



**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**

**DECISION ON CONFIDENTIALITY – 2021-2027 INTEGRATED BUSINESS PLAN  
AND INTERROGATORY RESPONSES**

**June 14, 2022**

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.

**2021-2027 Integrated Business Plan**

Pursuant to Procedural Order No. 1, Hydro One provided responses to interrogatories filed by intervenors and OEB staff. By letter dated November 30, 2021, Hydro One requested, among other things, the permanent redaction of certain portions of its 2021-2027 Integrated Business Plan included as Attachment 1 to A-CCC-001.

Hydro One stated that permanent redaction of certain portions of the 2021-2027 Integrated Business Plan is required as the information is: (i) forward looking financial information that relates to Hydro One Limited<sup>1</sup> 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. Hydro One submitted that information regarding its non-rate regulated affiliates and non-rate regulated business activities is not relevant and will not assist the OEB in deciding the issues in this proceeding.

In its Decision on Confidentiality Requests and Procedural Order No. 5, dated April 14, 2022, the OEB provided for intervenor and OEB staff submissions on the permanent redactions proposed in the 2021-2027 Integrated Business Plan, and for a reply from Hydro One. The submissions were to address two questions:

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<sup>1</sup> Hydro One's parent company.

1. Is some or all of the redacted information relevant to this proceeding, and if so, which information and why?
2. If some of the information is relevant to this proceeding, should this information be confidential and why?

The School Energy Coalition (SEC)<sup>2</sup> and OEB staff filed submissions, and Hydro One filed a reply submission. The section below deals with confidentiality issues associated with SEC's submissions, and following that, the OEB summarizes the positions of OEB staff and SEC on the requested redactions, and provides its findings on the Hydro One request.

### SEC's Submissions

SEC's May 9 and May 24, 2022 submissions were filed on a confidential basis because, according to SEC, they "reference information in the underlying document, which the OEB has ordered to be treated as confidential". SEC requested Hydro One's view of what aspects require redactions before their submissions are put on the public record. On June 9, 2022, Hydro One responded to SEC's request identifying two items in SEC's submissions that Hydro One believed should be treated as confidential. On June 13, 2022, SEC filed a redacted version of its submission on the public record, reflecting the confidential treatment of the two items identified by Hydro One. The OEB has not referred to those items in this Decision.

### ***OEB Question 1: Is some or all of the redacted information relevant to this proceeding, and if so, which information and why?***

#### Page 3 Redaction:

Hydro One requested a redaction for non-relevance on page 3 as the information pertains to Hydro One Limited's earnings per share. OEB staff did not object to the redaction on this page, whereas SEC did.

SEC submitted that the information should be considered relevant as Hydro One holds a significant position within the Hydro One Limited group of companies. SEC noted that the Transmission and Distribution businesses of Hydro One, which are at issue in this proceeding, comprise an overwhelming majority of the revenue, assets, and costs of

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<sup>2</sup> By letter dated May 24, 2022, SEC re-filed its submission. The re-filing revised incorrect page number references in SEC's original submission.

Hydro One Limited. As such, Hydro One should not be permitted to avoid scrutiny by simply combining relevant Hydro One financial data with a small amount of other data.<sup>3</sup>

Hydro One disagreed with SEC's submission. Instead, Hydro One argued that the information is not relevant as it relates to Hydro One Limited and is inherently based on consolidated information from Hydro One Limited and its regulated and non-regulated affiliates. Further, Hydro One stated that the relative sizes of the businesses that are / are not the subject of this application is not an appropriate consideration for determining relevance, and that the consolidated information will not assist the OEB in deciding matters at issue in this proceeding.<sup>4</sup>

#### Page 5 Redactions:

Hydro One stated that the redacted information on page 5 is not relevant to this proceeding as it relates to business plan assumptions regarding Hydro One Limited's earnings per share, growth and dividend policy.

SEC provided submissions on the redactions by noting that it is not opposed to the permanent redaction of information related only to non-rate regulated businesses and activities. However, the limited exception is where general information about such businesses and activities references the provision of services to Hydro One. For the same reasoning as that provided in its submission for the redaction on page 3, SEC also stated that aggregated information should be considered relevant.<sup>5</sup> OEB staff did not object to the redactions on page 5.

In its reply, Hydro One maintained its reasoning as that provided for its redaction on page 3. Hydro One submitted that consolidated information for Hydro One Limited, which reflects the regulated activities of Hydro One together with non-regulated activities and regulated activities of affiliates other than the one that is the subject of this proceeding, is not relevant and will not assist the OEB in deciding the issues in this proceeding.<sup>6</sup>

#### Page 6 Redactions:

Hydro One requested the entirety of page 6 be redacted as it consists of key financial highlights for Hydro One Limited and, therefore, is not relevant to this proceeding. OEB staff did not object to this request whereas SEC did.

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<sup>3</sup> SEC Submission / May 24, 2022 / pp. 2-3.

<sup>4</sup> Hydro One Reply Submission / May 24, 2022 / p. 3.

<sup>5</sup> SEC Submission / May 24, 2022 / p. 2.

<sup>6</sup> Hydro One Reply Submission / May 24, 2022 / p. 3.

SEC submitted that as some of the information relates directly to Hydro One's Transmission and Distribution businesses, and that there is also aggregated information, it is relevant.<sup>7</sup>

Hydro One disagreed and maintained its position that consolidated information for Hydro One Limited is not relevant and will not assist the OEB in deciding the issues in this proceeding. However, although Hydro One disagreed with the submissions of SEC, it clarified in its reply that, after further consideration, it determined that certain information on page 6 can be placed on the public record. Hydro One stated that the portion of the page under the 'Regulatory' heading is relevant and noted that comparable information is also located at Exhibit A / Tab 3 / Schedule 1 / Attachment 1 / pp. 11 and 12.<sup>8</sup>

#### Pages 7 and 8 Redactions:

Hydro One requested the redaction of pages 7 and 8 for non-relevance in their entirety as the information pertains to key financial outlook and financial growth metrics for Hydro One Limited.

OEB staff did not object to the redactions. SEC objected to the redactions on the grounds that the information is aggregated and, therefore, relevant to the proceeding. SEC noted that the aggregated financial information is relevant as it shows what metrics and targets Hydro One's management and Board of Directors review and consider significant enough to be included in the 2021-2027 Integrated Business Plan. Further, SEC submitted that this directly impacts the issues in this application as Hydro One is such a substantial portion of Hydro One Limited.<sup>9</sup>

Hydro One submitted that the information is not relevant for the same reasoning as that provided for the redaction on page 3 of the business plan.<sup>10</sup>

#### Page 9 Redactions:

As the information on page 9 pertains to the earnings per share of Hydro One Limited, Hydro One requested that the page be redacted in its entirety for non-relevance.

OEB staff did not object to the proposed redaction while SEC argued that the information is relevant as it contains information directly related to Hydro One's

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<sup>7</sup> SEC Submission / May 24, 2022 / pp. 1 and 2.

<sup>8</sup> Hydro One Reply Submission / May 24, 2022 / pp. 3-4.

<sup>9</sup> SEC Submission / May 24, 2022 / p. 2.

<sup>10</sup> Hydro One Reply Submission / May 24, 2022 / p. 4.

Transmission and Distribution businesses, referencing the provision of services to Hydro One, and aggregated information.<sup>11</sup>

In its reply, Hydro One submitted that the information is not relevant for the same reasoning as that provided for the redaction on page 3 of the business plan.<sup>12</sup>

Page 10 Redactions:

Hydro One requested redactions for non-relevance on page 10. Both OEB staff and SEC objected to the redactions. OEB staff and SEC argued that as Hydro One issues debt to Hydro One Inc., to reflect debt issued by Hydro One Inc. to third party public debt investors, and the debt rate pertains to the application's rate period, that such information is relevant.<sup>13</sup>

Hydro One disagreed and stated that redacted information in the boxes regarding Hydro One Limited debt ratings and financing assumptions is not relevant as it pertains to Hydro One Limited or Hydro One Inc. For information in the redacted boxes regarding debt outlook and funds from operations / debt metrics, Hydro One submitted that it is not relevant for the same reasoning provided for the redaction on page 3 – it reflects consolidated information for Hydro One Limited and Hydro One Inc.<sup>14</sup> According to Hydro One, such information will not assist the OEB in deciding on issues in this proceeding.

