



**ENERGY+ INC.**

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October 28, 2021

Ms. Christine E. Long  
Registrar and Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4

**Re: Board File No. EB-2021-0018  
Energy+ Inc. – 2022 IRM Application – Interrogatory Responses**

Dear Ms. Long:

Energy+ Inc. ("Energy+") submitted its 2022 IRM Application ("Application") on August 16, 2021. On October 4, 2021, the Ontario Energy Board (the "OEB") issued Procedural Order No. 1 ("PO#1") for the proceeding. PO#1 set out a timeline for written interrogatories. Energy+ is filing written responses to all interrogatories in accordance with the OEB's schedule.

#### Confidentiality Request

As part of the responses to the interrogatories, Energy+ is requesting confidential treatment, pursuant to sections 10.01 and 10.02 of the OEB's Rules of Practice and Procedure (Last Revised July 30, 2021) for the responses to:

- SEC-4 (Appendix 1) which contains a detailed bid result from the tendering process as well as personal information; and
- SEC-7 which contains detailed bid results from the tendering process.

Energy+ is filing the response to SEC-4 and SEC-7 in confidence pursuant to sections 5.1.1 and 5.1.2 of the OEB's Practice Direction on Confidential Filings (Revised February 17, 2021) (the "Practice Direction"). The information redacted relates to personal information and third parties engaged in competitive business activities.

In the response to SEC-4, the named authors of the status reports prepared by Colliers have been redacted as they are not a party to the proceeding.

In the responses to SEC-4 and SEC-7, disclosure of the third-party information could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, and be injurious to the financial interest of the applicable third party.

The information provided in the responses contains the amounts for the various tenders and the bid results. The bidders provide construction services, which is a competitive business. By placing this information on the public record, the bidders would be able to see the tender amounts of other bidders, which would prejudice their competitive position in placing future bids, whether with Energy+ or for construction work for others. Disclosing the outcome of all these different tenders will also impact the number of bids and the tender amount that Energy+ will receive for future work, as well as negatively impact Energy+'s future negotiations with construction work providers as bidders will have knowledge of Energy+'s bottom line.

The Practice Direction recognizes that these are among the factors that the OEB will take into consideration when addressing the confidentiality of filings. It is 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 of the Practice Direction) 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.

In keeping with the requirements of the Practice Direction, Energy+ is filing electronic copies of the redacted and unredacted responses. The unredacted version has been marked as Confidential and will be e-mailed to the Registrar only. Energy+ is prepared to provide unredacted copies of the responses listed above to parties' counsel and experts or consultants provided that they have executed the OEB's form of Declaration and Undertaking with respect to confidentiality and that they comply with the Practice Direction, subject to Energy+'s right to object to the OEB's acceptance of a Declaration and Undertaking from any person.

#### Response Relevance

In the response to interrogatory SEC-4, Energy+ has included information that was provided to the Energy+'s Board of Directors related to the Southworks Project after the issuance of the OEB's Decision in its 2019 Cost of Service Application. Certain information provided to the Board of Directors may have been included with other materials that are not relevant to the proceeding. Energy+ has redacted the information that is not related to the Southworks facility project, and thus is not relevant to the matters at issue in this application and contains no probative value to the proceedings.

Respectfully submitted,



Dan Molon, MBA, CPA, CMA  
Director, Regulatory Affairs & Financial Planning

c.c. Borden Ladner Gervais, John A.D. Vellone