

Energy+ Inc.

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

**DECISION ON CONFIDENTIALITY
November 9, 2021**

Energy+ Inc. (Energy+) filed an incentive rate-setting mechanism application with the Ontario Energy Board (OEB) on August 16, 2021 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) seeking approval for changes to its electricity distribution rates to be effective January 1, 2021.

On October 28, 2021, Energy+ filed its interrogatory responses and requested confidential treatment for the following material¹, pursuant to the OEB's *Practice Direction on Confidential Filings* (Practice Direction)² and the OEB's *Rules of Practice and Procedure* (Rules):³

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

Energy+ stated that the above-noted documents contain personal information and information of third parties engaged in competitive business activities and that this information has been redacted in the public versions of the documents. Energy+ submitted that 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.

¹ Cover letter and Interrogatory Responses filed October 28, 2021

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

³ Ontario Energy Board, Rules of Practice and Procedure, Revised July 30, 2021

Energy+ 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.

Energy+ stated that it is prepared to provide unredacted copies of the interrogatory responses to individuals that execute the OEB's form of Declaration and Undertaking, subject to Energy+'s right to object to a Declaration and Undertaking from any person.

Energy+ also stated that the response to interrogatory SEC-4 contains redacted information that was provided to Energy+'s Board of Directors that is not related to the Southworks Project and is not relevant to the matters at issue in this proceeding.

Findings

IR SEC-4: Personal Information

The OEB does not agree that the redacted names of the authors of the status reports prepared by Colliers constitute "personal information" as defined in section 2(1) of FIPPA⁴ and directs Energy+ to re-file its interrogatory response to SEC-4 for the public record with this information unredacted.

IR SEC-4 and SEC-7: Third Party Information

The OEB finds that the third party information contained in these interrogatory responses is considered "financial information" as defined in section 17 (1) of FIPPA and the Practice Direction (Appendix A) and shall be afforded confidential status. Energy+ will provide unredacted copies to individuals that execute the OEB's form of Declaration and Undertaking, subject to Energy+'s right to object to the Declaration and Undertaking from any person.

IR SEC-4: Non-relevant Information

Energy+ stated that the response to this interrogatory included information that was provided to 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. The information provided to the Board of Directors included information that is not related to the

⁴ *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31 (FIPPA). Section 2(3) of FIPPA provides that, "Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity."

Southworks facility project and therefore is not relevant to the matters at issue in this application.

The OEB agrees that the non-relevant information in this interrogatory response should remain redacted and does not need to be disclosed even to those that sign the OEB's form of Declaration and Undertaking. The OEB has reviewed an unredacted version of the non-relevant information and notes that it pertains to information already on the public record.⁵

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Energy+ shall provide individuals that have signed and filed a Declaration and Undertaking with the non-redacted, confidential versions of interrogatory responses to SEC-4 and SEC-7 for which confidential treatment has been granted, in accordance with the findings.
2. Energy+ shall file with the OEB a revised public version of interrogatory response to SEC-4 reflecting the findings, by **November 10, 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-2021-0018**, 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.

⁵ EB-2019-0022 | EB-2019-0031, 2020 Rates Application for Brantford Power Inc. & Energy+ Inc.

- 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, Marc Abramovitz at marc.abramovitz@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, **November 9, 2021**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar