



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

BY EMAIL

March 4, 2021

Ms. Christine E. Long  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
[Registrar@oeb.ca](mailto:Registrar@oeb.ca)

Dear Ms. Long:

**Re: Ontario Energy Board (OEB) Staff Submission on Confidentiality  
Hydro One Networks Inc.  
Leave to Construct Application – Hawthorne to Merivale Reconductoring Project  
OEB File Number: EB-2020-0265**

---

In accordance with Procedural Order No. 5, please find attached the OEB staff submission for the above proceeding. This document has been sent to Hydro One Networks Inc. and to all other registered parties to this proceeding.

Yours truly,

*Original Signed By*

Andrew Bishop  
Project Advisor, Generation & Transmission

Encl.

cc: All parties in EB-2020-0265



# **ONTARIO ENERGY BOARD**

## **OEB Staff Submission on Confidentiality**

**Hydro One Networks Inc.**

**Leave to Construct Application – Hawthorne to Merivale  
Reconductoring Project**

**EB-2020-0265**

**March 4, 2021**

## Background

Hydro One Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on December 2, 2020 under sections 92 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order or orders granting leave to reconductor existing transmission circuits M30A and M31A between Hawthorne transmission station and Merivale transmission station, and perform related transmission station enabling work. If the application is approved, Hydro One will replace the M30A and M31A circuits with dual-bundled conductor. Hydro One has also applied to the OEB for approval of the form of land use agreements it offers to landowners for the routing and construction of the project.

On February 26, 2021, Hydro One filed its interrogatory responses which included a confidentiality request pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction).<sup>1</sup> Specifically, for the following reasons, Hydro One requested confidential treatment of the informational data underpinning its response to Environmental Defence's interrogatory #1:

The information underpinning Table 1 is sensitive and privileged data pertaining to flows on the Bulk Electrical System. This is classified as commercially sensitive information as there is a potential for historical data to be used for future speculative transactional opportunities and therefore detrimental to free market forces, and it should not be publicly disclosed. For these reasons, Hydro One submits that the confidentiality of this information outweighs the public interest in disclosure.

Hydro One stated that the information is consistent with the types of information for which confidential treatment is contemplated in Appendix A to the Practice Direction and for which the OEB has consistently granted confidential status.

Through Procedural Order No. 5 (PO), issued on March 1, 2021, the OEB allowed parties to file objections to Hydro One's confidentiality request and for Hydro One to reply to any objection, in accordance with the Practice Direction. The PO provided that any objections are to be filed with the OEB and served on all parties by March 4, 2021 and Hydro One's response to any objections is to be filed by March 9, 2021.

---

<sup>1</sup> OEB Practice Direction on Confidential Filings, October 28, 2016

## OEB Staff Submission

OEB staff does not object to Hydro One's request for confidential treatment of the informational data underpinning its response to Environmental Defence's interrogatory #1. OEB staff is of the view that the information is privileged and sensitive, and is not the type of information that is normally publicly available. OEB staff accepts Hydro One's assertion that the information is commercially sensitive and could be used for future speculative transactional opportunities and therefore detrimental to free market forces. OEB staff understands that Hydro One's concern primarily relates to the competitive position of wholesale market participants and not specifically to the competitive position of Hydro One as a transmitter.

OEB staff suggests that this type of sensitive information is generally protected from public disclosure by the OEB. Among the OEB's considerations in determining requests for confidentiality set out in Appendix A of the Practice Direction is "the potential harm that could result from the disclosure of the information, including... prejudice to any person's competitive position; [and] whether the disclosure would be likely to produce a significant loss or gain to any person...".<sup>2,3</sup> Similarly, section 17(1) of the *Freedom of Information and Protection of Privacy Act* provides, in part, that

A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; ... (c) result in undue loss or gain to any person, group, committee or financial institution or agency....

~All of which is respectfully submitted~

---

<sup>2</sup> OEB Practice Direction on Confidential Filings, Appendix A, Clause (a)(i)

<sup>3</sup> OEB Practice Direction on Confidential Filings, Appendix A, Clause (a)(iv)