

October 7, 2022

RESS & EMAIL

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

Attention: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2022-0149: Wataynikaneyap Power LP (“WPLP”) – Application for Approval of 2023 Electricity Transmission Rates – Request for Confidential Treatment of Information in Interrogatory Responses

We are legal counsel to WPLP, the applicant in the above-referenced proceeding. WPLP filed its interrogatory responses on October 6, 2022. Pursuant to the OEB’s *Practice Direction on Confidential Filings* (the “Practice Direction”), WPLP hereby requests the confidential treatment of certain information contained in its interrogatory responses. In particular, the requests relate to 9 interrogatory responses.

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

1. HONI-11

In response to HONI-11(a), WPLP provides as Attachment 1 a copy of the latest quarterly report from its Owner’s Engineer, Hatch (the “Hatch Quarterly Report”). As described in Exhibit B-1-4 at p. 11, Hatch’s quarterly reports summarize content from Valard’s reporting requirements, emerging issues and outstanding requests for information, and incorporate additional analysis from Hatch related to progress vs. plan and key project risks. Notwithstanding that the Hatch Quarterly Report is marked as “Confidential” and, as between WPLP and Hatch in its role as Owner’s Engineer, has at all times has been treated as confidential and intended to be treated as such,¹ WPLP has reviewed the document in the spirit of providing disclosure where appropriate. Based on its review, WPLP has determined that confidential treatment is only required for certain sections of the Hatch Quarterly Report, as summarized in the following table.

¹ The Hatch Quarterly Report is also shared on a confidential basis with lenders, administrative/collateral agents and the Independent Engineer pursuant to requirements under the Common Terms and Inter-Creditor Agreement (“CTIA”).

Non-Confidential Sections	Confidential Sections
1 – Introduction	3 – Key Outstanding Issues
2 – Key Achievements in this Period	6 – Quality
4 – About the Project	8 – Environmental and Permitting
5 – Safety	9.2 - Substations Electrical
7 – Supporting First Nations Engagement Efforts	11.1 – Field Observations
9 – Engineering (Except 9.2)	12 - Schedule
10 – Procurement	13 – Risk Management and QRA
11 – Construction and Commissioning (Except 11.1)	14 - Commercial
15 – Other Contracts and Agreements	Appendices (All except Q)
Appendix Q	

The information contained in the sections listed above, for which confidential treatment is requested, does not fit within any of the categories of presumptively confidential information as set out in Appendix B to the Practice Direction. However, WPLP's reasons for requesting confidential treatment of these sections are described with reference to several of the considerations as set out in Appendix A to the Practice Direction. These are summarized in the following table and further discussed below.

Confidential Section	Pages	Reasons/Potential Harms
3 – Key Outstanding Issues	7-10 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position • Disclosure of commercially sensitive information
6 – Quality	12-13 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position
8 – Environmental and Permitting	14-17 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position
9.2 - Substations Electrical	19-20 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position
11.1 – Field Observations	28-31 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position

12 - Schedule	38-40 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position
13 – Risk Management and QRA	40-43 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position
14 - Commercial	44-49 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position • Disclosure of commercially sensitive information
Appendices (A to P)	51-452 (of 492)	<ul style="list-style-type: none"> • Interference with ongoing/expected negotiations/dispute processes • Impeding/diminishing capacity to fulfill contractual obligations • Prejudicing a person's competitive position • Disclosure of commercially sensitive information

Interference with Ongoing/Expected Negotiations/Dispute Processes

Disclosure of the confidential sections of the report would result in potential harm to WPLP by interfering significantly with ongoing and/or anticipated negotiations and dispute resolution processes between WPLP and Valard pursuant to various matters under and in relation to the EPC Contract. Work under the EPC Contract remains ongoing. As noted in the application and in various interrogatory responses, there have been a range of contract change requests made by Valard which are currently under review or which are at different stages of resolution as between the parties. These relate to issues such as the impacts of COVID-19 on project costs and schedule, routing changes, impacts from access restrictions and impacts of forest fires. The Hatch Quarterly Report includes, in the confidential sections identified in the table above, information relating to matters that are the subject of ongoing or expected negotiations or dispute resolution processes as between the parties. This includes information compiled and developed by Hatch the purpose of which is to assist WPLP in considering, managing and resolving those issues as with Valard. Disclosure of such information on the public record has the potential to interfere significantly and adversely with those processes. Information relating to ongoing or expected negotiations or dispute resolution processes is contained in all of the sections for which confidential treatment is requested, as listed in the above table.

