



Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

November 2, 2021

Dear Ms. Long,

Re: 2022 Cost of Service Application for Electricity Distribution Rates (EB-2021-0027)
Interrogatory Response 1-Staff-7

Please find enclosed an unredacted version of the document entitled “Resource Strategy Study Final Report”, dated March 3, 2021, (the “Report”) some of the contents of which Grimsby Power Inc. (GPI) believes requires confidential treatment pursuant to the Board’s Practice Direction on Confidential Filing. A redacted version of this document was provided in the interrogatory responses as 1-Staff-7 attachment 1. It is GPI’s understanding that this fully unredacted version of the document is not to be circulated to the parties; it is being provided to the Board in order that the Board may review the contents and provide a decision as to the confidential treatment of some of the contents of the document.

The unredacted version of the document has been provided with highlighting to indicate the following:

- a) parts of the document that GPI believes need to be provided confidential treatment because it is commercially sensitive such that only parties that execute the appropriate confidentiality undertaking should be able to review the redacted information have been highlighted in yellow;
- b) parts of the document that GPI believes are not only commercially sensitive, but also relate to personal information regarding GPI’s employees such that that information must not be placed on the record in this proceeding in any form have been highlighted in green (please note that the tables on pages 5,6,7 and 9 have all been highlighted in green).

GPI notes that the Board’s directions on confidentiality generally include the following considerations in support of a finding that information should be granted confidential treatment:

Some factors that the OEB may consider in addressing confidentiality of filings made with the OEB are:

(a) the potential harm that could result from the disclosure of the information, including:

- i. prejudice to any person’s competitive position;*
- ii. whether the information could impede or diminish the capacity of a party to fulfill existing contractual obligations;*

- iii. *whether the information could interfere significantly with negotiations being carried out by a party; and*
- iv. *whether the disclosure would be likely to produce a significant loss or gain to any person;*

(d) whether the information is personal information;

(g) any other matters relating to FIPPA and FIPPA exemptions;

In GPI's respectful submission the overall purpose of the Report and the information contained within it in fulfilling that purpose are such that they meet the requirements for confidential treatment in the first instance because it is commercially sensitive information that, if released publicly, would prejudice the competitive position of both GPI as it relates to GPI's ability to hire and retain employees. A summary of the Report, as provided in unredacted form in the initial filing, makes it clear that the intent of the Report is to assist GPI in managing its employee complement going forward, with specific focus on the key Supervisory positions:

Grimsby Power Incorporated (GPI) engaged Sartor and Associates to conduct an assessment of key management positions and a review of the overall organization to analyze future looking risks for the enterprise in context of achievement of corporate goals and ongoing continuity of the business in the face of future organizational transition.

The project included the following activities:

- *The Sartor & Associates Team profiled the key Grimsby Power executives through 2 sessions. A Knowledge Mapping format was used in sessions held with Remy Fernandes (CEO and President) on February 4, 2021 and Mioara Domokos (Director of Finance) on January 29, 2021.*
- *The Sartor & Associates team also held sessions with the following CEO-once-removed staff at Grimsby Power. A session with Amy La Selva (Regulatory and Customer Accounts Supervisor) was held on February 12, 2021 and a session with Kevin Robins (Operations Supervisor) was held on February 11, 2021.*

These activities facilitated the analysis of critical organizational experience-based knowledge from key executives to properly understand Grimsby Power resource strategy options and the future challenges for the organization.

The assessment of the Supervisory positions helped the Sartor & Associates team to fully understand assigned staff responsibilities, organizational challenges and identify future organizational risks and risk mitigations. The information obtained helped the Sartor and Associates team to review future succession planning considerations which are included in the report below.

All the specific information provided in the Report relates directly to GPI's risks with respect to its ability to, within the competitive market, maintain an appropriate staffing complement. In GPI's respectful submission disclosing the details of this assessment as represented in the Report would directly harm GPI's ability to manage its staffing complement going forward, as it would disclose key information that

would be relevant in GPI's efforts to a) attract new employees, and b) retain and continue to effectively manage its current employees. Accordingly, GPI submits that all the redacted material constitutes commercially sensitive information that qualifies for confidential treatment. Furthermore, GPI would note that as a neighbouring, regulated distributor competing for employees in the same labour market it would be inappropriate, even on a confidential basis, for the intervenor Niagara Peninsula Energy Inc. to have access to any of the redacted information.¹

In addition, GPI notes that the bulk of the information in the Report is not only commercially sensitive but is personal information relating to specific employees of GPI that, in GPI's view, cannot be disclosed on the record at all. The proposed redactions relating to personal information that GPI believes cannot be made available on the record in any capacity are self-evidently of a very personal nature; by way of example, much of the proposed redacted personal information relates to the career plans for GPI's employees.

For all these reasons GPI believes it is appropriate to afford the currently redacted portions of the Report confidential treatment, with the portions highlighted in yellow in the unredacted version of the document being deemed commercially sensitive confidential information and made available only to parties (other than NPEI) that file the appropriate undertaking with respect to confidentiality, and the portions highlighted in green in the unredacted version of the document being deemed both commercially sensitive confidential information and personal information that will not be disclosed on the record in any form.

Yours very truly,

Mioara Domokos
Director of Finance
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¹ To be clear, GPI does not believe, based on the nature of its intervention and participation in the proceeding, that Niagara Peninsula Energy Inc. is specifically interested in access to any part of the redacted aspects of the Report. However, given the nature of claim for confidential treatment, GPI believes it is necessary to highlight that specific concern in conjunction with its initial claim for confidential treatment.