Hydro One also submitted that it has already provided sufficient comparable information on the record that will enable the OEB to consider its proposals in the application with respect to its cost of debt. Hydro One noted that debt outlooks specific to its Transmission and Distribution businesses are provided at Exhibit F / Tab 1 / Schedule 2 and Exhibit F / Tab 1 / Schedule 4, respectively. Further, Hydro One argued that only the outlooks for 2023 are relevant as the cost of debt is established based on 2023 amounts and noted that it had provided all rating agency reports at Exhibit A / Tab 6 / Schedule 3.<sup>15</sup>

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<sup>11</sup> SEC Submission / May 24, 2022 / pp. 1 and 2.

<sup>12</sup> Hydro One Reply Submission / May 24, 2022 / p. 4.

<sup>13</sup> OEB Staff Submission / May 9, 2022 / p. 4 and SEC Submission / May 24, 2022 / p. 2.

<sup>14</sup> Hydro One Reply Submission / May 24, 2022 / p. 4.

<sup>15</sup> Hydro One Reply Submission / May 24, 2022 / pp. 4-5.

Page 11 Redactions:

Hydro One requested two redactions, due to non-relevance, on page 11 – identified by separate large and small redaction boxes. OEB staff did not object, while SEC did.

SEC argued that the information is relevant as it contains information directly related to Hydro One's Transmission and Distribution businesses and aggregated information.<sup>16</sup>

In its reply, Hydro One addressed the submissions of SEC and revised its position on certain information on page 11 being relevant / not relevant to the proceeding.

Hydro One stated that it had determined the first four rows of information for the large redacted box to be relevant. Hydro One submitted that such information can be placed on the record, subject to confidential treatment, as the rows contain non-public, forward-looking financial information. For the last two rows of the large redacted box, Hydro One submitted that they can also be placed on the public record.

For the small redacted box, located in the footnote on page 11, Hydro One stated that it contains information related to earnings per share, which is inherently at the Hydro One Limited level on a consolidated basis. For the same reasoning as the redaction on page 3, Hydro One submitted that the information in the small redacted box is not relevant and will not assist the OEB in deciding the issues in this proceeding.<sup>17</sup>

Page 12 Redactions:

Hydro One requested that page 12 be redacted in its entirety for non-relevance as the information at issue is comprised of a Monte Carlo simulation analysis of net income. OEB staff did not object to the proposed redaction, while SEC did.

SEC argued that the information is relevant as it contains information directly related to Hydro One's Transmission and Distribution businesses and aggregated information.<sup>18</sup>

In its reply, Hydro One submitted that, upon further consideration, it determined the information in the top half of page 12 to be relevant. Hydro One stated that the information in the top half of page 12 can be placed on the record, subject to confidential treatment as it contains non-public, forward-looking financial information. However, for the same reasoning as that provided for the redaction on page 3, Hydro

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<sup>16</sup> SEC Submission / May 24, 2022 / pp. 1 and 2.

<sup>17</sup> Hydro One Reply Submission / May 24, 2022 / p. 5.

<sup>18</sup> SEC Submission / May 24, 2022 / pp. 1 and 2.

One submitted that the bottom half of page 12 was not relevant as it consists of consolidated information for Hydro One Limited and will not assist the OEB in deciding the issues in this proceeding.<sup>19</sup>

Pages 27 and 30 Redactions:

Hydro One requested the redaction, due to non-relevance, of forward-looking OM&A cost projections for the Transmission and Distribution businesses detailed on pages 27 and 30 – identified by two redacted boxes on each page. Both OEB staff and SEC submitted that such information is relevant.

OEB staff argued that such information is relevant as it can be informative to the OEB and parties by providing insights into Hydro One's transmission and distribution OM&A cost trajectories, and potentially provide context on the prioritization of Hydro One's OM&A work program categories during the rate period.<sup>20</sup> Similarly, SEC submitted that the information is relevant and shows forecast costs that Hydro One will incur for its Transmission and Distribution businesses during the term of the proposed rate framework.<sup>21</sup>

In its reply, Hydro One revised its position. Hydro One stated that it had determined the information in each of the redacted boxes on pages 27 and 30 to be relevant and, thus, able to be placed on the record of the proceeding. However, the information would need to be afforded confidential treatment as it is non-public, forward-looking financial information.<sup>22</sup>

Page 35 Redactions:

Hydro One requested that page 35 be redacted in its entirety for non-relevance. Both OEB staff and SEC objected to this request by submitting that the redacted information is relevant.

OEB staff argued that all the information on page 35 is relevant as it relates to the growth of Hydro One's regulated Transmission and Distribution businesses over the application's rate period. Further, OEB staff noted that future plans and assumptions pertaining to the growth of regulated entities is relevant as they can provide context on future increases in Hydro One's revenue requirement, debt financing, and net income.<sup>23</sup>

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<sup>19</sup> Hydro One Reply Submission / May 24, 2022 / p. 5.

<sup>20</sup> OEB Staff Submission / May 9, 2022 / p. 4.

<sup>21</sup> SEC Submission / May 24, 2022 / p. 1.

<sup>22</sup> Hydro One Reply Submission / May 24, 2022 / p. 5.

<sup>23</sup> OEB Staff Submission / May 9, 2022 / pp. 4-5.

In arguing for the relevance of the information, SEC stated that it did not understand the basis for Hydro One's permanent redaction of this type of information. SEC noted that such activities are rate regulated by the OEB, and that they are relevant to understanding, within Hydro One's Transmission and Distribution businesses, the allocation of capital and OM&A costs as they relate to the components of the business segments at issue in this proceeding. SEC also noted that the other business segments are either integrated within Hydro One's business directly, or indirectly through a service agreement. As a result, there is no reason that information regarding other OEB rate regulated entities should be permanently redacted.<sup>24</sup>

Hydro One disagreed with OEB staff and SEC, stating that, while the heading of page 35 indicates that it relates to regulated growth, it is concerned only with regulated growth in relation to Hydro One Limited affiliates or parts of their businesses that are outside the scope of the application. As a result, Hydro One submitted that there is nothing on the page that will be of any assistance to the OEB in deciding matters in this proceeding and that the page is, therefore, not relevant.<sup>25</sup>

#### Page 36 Redactions:

Hydro One requested that page 36 be redacted in its entirety for non-relevance. OEB staff did not object to Hydro One's request, but SEC did due to certain bullets referencing the provision of services to Hydro One.

SEC submitted that it does not oppose the permanent redaction of information related only to non-rate regulated businesses and activities, as it is not relevant to the issues in this proceeding. However, the limited exception to such treatment is general information about non-rate regulated businesses and activities if it is referencing the provision of services to Hydro One. In making its submission, SEC directed parties to "see certain bullets on page 36".<sup>26</sup>

Hydro One disagreed with SEC's submission and stated that SEC did not identify the bullets on page 36 that it believes to fall within the limited exception. Hydro One also argued that the information is not relevant as it is focused on non-regulated affiliates in relation to Hydro One Limited.<sup>27</sup>

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<sup>24</sup> SEC Submission / May 24, 2022 / p. 1.

<sup>25</sup> Hydro One Reply Submission / May 24, 2022 / p. 6.

<sup>26</sup> SEC Submission / May 24, 2022 / p. 2.

<sup>27</sup> Hydro One Reply Submission / May 24, 2022 / p. 6.



Page 44 Redactions:

Hydro One requested that page 44 be redacted in its entirety for non-relevance. OEB staff did not object to the proposed redaction. SEC, however, submitted that the information on the page is relevant as it is aggregated information.

SEC noted that the aggregated financial information is relevant as it shows what metrics and targets Hydro One's management and Board of Directors review and consider significant enough to be included in the 2021-2027 Integrated Business Plan. Further, SEC submitted that this directly impacts the issues in this application as Hydro One is such a substantial portion of Hydro One Limited.<sup>28</sup>

In its reply, Hydro One stated that the page consists of consolidated information for Hydro One Limited. As such, Hydro One submitted that, for the reasons provided for the redaction on page 3, the information is not relevant and will not assist the OEB in deciding matters at issue in this proceeding.<sup>29</sup>

Page 45 Redactions:

Hydro One requested that page 45 be redacted in its entirety for non-relevance as it includes net income information for Hydro One Limited affiliates. Both OEB staff and SEC objected to Hydro One's request.

OEB staff submitted that values reported under the heading 'Other Segments' is not relevant to the proceeding as it pertains to unregulated businesses. However, information contained under the headings of 'Distribution Segments' and 'Transmission Segments' is relevant as those businesses are rate regulated and the subject of this proceeding.

OEB staff further submitted that information related to the net income, OM&A and capital expenditures, as well as in-service additions of Hydro One's subsidiaries, is relevant to this proceeding as they will be receiving services that are funded by corporate and centralized operating costs. In addition, OEB staff noted that in its application, Hydro One is proposing to integrate the acquired utilities of Haldimand, Norfolk and Woodstock, for rate making purposes, thus emphasizing the relevance of information related to such subsidiaries.<sup>30</sup>

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<sup>28</sup> SEC Submission / May 24, 2022 / p. 2.

<sup>29</sup> Hydro One Reply Submission / May 24, 2022 / p. 6.

<sup>30</sup> OEB Staff Submission / May 9, 2022 / p. 5.

SEC submitted that the information is relevant to this proceeding as it pertains to aggregated information. SEC further argued that the information is relevant as it shows net income related to the previously acquired utilities of Haldimand, Norfolk and Woodstock that have, presumably, not been disclosed in other parts of the application.<sup>31</sup>

Hydro One agreed, through its reply, that information on page 45 relating to Haldimand, Norfolk and Woodstock is relevant and can be placed on the record of the proceeding, if treated confidentially as it contains non-public, forward-looking financial information. However, Hydro One submitted that the remaining information on the page is not relevant as it is information about the net incomes of affiliated businesses and will not assist the OEB in deciding matters in this proceeding. Hydro One further submitted that the mere fact that an affiliate is separately regulated by the OEB does not make that affiliate's net income information relevant to the proceeding and stated that it has filed comprehensive evidence regarding its approach to common corporate cost allocation in its application at Exhibit E / Tab 4 / Schedule 8 (including Attachment 1 thereto).<sup>32</sup>

#### Page 52 Redactions:

Hydro One requested two redactions on page 52 for non-relevance. OEB staff did not object, whereas SEC did.

As with other proposed redactions, SEC submitted that the information is relevant as it pertains to regulated affiliates of Hydro One. SEC also noted that it does not oppose the permanent redaction of information related only to non-rate regulated businesses and activities, as it is not relevant to the issues in this proceeding. However, the limited exception to such treatment is general information about non-rate regulated businesses and activities if it is referencing the provision of services to Hydro One.<sup>33</sup>

In its reply, Hydro One clarified that the information on page 52 consists of consolidated information for Hydro One Limited. As a result, Hydro One stated that, for the same reasons as the redaction on page 3, the information is not relevant to this proceeding. Hydro One acknowledged that a part of the redacted figure on page 52 relates to the acquired utilities of Haldimand, Norfolk and Woodstock, however, Hydro One submitted that that part cannot be separated from the rest of the figure. Hydro One noted that information relating to the capital plans of Haldimand, Norfolk and Woodstock has been provided in the Distribution System Plan, Section 3.9, Attachment 3 (for capital up to

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<sup>31</sup> SEC Submission / May 24, 2022 / pp. 1 and 2.

<sup>32</sup> Hydro One Reply Submission / May 24, 2022 / pp. 6-7.

<sup>33</sup> SEC Submission / May 24, 2022 / pp. 1 and 2.

2022), while for the 2023 period onward, it has been integrated into the overall capital plan.<sup>34</sup>

***OEB Question 2: If some of the information is relevant to this proceeding, should this information be confidential and why?***

In their submissions addressing the relevance of the redacted information in the 2021-2027 Integrated Business Plan, SEC and OEB staff both addressed how such information should be treated.

SEC noted that a “significant portion” of the information relates to non-public, forward-looking financial information, which the *Practice Direction on Confidential Filings* (Practice Direction) categorizes as presumptively confidential.<sup>35</sup> OEB staff also referenced the Practice Direction considering such information to be presumptively confidential, and submitted that information in the 2021-2027 Integrated Business Plan, that it views as being relevant, should be afforded confidential treatment as it is non-public, forward-looking financial information.<sup>36</sup>

SEC and OEB staff also provided submissions on how certain redacted information contained in the 2021-2027 Integrated Business Plan should be made public. SEC noted that Hydro One Limited’s most recent Annual Report included forecast capital expenditures across all subsidiaries through 2027. SEC argued that such information is similar to the capital expenditure information contained on page 6 of the 2021-2027 Integrated Business Plan and, therefore, is no longer non-public, forward-looking financial information that requires confidential treatment.<sup>37</sup> Similarly, OEB staff submitted that in the instance any of the redacted information was made public by Hydro One – such as disclosed publicly in financial reporting to other bodies – it should then be placed on the public record of this proceeding.<sup>38</sup>

Hydro One did not directly address these submissions in its reply. However, Hydro One stated that to the extent the OEB determines that the information from the 2021-2027 Integrated Business Plan is relevant, notwithstanding Hydro One’s assertions of non-relevance, as modified in its submissions, the OEB should afford confidential treatment on the basis that it is non-public, forward-looking financial information. Hydro One also

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<sup>34</sup> Hydro One Reply Submission / May 24, 2022 / p. 7.

<sup>35</sup> SEC Submission / May 24, 2022 / p. 3.

<sup>36</sup> OEB Staff Submission / May 9, 2022 / pp. 5-6.

<sup>37</sup> SEC Submission / May 24, 2022 / p. 3.

<sup>38</sup> OEB Staff Submission / May 9, 2022 / p. 6.

noted that as Hydro One Limited is a publicly traded company, it has obligations under securities laws to protect such information from public disclosure.<sup>39</sup>

## Findings

The redacted information in Hydro One's 2021-2027 Integrated Business Plan can be classified into three categories:

- **Category A: Relevant – Not Confidential**  
This information shall not be redacted and shall be placed on the public record of this proceeding
- **Category B: Relevant – Confidential**  
This information shall remain redacted and shall be made available to parties that sign the OEB's Declaration and Undertaking regarding confidentiality
- **Category C: Not relevant**  
This information shall remain redacted and shall not be provided to any party – even those that sign the OEB's Declaration and Undertaking

Hydro One's argument regarding items that should be treated as Category C was primarily two-fold: those items pertained to non-rate regulated activities and affiliates (e.g., Hydro One Limited), and the information will not assist the OEB in making its decision in this proceeding. The OEB finds that such consolidated information is almost entirely derived from the regulated entities which are the subject of this application. Therefore, the OEB finds that this information is relevant but shall be afforded confidential treatment (i.e., Category B). The degree to which this information will be helpful to the OEB will be reflected in the weight that the OEB would give to such information as part of the hearing.

Based on the above general finding, the OEB finds that all the redacted information in the 2021-2027 Integrated Business Plan, with one exception, falls under Category B (relevant – confidential). The last two rows of the large box on page 11 do not disclose any confidential information and shall be placed on the public record.

## May 18, 2022 Confidentiality Request Letter

Pursuant to the Decision on Confidentiality Requests and Procedural Order No. 5, Hydro One provided responses to interrogatories filed by intervenors and OEB staff on

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<sup>39</sup> Hydro One Reply Submission / May 24, 2022 / p. 7.

the application update. By letter dated May 18, 2022, Hydro One requested confidential treatment of certain information, and claimed non-relevance over portions of one document, contained in its interrogatory responses.

The interrogatory responses and documents provided as attachments to interrogatory responses, for which confidential treatment and non-relevance were requested, are categorized below based on their nature.

1. *Information Not Relevant to the Proceeding*

Hydro One submitted that certain portions of the document included as Attachment 2 to O-SEC-242 (Appendix B) are not relevant to the proceeding. Hydro One stated that such portions are not relevant as they contain forward-looking financial information of Hydro One Limited. Specifically, an analysis of the financial impacts of inflation on Hydro One Limited's earnings per share forecast, on a consolidated basis, over the application's rate period.

The information, as characterized by Hydro One, is non-public and forward-looking financial information of a publicly traded and non-rate regulated entity. Further, it includes financial information related to Hydro One's non-rate regulated affiliates and other rate-regulated affiliates that are not the subject of this application. Hydro One submitted that financial information regarding its non-rate regulated affiliates and non-rate regulated business activities, as well as other rate-regulated affiliates that are not the subject of this application, is not relevant and will not assist the OEB in deciding the matters at issue in this application.

Hydro One requested that, in the event the OEB were to determine the information to be relevant, such information be treated confidentially as it is non-public, forward-looking financial information of Hydro One Limited. Disclosure of such information, as noted by Hydro One, could give rise to liability under Ontario securities law.

## **Findings**

Similar to the OEB's findings for Hydro One's 2021-2027 Integrated Business Plan, the OEB finds that consolidated information for Hydro One Limited is almost entirely derived from the regulated entities which are the subject of this application and is therefore relevant. However, since this information contains non-public, forward-looking financial information, the OEB finds that the redacted information in Appendix B shall be afforded confidential treatment and shall only be provided to parties that sign the OEB's Declaration and Undertaking.

