

January 5, 2022

RESS & EMAIL

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Attention: Nancy Marconi, Acting Registrar

Dear Ms. Marconi:

**Re: Hydro One Networks Inc. (“Hydro One”)
EB-2021-0110: Custom Incentive Rate-setting Application for 2023-2027
Distribution Rates and Transmission Revenue Requirement (“Application”)
- Request for Confidential Treatment of Technical Conference Undertaking
Responses**

We are legal counsel to Hydro One, the applicant in the above-referenced proceeding. Hydro One filed its technical conference undertaking responses on January 5, 2022. Pursuant to the OEB’s *Practice Direction on Confidential Filings* (the “Practice Direction”), Hydro One hereby requests the confidential treatment of certain information contained in its undertaking responses.

A. Procedural Matters

Pursuant to the OEB’s Digitization Program, Hydro One is providing a public version of this letter without confidential attachments electronically through the OEB’s Regulatory Electronic Submission System. Confidential version of the documents that includes information related to Hydro One’s non-rate regulated affiliates will be uploaded to Torys’ Sharefile data management system and access will be granted to the OEB only. Another confidential version of the documents that excludes information related to Hydro One’s non-rate regulated affiliates will also be uploaded to Torys’ Sharefile data management system (in a separate folder) and access will be granted in accordance with the procedure set out in Procedural Order No. 2.

As an interim measure for efficiency, prior to the OEB making its final determination on Hydro One’s request for confidential treatment, Hydro One will proceed as though its request for confidentiality has been granted. However, Hydro One reserves the right to submit that it may not be appropriate for any particular intervenor representative to have access to certain confidential information even though they have completed and signed a Declaration and Undertaking.

On a final determination, should the OEB grant Hydro One's request for confidentiality, Hydro One proposes that the OEB order the documents be disclosed, subject to any conditions the OEB may find appropriate, to only those persons that by then have already signed and filed, or that subsequently sign and file, a Declaration and Undertaking in the approved form.

In addition, consistent with section 6.2 of the Practice Direction, Hydro One requests that during oral proceedings any reference to information which the OEB has determined to be confidential, be conducted in camera to preserve its confidential nature.

In the event that Hydro One's confidentiality request is refused, in whole or in part, and Hydro One in turn requests that some or all of the information that is the subject of this request be withdrawn in accordance with section 5.1.12 of the Practice Direction, all persons in possession of the said information will be required to promptly destroy the information and confirm its destruction in accordance with the Declaration and Undertaking.

B. Reasons for Confidential Treatment

The specific information for which Hydro One seeks confidential treatment and the rationale for the requests are set out below.

1. Commercial and Proprietary Information of Hydro One

Hydro One requests confidential treatment, by means of redaction, for those portions of undertaking response JT 2.08 that are comprised of excerpts from Hydro One's Distribution Standards Manual. These excerpts contain procedures, engineering specifications and technical instructions relating to the design and modification of distribution plant owned and operated by Hydro One. The excerpts are commercial and technical information that is proprietary to Hydro One as this information has been developed by the company with significant investment and time, using company know-how and resources, resulting in a set of standards that have considerable value to Hydro One. Hydro One understands that comparable standards are available commercially from other parties for a material cost. Hydro One consistently treats its technical standards, including the Distribution Standards Manual, in a confidential manner. Where it is necessary to share this information with third parties, Hydro One consistently uses terms in its agreements with those third parties to prohibit further distribution. Public disclosure of the Distribution Standards Manual, including any excerpts therefrom, would therefore prejudice Hydro One's economic interests, while providing an unfair benefit to other parties, including distribution utilities and service providers.

A confidential, unredacted copy of undertaking response JT 2.08, which has been marked "Confidential" and which identifies all portions for which confidentiality is claimed using highlighting, is provided in Appendix "A". A non-confidential redacted version has been included in Hydro One's undertaking responses as filed.

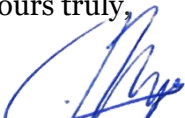
2. Financial Information Related to Hydro One's Non-Rate Regulated Affiliates

Hydro One requests confidential treatment, by means of permanent redaction, for certain portions of Hydro One's 2021 Team Scorecard ("Scorecard"), included as Attachment 1 to undertaking response JT 4.25. The Scorecard contains non-public financial information that relates to Hydro One Limited (Hydro One's parent company) at the aggregate level and includes

financial information for Hydro One's non-rate regulated affiliates. Information relating to Hydro One's non-rate regulated affiliates is not relevant and would not assist the OEB in deciding the matters at issue in this application.

The information contained in the Scorecard for which Hydro One requests confidential treatment is considered presumptively confidential as contemplated in the Practice Direction as it is non-public financial information of unregulated affiliates engaged in competitive business activities.¹ A confidential, unredacted copy of the Scorecard, which has been marked "Confidential-Not Relevant" and which identifies all portions for which redactions for non-relevance have been made using highlighting, is provided in Appendix "B", to which access will only be granted to the OEB. A non-confidential redacted version has been included in Hydro One's undertaking responses as filed.

Yours truly,



Jonathan Myers

cc: Hydro One
All Parties

¹ Category 5, Appendix B of the Practice Direction.

APPENDIX 'A'

CONFIDENTIAL COPY OF UNDERTAKING RESPONSE JT 2.08

[Note: A copy of this Appendix has been filed confidentially with the OEB in accordance with the Practice Direction on Confidential Filings]

APPENDIX 'B'

CONFIDENTIAL COPY OF UNDERTAKING RESPONSE JT 4.25

[Note: A copy of this Appendix is provided to the OEB only in accordance with the *Practice Direction on Confidential Filings*]