



August 18, 2021

Ms. Christine E. Long, Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2701  
Toronto, ON M4P 1E4

Dear Ms. Long,

**Re: ENWIN Utilities Ltd.  
2022 IRM Rate Application, EB-2021-0019  
Request for Confidentiality**

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Please find enclosed ENWIN Utilities Ltd.'s ("ENWIN") 2022 Rate Application ("Application") under the Price Cap IR pursuant to the Ontario Energy Board's ("OEB") 4th Generation Incentive Rate-Setting Mechanism.

The Application is being submitted electronically through the OEB's Regulatory Electronic Submission System and can be viewed on ENWIN's website at <https://enwin.com/regulatory-information/>.

ENWIN's Application is supported by written evidence, which includes:

- Manager's Summary;
- 2021 Tariff of Rates and Charges as approved in EB-2020-0017;
- 2022 IRM Rate Generator Model;
- 2022 GA Analysis Work Form (2020);
- 2022 Proposed Tariff of Rates and Charges;
- 2022 Proposed Bill Impacts; and
- Certification of Evidence.

ENWIN's Application also includes a request to amend the rate class description for its Large Use – 3TS Service Classification. In that regard, please be advised that there is information redacted at pages 20 and 21 of the Manager's Summary and Appendix H of the Application that is customer specific and confidential.

ENWIN is hereby requesting that the OEB hold this information in confidence pursuant to rules 10.01 and 10.02 of the OEB's *Rules of Practice and Procedure*, and sections

5.1.1 and 5.1.2 of the OEB's *Practice Direction on Confidential Filings* ("**Practice Direction**").

ENWIN has endeavoured to limit the scope of the redactions to maximize the information on the public record. In particular, the redactions have been limited to information or details identifying a customer in the Large Use – 3TS Service Classification (the "**Customer**") and their load information. Disclosure of this commercially sensitive and confidential information could reasonably be expected to significantly prejudice and/or harm the competitive position, economic interests, and/or financial interests of the Customer.

More specifically, in the context of the unredacted information, the redacted information would effectively identify the Customer. There are a total of three (3) accounts and two (2) customers in the Large Use – 3TS Service Classification, both of which are in the highly competitive automotive industry. The redacted information includes load-related information pertaining to the Customer that, if disclosed, could adversely affect the economic and/or competitive interests of the Customer against the other customer in the Large Use – 3TS Service Classification and competitors in the automotive industry.

For example, the Customer's competitors (including the other customer in the same rate class) would have knowledge of its load-related information while maintaining the confidentiality of their own load-related information. The competitors would be able to use this confidential information to their benefit to strategize with respect to business and production to the detriment of the Customer. In addition, the disclosure of the Customer's load-related information could interfere with its negotiations with suppliers and potential customers, as they may use this competitive information as leverage to negotiate terms to the detriment of the Customer.

The OEB's Practice Direction recognizes at Appendix A that the above are among the factors that the OEB will take into consideration when addressing the confidentiality of filings. They are also addressed in subsection 17(1) of the *Freedom of Information and Protection of Privacy Act* ("**FIPPA**"), and the Practice Direction notes at Appendix C that third party information as described in subsection 17(1) of FIPPA is among the types of information previously assessed or maintained by the OEB as confidential.

For example, in Energy+ Inc.'s ("**Energy+**") 2019 rate case (EB-2018-0028), Energy+ requested confidential treatment for information that included details identifying the electricity usage and load profile that was specific to commercial or large use

customers.<sup>1</sup> One of these customers, Toyota Motor Manufacturing Canada Inc. (“**TMMC**”), participated as an intervenor in that proceeding and filed submissions in support of Energy+’s request to treat such information as confidential on the basis that it could adversely affect TMMC’s economic and/or competitive interests.<sup>2</sup> The OEB found that the redacted information should remain confidential as the nature of the information was consistent with factors to be considered by the OEB in addressing confidentiality of filings, as described in Appendix A of the Practice Direction, and the OEB provided for confidential treatment of this type of information in the past.<sup>3</sup>

Similarly, the Customer has provided a letter setting out their position on ENWIN’s proposal to amend the description of Large Use – 3TS Service Classification and on the confidentiality of the information that is being redacted (“**Letter of Support**”). ENWIN requests that the Letter of Support be held in confidence in its entirety, as it contains the Customer’s name, identifiable information, as well as load-related information, which ENWIN submits is confidential for the same reasons as the redacted information in the Manager’s Summary set out above.

Finally, ENWIN notes that the OEB is proposing amendments to the Practice Direction. While the proposed amendments are not in force, they provide for a list of types or categories of information that the OEB would deem to be presumptively confidential. This list would include load profiles and energy usage of specific customers, which is exactly the type of information that ENWIN is requesting to be treated as confidential in this proceeding.

In keeping with the requirements of the Practice Direction, ENWIN is also filing a confidential, unredacted version of its Application directly with the Registrar via email. The unredacted version has been marked “Confidential”, and ENWIN has identified the portions of the document in respect of which confidentiality is claimed through the use of grey shading and sidebars (“|”). ENWIN requests that the unredacted Application be kept confidential.

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<sup>1</sup> EB-2018-0028 Energy+ Inc. 2019 Rates Application dated April 30, 2018 and Energy+ Inc.’s Response to Confidentiality Submissions dated August 3, 2018, Available Online at: <https://www.rds.oeb.ca/CMWebDrawer/Record/615769/File/document> (Last Accessed: August 10, 2021).

<sup>2</sup> EB-2018-0028 Toyota Motor Manufacturing Canada Inc. Submissions on Confidentiality dated August 9, 2018, Available Online at: <https://www.rds.oeb.ca/CMWebDrawer/Record/616038/File/document> (Last Accessed: August 10, 2021).

<sup>3</sup> EB-2018-0028 Energy + Inc. 2019 Rates Application, Decision on Confidentiality Request dated September 14, 2018 at page 5, Available Online at: <https://www.rds.oeb.ca/CMWebDrawer/Record/619920/File/document> (Last Accessed: August 10, 2021).

All correspondence related to this Application and confidentiality request should be addressed to:

Ms. Claire Bebbington  
Director, Regulatory Affairs  
P.O. Box 1625, Station "A"  
4545 Rhodes Drive  
Windsor, ON N8W 5T1  
(519) 251-7300 ext. 886  
regulatory@enwin.com

Should you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,

ENWIN Utilities Ltd.

A handwritten signature in black ink, appearing to read "Claire Bebbington". The signature is fluid and cursive, with the first name "Claire" being more prominent and the last name "Bebbington" following in a similar style.

Claire Bebbington  
Director, Regulatory Affairs