



Hydro One Networks Inc.

**Application for electricity transmission and distribution
rates and other charges for the period from January 1,
2023 to December 31, 2027**

**INTERIM DECISION ON CONFIDENTIALITY – ACCENTURE MASTER SERVICES
AGREEMENT, LABOUR RELATIONS AND COLLECTIVE BARGAINING INFORMATION,
AND 2021-2027 INTEGRATED BUSINESS PLAN
December 10, 2021**

Hydro One Networks Inc. (Hydro One) filed an application dated August 5, 2021, with the Ontario Energy Board (OEB) under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that it charges for electricity transmission and distribution, beginning January 1, 2023 and for each following year through to December 31, 2027.

Pursuant to Procedural Order No. 1, Hydro One provided responses to interrogatories filed by intervenors and OEB staff. By letter dated November 30, 2021 (November Letter), Hydro One requested confidential treatment of a number of interrogatory responses or certain portions thereof.

This interim decision is intended to provide direction to parties regarding the treatment of certain confidential responses in advance of the Technical Conference that is scheduled to be held from December 13-17, 2021. The OEB will determine the confidentiality matters not addressed below in a subsequent decision. At this time, all such materials will remain confidential and access will be subject to the OEB's *Practice Direction on Confidential Filings*.

Accenture Master Services Agreement

In the November Letter, Hydro One requested that certain portions of the Accenture Master Services Agreement (MSA), provided as Attachment 2 to B4-Energy Probe-049, be treated as confidential. Hydro One stated that the redacted portions of the Accenture MSA contain personal information, as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*, of persons who are not parties to this proceeding. The personal information, as stated by Hydro One, consists of the names of Accenture staff and information about their employment history.

Hydro One also requested that certain portions of the Accenture MSA containing commercially sensitive information be treated as confidential. Hydro One submitted that

such portions of the Accenture MSA contain: (i) commercially sensitive third-party rates and pricing information; and (ii) underlying assumptions relating to the third-party pricing information. According to Hydro One, disclosure of such information could prejudice the respective economic interests and competitive positions of the third party in future commercial negotiations.

Findings

The OEB finds that the names of Accenture staff and years of experience is not personal or commercially sensitive information and shall be placed on the public record. However, information related to the hourly rates is commercially sensitive (not personal) and shall remain redacted. With regard to the pricing information contained in the Accenture MSA, the OEB has determined that such information will be treated as confidential and shall remain redacted.

Hydro One shall file a revised version of the Accenture MSA with the OEB where the names and years of experience of Accenture staff is not redacted, while the information related to hourly rates and pricing shall be redacted.

However, regarding pricing information from Accenture, CapGemini, PwC, Clearpsring, Pacific Economics Group Research LLC (PEG), Hydro-Québec, BGIS, Compass Management Consulting Limited, Guidehouse Inc. (formerly known as Navigant Consulting Ltd.), and Mercer (Canada) Limited, no service provider shall be given access to the pricing information of any other service provider under any circumstances.

The OEB finds that PEG shall only have access to a public, redacted version of the Clearspring retainer agreement, filed as Attachment 8 to B1-SEC-048.

Labour Relations and Collective Bargaining Information

In the November Letter, Hydro One requested the confidential treatment of certain interrogatory responses pertaining to labour relations and collective bargaining information – E-Staff-258, E-Staff-271, E-SEC-205, E-SEC-213, and E-SUP-10. Hydro One stated that disclosure of such information to union representatives could be used against Hydro One during upcoming rounds of negotiations and influence bargaining outcomes.

Hydro One requested that, similar to the OEB-approved treatment of the Confidential Labour Relations Strategy Appendix¹, any access to confidential portions of the responses only be given to individuals who execute and file the OEB's Declaration and Undertaking. With respect to the Power Workers' Union, the Society of United Professionals, and any

¹ Exhibit E / Tab 6 / Schedule 1 / Attachment 5.

other unions, Hydro One requested that only external counsel and / or consultant(s) representing the unions in this proceeding be permitted to have access to the confidential portions of the interrogatory responses. Further, Hydro One requested that as a condition of obtaining access, the external counsel and / or consultant be required to execute and file: (i) a Declaration and Undertaking; and (ii) an affidavit confirming that they are at arms-length from the union and are not (and will not be) involved in any way in collective bargaining on behalf of the union through to the end of the rate period covered by the application.

Findings

The OEB finds that the confidential labour-related interrogatory responses identified by Hydro One shall be treated on the same basis as provided for in the OEB's Decision on Blue Page Update, Confidentiality Request and Reply on Expert Evidence and Procedural Order No. 2, issued on October 25, 2021. Access to the redacted information shall only be provided to those who were entitled to access to the Confidential Labour Relations Strategy Appendix that was addressed in that decision.

Hydro One's 2021-2027 Integrated Business Plan

Attachment 1 to A-CCC-001 contains Hydro One's 2021-2027 Integrated Business Plan. In the November Letter, Hydro One requested confidential treatment, by means of permanent redaction, of certain portions of the 2021-2027 Integrated Business Plan. Hydro One submitted that such portions of the 2021-2027 Integrated Business Plan contain: (i) forward looking financial information that relates to Hydro One Limited² at the aggregate level and includes financial information for Hydro One's non-rate regulated affiliates; and (ii) information relating to Hydro One's non-rate regulated affiliates and non-rate regulated business activities. As a result, Hydro One stated that information relating to its non-rate regulated affiliates and non-rate regulated business activities is not relevant and would not assist the OEB in deciding the matters at issue in this proceeding.

Findings

Hydro One's comments on the 2021-2027 Integrated Business Plan raise two issues: confidentiality and relevance. At this time, the OEB requires Hydro One to make unredacted versions of the 2021-2027 Integrated Business Plan available to parties who sign the OEB's Declaration and Undertaking regarding confidentiality, and the material proposed for redaction will be treated as confidential for the time being. At a later date, the OEB will address the issue of relevance of the information contained in the subject portions of the 2021-2027 Integrated Business Plan, and the confidential treatment of that information should the OEB determine that it is relevant.

² Hydro One's parent company.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Hydro One shall file a revised version of the Accenture MSA, as described in the findings above.
2. No service provider shall be given access to the pricing information of any other service provider under any circumstances, as described in the findings above.
3. PEG shall only have access to a public, redacted version of the Clearspring retainer agreement filed as Attachment 8 to B1-SEC-048.
4. Access to the redacted information in E-Staff-258, E-Staff-271, E-SEC-205, E-SEC-213, and E-SUP-10 shall only be provided to those who were entitled to access to the Confidential Labour Relations Strategy Appendix.
5. Hydro One shall provide unredacted versions of the 2021-2027 Integrated Business Plan to parties who have signed the Declaration and Undertaking in this proceeding. The OEB's determination of the relevance of the information contained in the 2021-2027 Integrated Business Plan will be made at a later date. Pending the OEB's determinations on relevance and confidentiality, the redacted portions of the 2021-2027 Integrated Business Plan will be treated as confidential and parties shall maintain that material in confidence pursuant to the OEB's *Practice Direction on Confidential Filings*.

DATED at Toronto, December 10, 2021

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar