



BY EMAIL and RESS

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2300 Yonge Street
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June 8, 2022
Our File: EB20220049

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2022-0049 – Milton Hydro – SEC Objection to Evidence Withdrawal Request

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No.1, SEC writes to object to the request by Milton Hydro Distribution Inc. (“Milton Hydro”) to withdraw from the record the IT Strategy & Roadmap Report prepared by PwC (“Original PwC Report”).

Based on Milton Hydro’s letter, it seeks to withdraw from the record the Original PwC Report, which certain portions were subject to a request for confidential treatment, and replace it with a new report, the PwC IT Strategy & Roadmap Final Report Summary (“Summary PwC Report”).¹ The Summary PwC Report “excludes the confidential information that is the subject of the Confidentiality Request while essentially maintaining the same analysis and recommendations.” Milton Hydro’s position is that by filing a report that will no longer include confidential information, it will facilitate an efficient review of its application.² Milton Hydro has not suggested that the information contained only in the Original PwC Report is not relevant.

SEC submits that Milton Hydro has not provided a valid reason that the Original PwC Report should be withdrawn from the record. The intent of Rule 11.01 of the OEB’s *Rules of Practice and Procedure* (“Rules”) is to allow for amendments to the evidentiary record, presumably where there is new or updated information, or potentially allow the withdrawal of information that was filed in error or is no longer accurate. It is not meant to allow relevant information to be withdrawn on the basis that portions of it are subject to a request for confidentiality.

SEC has not been given an opportunity to review the unredacted Original PwC Report, but it is clear from section and page headings, that the redacted portions which contains the confidential

¹ Milton Hydro Letter, dated May 25, 2022, p.1

² Milton Hydro Letter, dated May 25, 2022, p.2



information not included in the Summary PwC Report, is relevant to the issues to be decided in the application. The information includes context and support for the PwC's IT strategy and roadmap prepared for Milton Hydro, and which it relies on in support of material capital spending, including \$1.73M in the test year.³ The information includes, among other relevant matters, information regarding the approach PwC took (see pages 6, 13, 16-17, 22-23), key considerations when developing an IT roadmap (p.38), execution considerations (p.45-47), BCM prioritization and key findings (p.71-79), and an ERP selection and implementation approach (p.81-87). The Summary PwC Report contains only 25 pages compared to the Original PwC Report's 88 pages.

The OEB has a well-established process in place to deal with confidential information. The existence of confidential information is not a basis for relevant information to be excluded from the record. While Milton Hydro is free to file the Summary PwC Report to the record, it should not be allowed to withdraw the Original PwC Report.

Contrary to Milton Hydro's suggestion, if anything, the request to withdraw the Original PwC Report will hamper an efficient review of the application and may lead to unfairness. Even if the OEB grants the request, SEC, and potentially other parties, are almost certainly going to request through the interrogatory process a copy of the Original PwC Report since it contains relevant information related to the application. Confidentiality is not a basis under the OEB's Rules for not providing full and adequate response to an interrogatory. If parties must wait for the interrogatory responses to review the Original PwC Report, they are disadvantaged as they will not have the opportunity to ask questions about it, and this may impact the ability for a timely resolution of the application.

SEC submits the OEB should reject Milton Hydro's request to withdraw the Original PwC Report.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Ted Doherty, SEC (by email)
Applicant and intervenors (by email)

³ See Exhibit 2, Attachment 2-2 DSP, Appendix A, Project GP-3