



**Upper Canada Transmission, Inc. (operating as
NextBridge Infrastructure LP)**

**Application for approval of electricity transmission
revenue requirements for the period from April 1, 2022
to December 31, 2031**

**DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 5
April 15, 2021**

Upper Canada Transmission, Inc. (operating as NextBridge Infrastructure LP) (NextBridge) filed a custom incentive rate-setting application with the Ontario Energy Board (OEB) on November 4, 2020, under section 78 of the *Ontario Energy Board Act, 1998* seeking approval for its electricity transmission rates, beginning April 1, 2022 and for each following year through to December 31, 2031.

An oral hearing was held on March 29, 30, and 31, 2021. At the hearing, several undertakings were given to NextBridge. On April 6, 2021, NextBridge requested confidential treatment of its response to Undertaking J3.6. On April 9, 2021, NextBridge filed its response to Undertaking J3.6 which included a number of attachments. Parts of these attachments were redacted. NextBridge claimed that the pricing terms and conditions in the agreement between NextBridge and Hydro One were highly sensitive business confidential information that if publicly disclosed would harm the competitive positions of NextBridge and Hydro One by giving providers of similar services information useful in decision-making and would allow users to profit or derive benefits at their expense.

Findings

The OEB's *Practice Direction on Confidential Filings* states that "the placing of materials on the public record is the rule and confidentiality is the exemption. The onus is on the person requesting confidentiality to demonstrate to the satisfaction of the Board that confidentiality is warranted in any given case."¹

¹ OEB Practice Direction on Confidential Filings, Revised February 17, 2021, Page 2

The OEB finds that NextBridge has not demonstrated that all the information warrants confidential treatment. Specifically, the names, titles, and contact information of individuals employed by Hydro One, Supercom and/or Nextera do not constitute “personal information” as defined in *Freedom of Information and Protection of Privacy Act* if it relates to individuals in a business, professional or official capacity.² This type of information has been redacted from the following attachments included in response to Undertaking J3.6:

- Attachment 3 (page 1)
- Attachment 4 (pages 1-2)
- Attachment 5 (cover letter and page 9)

The above finding that business contact information is not “personal information” is also consistent with decisions of the Information and Privacy Commission of Ontario.³ The OEB, therefore, finds that this type of information shall be placed on the public record of this proceeding.

With respect to the unit pricing information contained on pages 4-7 of Attachment 3, the OEB finds that this information shall be treated as confidential for the same reasons set out by NextBridge. This information shall, therefore, remain redacted from the public record. However, copies of attachments 3-5 are to be refiled with employee business contact information unredacted.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. NextBridge shall file a revised version of its answer to Undertaking J3.6 as soon as possible.

Parties are responsible for ensuring that any documents they file with the OEB, such as 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*.

All materials filed with the OEB must quote the file number, **EB-2020-0150**, and be

² *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, s. 2(3).

³ See, for example, IPC Order PO-4112, 2017 CanLII 150004, paras. 27-31.

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 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 at the address below 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, Michael Price at Michael.Price@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca
Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, April 15, 2021

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar