

August 31, 2022

**RESS & EMAIL**

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


Attention: Ms. Nancy Marconi, Registrar

Dear Ms. Marconi:

**Re: Wataynikaneyap Power LP - Application for Approval of 2023 Electricity Transmission Rates (EB-2022-0149) – Reply Submissions on Confidentiality**

We are legal counsel to Wataynikaneyap Power LP (“WPLP”), which is the Applicant in the above-referenced proceeding. In accordance with Procedural Order No. 1 dated August 18, 2022, please find attached WPLP’s responding submissions on confidentiality.

Yours truly,

  
Jonathan Myers

cc: Ms. Margaret Kenequanash, WPLP  
Mr. Duane Fecteau, WPLP  
Mr. Charles Keizer, Torys LLP  
All Parties

**ONTARIO ENERGY BOARD**

**EB-2022-0149**

**Wataynikaneyap Power LP**

**Application for 2023 Electricity Transmission Rates**

**RESPONDING SUBMISSIONS  
OF WATAYNIKANEYAP POWER LP  
ON CONFIDENTIALITY**

**August 31, 2022**

## **A. Introduction**

Wataynikaneyap Power LP (WPLP) filed an application with the Ontario Energy Board (OEB) on July 6, 2022 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval of an electricity transmission revenue requirement in respect of a single test year, commencing January 1, 2023. By separate letter filed concurrently with the application on July 6, 2022, WPLP requested confidential treatment for certain information in Exhibit F-3-1, Appendix A - Korn Ferry Compensation Benchmarking Report (Report). OEB staff filed submissions on confidentiality on August 24, 2022. No other parties filed submissions on confidentiality. The following are WPLP's responding submissions on this issue.

## **B. Background**

WPLP's requests for confidential treatment relate to two types of information from the Report.

First, WPLP requested confidential treatment for the tables on pages 6 and 7 of the Report, which contain information regarding WPLP's average base salaries, average total cash compensation by job level relative to market median and related compensation cost analysis. WPLP explained that, because of the small numbers of employees in each job level group, aggregation of the information does not provide a sufficient degree of anonymity to protect employees and, moreover, that specific information about compensation levels would be revealed to other utilities and utility services companies, the use of which could adversely impact WPLP's employee hiring and retention plans. OEB staff did not object to this request.

Second, WPLP requested confidential treatment for the list of comparator organizations used for benchmarking purposes (the Peer Group) as set out on page 8 of the Report. WPLP explained that it was advised by Korn Ferry that the identity of the Peer Group companies, whose information is included in the Korn Ferry database it used to perform the benchmarking, is commercially sensitive and proprietary to the consultant. As such, public disclosure of the identities of the Peer Group members could undermine Korn Ferry's confidentiality obligations to the Peer Group members and impact its ability to maintain the quality and scope of information in its database by deterring utility companies from sharing their data with Korn Ferry, thereby prejudicing Korn Ferry's economic interests and competitive position. OEB staff objected to this request for two reasons:

- Regarding the identity of the Peer Group being proprietary to Korn Ferry, the Practice Direction states that a confidentiality agreement between an applicant and a third party does not automatically result in confidential treatment for the information covered by the agreement, and
- In certain other proceedings, either the applicant did not request confidential treatment, or the OEB denied requests for confidential treatment, of the lists of comparators used for compensation benchmarking, and WPLP has not indicated why a different treatment is warranted for the Report.

**C. Responding Submissions**

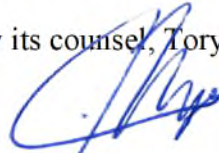
No parties have objected to WPLP's request for confidential treatment of the tables on pages 6 and 7 of the Report. WPLP therefore reiterates its request for confidential treatment for these tables for the reasons set out in its July 6 request.

Regarding confidential treatment for the Peer Group list, WPLP notes that upon receipt of the OEB staff submissions it followed up with Korn Ferry and, after further consideration, Korn Ferry has consented to WPLP filing the Peer Group list on the public record. Accordingly, WPLP withdraws its request for confidential treatment of the Peer Group list on page 8 of the Report. WPLP notes that the withdrawal of this request should not be construed as its acceptance of, or agreement with, OEB staff's submissions. Upon receipt of the OEB's decision on confidentiality, WPLP will file an updated copy of the Report on the public record.

All of which is respectfully submitted this 31<sup>st</sup> day of August, 2022.

**WATAYNIKANEYAP POWER GP INC**  
**on behalf of WATAYNIKANEYAP POWER LP**

By its counsel, Torys LLP



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Jonathan Myers