

Brantford Power Inc.

**Application for electricity distribution rates beginning
January 1, 2022**

**DECISION ON CONFIDENTIALITY
August 19, 2021**

Brantford Power Inc. filed a cost of service application with the Ontario Energy Board 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 Brantford Power charges for electricity distribution, beginning January 1, 2022.

Brantford Power requested confidential treatment of certain interrogatory responses¹, pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction)² and the OEB's *Rules of Practice and Procedure* (Rules).³ Brantford Power has grouped the interrogatory responses for which confidential treatment is requested into two categories.

Category 1

1. 4-EP-21 (a) and (b) – Compensation of the CEO
2. 4-SEC-31(c) – Names of individuals in the labour budget
3. 4-SEC-40 (b), (d), and (e) – Compensation of the Billing Supervisor, Temporary Customer Care Representatives, and Senior Manager, Engineering and Operations Planning
4. 4-SEC-41 – Compensation of the Senior Manager, Revenue Assurance
5. 4-SEC-47 – Non-Management FTEs Salary breakdown
6. 4x-EP-20 “Confidential EP Interrogatory” – Compensation with and without STVP for sub-groups of STVP-eligible positions

Brantford Power stated that the Category 1 interrogatory responses pertain to compensation of identifiable individuals as well as their sick/vacation time allotment,

¹ Procedural Order No. 1 directed Brantford Power to file its interrogatory responses by August 9, 2021. Brantford Power filed the responses on August 10, 2021.

² Ontario Energy Board, *Practice Direction on Confidential Filings*, Revised February 17, 2021

³ Ontario Energy Board, *Rules of Practice and Procedure*, Revised February 17, 2021

which is personal information as outlined in sections (b) and (h) of the definition of personal information under section 2(1) of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Brantford Power also proposed redactions to compensation information that pertained to three or fewer positions as it would be possible to deduce the compensation-related information of identifiable individuals.

Brantford Power requested that the interrogatory responses be kept confidential, consistent with the OEB's Decision on Confidentiality dated July 22, 2021 in this proceeding which found that information that met the FIPPA criteria regarding personal information would not be disclosed even to those that sign the OEB's form of Declaration and Undertaking.⁴

Brantford Power filed both a non-confidential redacted version of its interrogatory responses for the public record and a confidential unredacted version for the OEB's review.

Category 2

1. 1-SEC-1 – Report titled Security Program Maturity Assessment – Brantford Power prepared by eSentire, dated October 17, 2018 (Security Plan)

Brantford Power stated that the Security Plan is a document that identifies the vulnerabilities and gaps of its cybersecurity which, if placed on the public record, would reasonably be expected to result in a security breach.⁵

Brantford Power stated that the Security Plan contains recommendations on policies and procedures and protection of that information is reasonably required pursuant to section 14(1)(i) of FIPPA. Brantford Power provided examples of decisions of the Information and Privacy Commissioner (IPC) related to the disclosure of information about an entity's computer system.⁶

Brantford Power stated that, one of the factors considered by the OEB when determining confidentiality requests is whether the IPC or a court of law has previously determined that a record should be publicly disclosed or kept confidential.

⁴ Decision on Confidentiality dated July 22, 2021, Page 3

⁵ EB-2021-0009, Brantford Power_IRR cvlrtr_Confidentiality Req_20210810, Page 3

⁶ The cited IPC decisions considered section 14(1)(i) of FIPPA as well as section 8 (1)(i) of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) which is the equivalent of section 14(1)(i) of FIPPA.

Brantford Power also provided examples of OEB decisions that granted confidentiality for security-related information.⁷

Brantford Power stated that it is prepared to provide unredacted copies of the Security Plan to individuals that execute the OEB's form of Declaration and Undertaking, subject to Brantford Power's right to object to a Declaration and Undertaking from any person.

Findings

The OEB approves Brantford Power's request for permanent redactions within the Category 1 interrogatory responses, with the exception of 4x-EB-20. As a result, the OEB approves the permanent reactions in the following interrogatory responses:

- 4-SEC-31(c) – Names of individuals in the labour budget
- 4-SEC-40 (b), (d), and (e) – Compensation of the Billing Supervisor, Temporary Customer Care Representatives, and Senior Manager, Engineering and Operations Planning
- 4-SEC-41 – Compensation of the Senior Manager, Revenue Assurance
- 4-SEC-47 – Non-Management FTEs Salary breakdown
- 4-EP-21 (a) and (b) – Compensation of the CEO

The OEB finds that the redacted information meets the FIPPA criteria for personal information and will not be disclosed even to those that sign the OEB's form of Declaration and Undertaking. The OEB finds that the provision of this information would allow the inference of compensation information for identifiable individuals or multiple individuals.

With respect to the interrogatory response 4x-EP-20 "Confidential EP Interrogatory", the OEB directs Brantford Power to re-file the table in this interrogatory response for the public record in unredacted form. Brantford Power had proposed to redact the information in this table on the basis that when read in conjunction with the information in the response 4-EP-21, it would disclose personal information relating to an individual. With the OEB approving the permanent redaction of 4-EP-21, the OEB finds that the information in 4x-EP-20 can no longer be tied to 4-EP-21; therefore, the table should be made available publicly. Further, the OEB finds that the table only provides information in aggregate form, pertaining to 3 or more positions in each job band.

⁷ EB-2019-0082, Decision on Confidentiality, September 11, 2019, Page 6 and EB-2014-0002, Procedural Order No. 1, June 9, 2014, Page 4.

The OEB approves confidential treatment of the Security Plan under Category 2. Brantford Power will provide unredacted copies to individuals that execute the OEB's form of Declaration and Undertaking, subject to Brantford Power's right to object to the Declaration and Undertaking from any person.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Brantford Power shall provide individuals that have signed and filed a Declaration and Undertaking with the non-redacted, confidential version of the report titled "Security Program Maturity Assessment – Brantford Power" for which confidential treatment has been granted, in accordance with the findings.
2. The OEB grants confidential treatment in the form of permanent redaction for information contained in interrogatory responses 4-SEC-31(c), 4-SEC-40 (b), (d), and (e), 4-SEC-41, 4-SEC-47 and 4-EP-21 (a) and (b).
3. Brantford Power shall file with the OEB a revised public version of interrogatory response 4x-EP-20 reflecting the findings, by **August 23, 2021** and provide a revised public version to all parties.

How to File Materials

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, 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](#).

Please quote file number, **EB-2021-0009**, for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://p-pes.ontarioenergyboard.ca/PivotalUX/>.

- Filings should clearly state the sender's name, postal address, telephone number, fax number and e-mail address.
- Please 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.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the web portal can contact registrar@oeb.ca for assistance.

All communications should be directed to the attention of the Registrar at the address below and be received by end of business 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, Georgette Vlahos at georgette.vlahos@oeb.ca and OEB Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **August 19, 2021**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar