Toronto, ON M4P 1E4

**Attention: Ms. Christine Long, Board Secretary**

Dear Ms. Long:

**Re:                   Niagara Peninsula Energy Inc. (“NPEI”)  
                      Category 2 Documents – Updated Request for Confidentiality  
                      Board File No. EB-2020-0040**

We are writing pursuant to the Board’s Decision on Issues List, Confidentiality and Interim Rate Order (the “Interim Decision”) dated December 4, 2020 in respect of the Board’s direction to make additional submissions in respect of the confidentiality of what was known as the Category 2 documents.

We do note that NPEI has filed responses to Clarification Questions which include Attachment 1 – NPEI Balanced Scorecard, NPEI Executive Total Compensation Pay Policy and the NPEI Executive Incentive Pay Plan. This filing was one of the outcomes of discussions with the other parties to this proceeding in the Settlement Conference. NPEI understands the responses to the Clarification Questions will be publicly available on the Board’s website. The NPEI Executive Total Compensation Pay Policy and Executive Incentive Pay Plan was part of the Category 2 document that had been submitted in confidence. In NPEI’s review of the document for which it claimed confidentiality, it was determined the information now provided in Attachment 1 of the Clarification Question could be included in the publicly available information. While pertinent to employee compensation, NPEI is comfortable that this limited disclosure is not inconsistent with the *Municipal Freedom of Information and the Protection of Privacy Act*.

NPEI notes that its approach to the confidentiality of the information is consistent throughout. The document being refiled under separate email, was not provided to intervenors that did not sign the Undertaking. The document has not been circulated even within NPEI’s employees who do not require the information. As such, employees of NPEI involved in this rate application, including the Settlement Conference, do not have access to this information.

NPEI repeats and relies upon its prior submissions of November 19, 2020 for maintaining the confidential nature of the remainder Category 2 document. As such, we have filed an updated password protected document, sent under separate email, containing the revised confidentially filed information. Please telephone the undersigned for the password. NPEI submits this document accords with the Board's comments in the Interim Decision.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Scott Stoll". The signature is fluid and cursive, with the first name "Scott" and last name "Stoll" clearly distinguishable.

Scott Stoll

SAS/ar

cc: All Intervenors, EB-2020-0040  
D. Lau, OEB Staff