## 2. Commercial and Proprietary Information of Third Parties

Hydro One requested the redaction, in their entirety, of the third-party reports included as Attachments 8-10 to O-SEC-244. Hydro One submitted that such treatment was required due to the proprietary nature of the information, and that each third party confirmed their respective reports could only be filed by Hydro One on a confidential basis. Further, Hydro One indicated that it is provided the reports under paid subscriptions and that such reports are treated in confidence by the respective third parties and Hydro One. Hydro One also submitted that the information contained in the reports is of considerable commercial value to the third parties due to the underlying historical data that has been processed and calculated. Disclosure of such information, as stated by Hydro One, could prejudice the third parties' economic interests and competitive positions, and provide an unfair advantage to their competitors.

## **Findings**

The OEB finds that the three subject reports (Surveys of International Economics Forecasts, University of Toronto OEA Tables, and Centre for Spatial Economics' Ontario: Key Indicators – March 2022 Ontario Regional Forecast) contain proprietary and commercially sensitive information, the disclosure of which could prejudice the consultants' economic interests and competitive position. These reports are deemed to be confidential in their entirety and shall only be provided to parties that sign the OEB's Declaration and Undertaking.

## 3. Labour Relations and Collective Bargaining Information

Hydro One requested that certain portions of its response to O-Staff-381 be redacted. Hydro One submitted that the redacted information contains sensitive labour and collective bargaining information that describes elements of its labour relations strategy / approach, and potential outcomes or factors that may affect outcomes, in respect of upcoming rounds of collective bargaining. Hydro One submitted that the disclosure of such information would prejudice its position in upcoming rounds of collective bargaining with the Power Workers' Union (PWU), the Society of United Professionals (Society), and any other unions with which it negotiates as it could be used against Hydro One in negotiations and influence bargaining outcomes.

Hydro One requested the same treatment for accessing the redacted information in O-Staff-381 as that established in the OEB's October 2021<sup>40</sup> and April 2022<sup>41</sup> decisions for accessing redacted labour-related information. Such treatment would only allow access to the confidential portions of O-Staff-381 to be provided to individuals who execute and file the OEB's Declaration and Undertaking. However, in respect of the PWU, Society, and any other unions, access would only be provided to external counsel and / or external consultant(s) representing the unions if they have executed and filed: (i) the 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 redacted labour relations information is confidential as it contains specific labour relations strategy and objectives associated with Hydro One's upcoming negotiations with the unions. The OEB agrees that the disclosure of such information could prejudice Hydro One's position in these negotiations. Access to this information will be provided on the same basis as determined for previous similar requests in this proceeding<sup>42</sup>. In the hearing, questions on labour relations information may only be raised in camera and all submissions relating to this information shall be filed separately on a confidential basis.

## THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Hydro One shall file forthwith a revised version of the 2021-2027 Integrated Business Plan in accordance with the findings above. Hydro One shall provide individuals that have signed and filed a Declaration and Undertaking with the non-redacted, confidential version of the 2021-2027 Integrated Business Plan for which confidential treatment has been granted, in accordance with the findings above.
2. Hydro One's request for the confidential treatment of the information contained in Attachment 2 to O-SEC-242, Attachments 8-10 to O-SEC-244, and O-Staff-381, as set out in its May 18, 2022 letter, is granted. Consistent with previous decisions, the redacted information in O-Staff-381 shall only be provided to

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<sup>40</sup> Decision on Blue Page Update, Confidentiality Request and Reply on Expert Evidence and Procedural Order No. 2 / October 25, 2021 / pp. 6-10.

<sup>41</sup> Decision on Confidentiality Requests and Procedural Order No. 5 / April 14, 2022 / pp. 17-19.

<sup>42</sup> Confidentiality decisions issued on October 25, 2021 (pp. 9 and 10); December 10, 2021 (p. 3); April 14, 2022 (pp. 18 and 19).

individuals that have signed and filed a Declaration and Undertaking. However, in respect of the PWU, Society, and any other unions, only external counsel and external consultants shall be permitted to have access to labour-related information, and only where they have signed and filed: (i) a Declaration and Undertaking; and (ii) an affidavit confirming that they are at arm's 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.

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-2021-0110** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone 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 the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Managers, Martin Davies at



[Martin.Davies@oeb.ca](mailto:Martin.Davies@oeb.ca) and Tracy Garner at [Tracy.Garner@oeb.ca](mailto:Tracy.Garner@oeb.ca) and OEB Counsel,  
James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, June 14, 2022

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar