



**North Bay Hydro Distribution Limited**

**Application for electricity distribution rates and other  
charges beginning May 1, 2021**

**DECISION ON CONFIDENTIALITY**

**April 15, 2021**

North Bay Hydro Distribution Limited (North Bay Hydro) filed a cost-of-service application with the Ontario Energy Board (OEB) on January 5, 2021, 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 North Bay Hydro charges for electricity distribution, beginning May 1, 2021.

Procedural Order No. 1 dated February 18, 2021, set out procedural steps, amongst other matters, including the filing of interrogatories by intervenors and OEB staff and for North Bay Hydro to respond to those interrogatories. On April 1, 2021, North Bay Hydro filed its interrogatory responses that included, under a separate cover letter, a request for confidential treatment for Attachment D of the response to interrogatory CCC-17, a report prepared by EDM International Inc. (EDM) for the Utilities Standards Forum (USF) titled, *Critical Factors for Determining Wood Pole Health* (Report). Attached to the confidentiality request was a letter from the USF outlining its reasons for why the Report should be treated as confidential.

North Bay Hydro provided an unredacted version of the report pursuant to the OEB's *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* (Practice Direction) and provided reasons for why the Report should be treated as confidential.

North Bay Hydro stated that the Report contains proprietary information and methodologies with respect to critical factors for determining wood pole health and was made available only to USF's members such as North Bay Hydro, who pay yearly fees for membership privileges. Public disclosure of the Report would allow third parties to use the information in the Report without having contributed to the cost of its development which would be unfair to the current members who pay USF membership fees and result in loss for USF as well.

North Bay Hydro also submitted that public disclosure of the Report could result in harm to the consultant that prepared the Report (EDM), which is engaged in a competitive business, because its competitors could use the information to gain an advantage over EDM.

## **Findings**

The OEB has considered the reasons submitted by North Bay Hydro for the request for confidential treatment of the Report and determined that the OEB will treat the Report as confidential.

The OEB finds that the report contains proprietary information, disclosure of which could prejudice EDM's economic interests and competitive position and could result in a loss to USF and its paying membership. The OEB notes that the Practice Direction indicates that these factors are to be considered by the OEB in addressing the confidentiality of filings and that the OEB has provided for confidential treatment of proprietary information in the past.

**DATED** at Toronto, **April 15, 2021**

**ONTARIO ENERGY BOARD**

*Original Signed By*

Christine E. Long  
Registrar