Impeding/Diminishing Capacity to Fulfill Contractual Obligations

Disclosure of the confidential sections of the report would result in potential harm by impeding or diminishing:

- the capacity of Valard to fulfill its existing obligations to WPLP under the EPC Contract by deterring Valard from providing fulsome, detailed and transparent reporting to WPLP in future reporting due to concerns about information contained therein becoming publicly available;
- the capacity of Hatch to fulfill its existing contractual obligations to WPLP as Owner's Engineer by deterring Hatch from providing fulsome, detailed and transparent reporting to WPLP in future quarterly reports due to concerns about its future reports becoming publicly available; and
- WPLP's ability to provide effective monitoring and oversight of its EPC contractor by deterring Valard and Hatch from providing fulsome, detailed and transparent reporting to WPLP which enables WPLP to perform effective monitoring and oversight.

The rationale listed above are interrelated. Common to each of these considerations is a real and material concern that a requirement to publicly disclose the information from the Hatch Quarterly Report, for which confidentiality is being requested, would put a chill on the forthcoming, detailed and transparent reporting of project information as between Valard as the EPC Contractor, Hatch as the Owner's Engineer and WPLP as the project owner, which information is vital to WPLP's ability to effectively monitor, administer and oversee performance under the EPC Contract, as well as to fairly and efficiently resolve disputes arising thereunder. A requirement to disclose such information on the public record would create an expectation that similar information could be placed on the public record in a future proceeding, which may impact the manner or extent to which information is reported in future. Potentially, this chilling effect could extend to parties in a similar position in other projects considered by the OEB in future. Deterring reporting and diminishing a project owner's ability to perform effective contractor oversight is contrary to the interests of utilities and ratepayers. This concern arises in relation to the information contained in all of the sections for which confidential treatment is requested, as listed in the above table.

Prejudicing a Person's Competitive Position

Disclosure of the confidential sections of the Hatch Quarterly Report could result in potential harm to the competitive positions of Valard and any of its subcontractors or other third parties referred to in the report by disclosing commercially sensitive information about those parties and their performance in relation to specific aspects of the project. The sections of the Hatch Quarterly Report for which WPLP seeks confidential treatment contain information regarding the performance of such third parties under the contract or otherwise in relation to the project. In WPLP's view, this information concerns the administration of the EPC Contract as between WPLP and Valard, and as between Valard and its subcontractors, and should not be placed on the public record where it could potentially give rise to reputational impacts or impacts on existing contractual relationships that those parties may have with other utility or non-utility project owners, or on their competitive positions in procurement processes for other projects in future. This concern arises in relation to the information contained in all of the sections for which confidential treatment is requested, as listed in the above table.

Disclosure of Commercially Sensitive Information

The Hatch Quarterly Report includes various other types of commercially sensitive information, such as regarding subcontractors to Valard, project schedule and risk analysis, project financial

information, project notices and information exchanged pursuant to the EPC Contract, ongoing procurement processes and other project details and technical information, the disclosure of which could adversely impact WPLP and other persons. For example, parts of the report, such as section 14 and Appendix A, include the identities of and business information and contractual information concerning the many subcontractors engaged by Valard. The report also includes commercially sensitive project schedule and risk analysis information, such as in sections 12 and 13 and Appendices K, L and M. Other types of sensitive information include project financial information, such as in Appendix N, as well as project notices and information exchanged pursuant to the terms of the EPC Contract, such as in Appendices F, G, H, I, O and P. Due to the length of the appendices to the Hatch Quarterly Report (which total approximately 450 pages), it is impractical to perform a line-by-line review to address every type of information contained in the Hatch Quarterly Report. However, based on WPLP's thoughtful review and out of caution given the significance of the risk that would result from disclosure, it is WPLP's view that all of the appendices with the exception of Appendix Q should be treated as confidential in their entirety.

An unredacted, confidential copy of the Hatch Quarterly Report, which has been marked "Confidential", is provided in **Appendix "A"** below.

2. HONI-13

In response to HONI-13(b), WPLP provides a table that contains a breakdown of costs relating to executed and pending change orders for the Remote Connection Lines (the "Change Orders Costs"). This information does not fit within any of the categories of presumptively confidential information as set out in Appendix B to the Practice Direction. However, WPLP is requesting confidential treatment for the Change Orders Costs presented in the table because disclosure would interfere with ongoing or expected negotiations or dispute resolution processes, which is among the considerations set out in Appendix A to the Practice Direction.

More particularly, public disclosure of the Change Orders Costs would result in potential harm by interfering significantly with ongoing and/or anticipated negotiations and dispute resolution processes between WPLP and Valard pursuant to various matters under and in relation to the EPC Contract. As discussed above, there has been a range of contract change requests made by Valard which are currently under review or which are at different stages of resolution as between the parties. These relate to issues associated with, for example, changes to routing and design requirements, impacts from the forest fires in 2021, and additional scope of work under the EPC Contract. Disclosure on the public record of WPLP's forecast costs associated with the pending Change Orders that are the subject of ongoing or expected negotiations or dispute resolution processes as between the parties has the potential to interfere significantly and adversely with those processes.

An unredacted, confidential copy of the table contained in the response to HONI-13(b), which has been marked "Confidential", is provided in **Appendix "B"** below.

3. OEB Staff-03

In response to OEB Staff-03(e), WPLP provides a table that identifies all pending change orders associated with routing changes, along with the relevant driver and the estimated cost impact (the "Pending Change Order Table"). WPLP requests confidential treatment of the cost impacts contained in the Pending Change Order Table. This information does not fit within any of the

categories of presumptively confidential information as set out in Appendix B to the Practice Direction. However, WPLP is requesting confidential treatment of this information because its disclosure would interfere with ongoing or expected negotiations or dispute resolution processes, which is among the considerations set out in Appendix A to the Practice Direction.

As discussed above, pending change orders regarding routing changes are currently under review or at different stages of resolution as between WPLP and its EPC Contractor. As a result, public disclosure of the cost impacts presented in the Pending Change Order Table would result in potential harm by interfering significantly with ongoing and/or anticipated negotiations and dispute resolution processes between the parties.

An unredacted, confidential copy of the Pending Change Order Table, which has been marked “Confidential”, is provided in **Appendix “C”** below.

4. OEB Staff-o8

In response to OEB Staff-o8(a), WPLP provides copies of the latest Quantitative Risk Analysis (QRA) reports prepared by its Owner’s Engineer, Hatch (the “Hatch QRA Reports”). The report in Attachment 1 covers Owner and EPC Costs. The report in Attachment 2 covers COVID-19 risks. The Hatch QRA Reports contain Hatch’s contingency analysis and assessment of the risk events associated with the contract change requests made by Valard which are currently under review or which are at different stages of resolution as between the parties. WPLP is requesting confidential treatment for certain information contained in the Hatch QRA Reports, consisting primarily of the forecast contingency amounts and probability and cost analysis.

In response to OEB Staff-o8(b), WPLP provides two tables that contain breakdowns of contingency amounts and their allocations to EPC risk categories, a Non-EPC risk category, and COVID-19 (these tables, together with the information redacted from the Hatch QRA Reports, are referred to herein as the “Contingency Amounts Information”).

The Contingency Amounts Information does not fit within any of the categories of presumptively confidential information as set out in Appendix B to the Practice Direction. However, WPLP is requesting confidential treatment for the Contingency Amounts Information because disclosure would interfere with ongoing or expected negotiations or dispute resolution processes, as well as impede or diminish the capacity of parties to fulfill contractual obligations, which are among the considerations set out in Appendix A to the Practice Direction. These requests are summarized in the following table and discussed below.

IRR/Attachment	Pages	Reasons/Potential Harms
Attachment 1 to part (a) of response	4, 6-11 (of 14)	<ul style="list-style-type: none">• Interference with ongoing/expected negotiations/dispute processes• Impeding/diminishing capacity to fulfill contractual obligations
Attachment 2 to part (a) of response	2 (of 4)	<ul style="list-style-type: none">• Interference with ongoing/expected negotiations/dispute processes• Impeding/diminishing capacity to fulfill contractual obligations
Tables in part (b) of response	1-2 (of 2)	<ul style="list-style-type: none">• Interference with ongoing/expected negotiations/dispute processes

Interference with Ongoing/Expected Negotiations/Dispute Processes

Disclosure of the Contingency Amounts Information would result in potential harm to WPLP by interfering significantly with ongoing and/or anticipated negotiations and dispute resolution processes between WPLP and Valard pursuant to various matters under and in relation to the EPC Contract. As discussed above, there has been a range of contract change requests made by Valard which are currently under review or which are at different stages of resolution as between the parties. Disclosure on the public record of WPLP's contingency amounts associated with pending Change Orders that are the subject of ongoing or expected negotiations or dispute resolution processes has the potential to interfere significantly and adversely with those processes, which could cause harm to the parties involved.

Impeding/Diminishing Capacity to Fulfill Contractual Obligations

Disclosure of the Hatch QRA Reports would result in potential harm by impeding or diminishing:

- the capacity of Hatch to fulfill its existing contractual obligations to WPLP as Owner's Engineer by deterring Hatch from providing fulsome, detailed and transparent reporting to WPLP in future quarterly reports due to concerns about its future reports becoming publicly available; and
- WPLP's ability to provide effective monitoring and oversight of its EPC contractor by deterring Hatch from providing fulsome, detailed and transparent reporting to WPLP which enables WPLP to perform effective monitoring and oversight.

Similar to the Hatch Quarterly Report, discussed in relation to HONI-11 above, disclosure of the Hatch QRA Reports on the public record may impede and/or diminish Hatch's ability as the Owner's Engineer to provide forthcoming, detailed and transparent reporting on risk analysis and contingency to WPLP. In particular, a requirement to publicly disclose the confidential pages of the Hatch QRA Reports would create an expectation that similar information could be placed on the public record in future proceedings, which may impact the manner or extent to which WPLP receives reporting on risk analysis and contingency in future. The Hatch QRA Reports are vital to WPLP's ability to effectively monitor, administer and oversee performance of Valard under the EPC Contract, as well as to fairly and efficiently resolve disputes arising thereunder. Deterring reporting and diminishing a project owner's ability to perform effective contractor oversight is contrary to the interests of utilities and ratepayers.

An unredacted, confidential copy of the response to OEB Staff-o8, including the two Hatch QRA Reports, is provided in **Appendices "D" to "F"**, respectively.

5. OEB Staff-12

In response to OEB Staff-12(a), WPLP provides a breakdown of the forecast increase in EPC costs compared to WPLP's 2022 rate application forecast. In OEB Staff-12(c), WPLP provides a table that compares EPC costs between the amended 2022 rate application and the current forecast for the 10 transmission line segments coming into service in 2023, along with the applicable variance. In OEB Staff-12(e), WPLP provides a table that provides the same type of information but in relation to the 5 stations coming into service in 2023. These increases are associated with executed and pending Change Orders under the EPC Contract in connection

with transmission line and station facilities (the “Change Order Costs”). Furthermore, in response to OEB Staff-12(b) and (d), WPLP provides, as Attachments 1 and 2, copies of reports prepared by its Owner’s Engineer, Hatch, that contain analysis and assessments of the reasonableness of costs associated with change requests made by WPLP’s EPC Contractor regarding transmission line and stations facilities (the “Hatch Project Memorandums”, and together with the Change Order Costs, are hereinafter referred to as the “Change Order Materials”).

Certain information contained in the Hatch Project Memorandums is comprised of the unit costs of a third-party and is therefore presumptively confidential information in accordance with Appendix B to the Practice Direction. The other information contained in the Change Order Materials, for which confidential treatment is requested, is not presumptively confidential. However, WPLP is requesting confidential treatment for such other information contained in the Change Order Materials because its disclosure would interfere with ongoing or expected negotiations or dispute resolution processes, impede or diminish the capacity of parties to fulfill contractual obligations, as well as prejudice a person’s competitive position, all of which are among the considerations set out in Appendix A to the Practice Direction.

IRR/Attachment	Pages	Category/Reason/Potential Harm
Presumptively Confidential		
Attachment 1	12-18, 20, 22-27, 30, 32-33, 35-37, 40-42, 44-49, 58, 67, 69, 71, 83 (of 84)	<ul style="list-style-type: none">Unit Cost of a Third Party
Attachment 2	3, 11, 13 (of 13)	
Non-Presumptively Confidential		
Table in part (a) of response	2 (of 6)	<ul style="list-style-type: none">Interference with ongoing/expected negotiations/dispute processes
Attachment 1	3 (of 6)	<ul style="list-style-type: none">Interference with ongoing/expected negotiations/dispute processesImpeding/diminishing capacity to fulfill contractual obligationsPrejudicing a person's competitive position
	4 (of 6)	<ul style="list-style-type: none">Impeding/diminishing capacity to fulfill contractual obligationsPrejudicing a person's competitive position
Attachment 2	1-10, 67-72	<ul style="list-style-type: none">Impeding/diminishing capacity to fulfill contractual obligationsPrejudicing a person's competitive position
	15, 17, 20, 23, 27, 33, 36, 37, 41, 44, 45, 47, 49, 51-65, 74-84 (of 84)	<ul style="list-style-type: none">Interference with ongoing/expected negotiations/dispute processesImpeding/diminishing capacity to fulfill contractual obligationsPrejudicing a person's competitive position

Unit Cost of a Third Party

Certain information identified in the table above contains unit pricing from Valard and its subcontractors. This information is of significant commercial value to Valard and its subcontractors, and its public disclosure would be likely to cause harm to the economic interests and competitive positions of Valard and its subcontractors because it would provide an unfair advantage to their competitors. Unit cost information from a third party is presumptively confidential in accordance with Appendix B of the OEB's Practice Direction.

Interference with Ongoing/Expected Negotiations/Dispute Processes

Disclosure of the Change Order Costs and certain sections of the Hatch Project Memorandums, identified in the table above, would cause potential harm by interfering significantly with ongoing and/or anticipated negotiations and dispute resolution processes between WPLP and Valard pursuant to various matters under and in relation to the EPC Contract. As discussed in the application and in various interrogatory responses, upon receipt of a Change Request under the EPC Contract from Valard, WPLP with the assistance from Hatch analyzes the requests through its risk management process. In particular, as part of this process, Hatch produces reports to WPLP that contain its assessment and conclusions as to the reasonableness of the proposed cost increases. As part of its assessment, Hatch utilizes the unit pricing included in the EPC Contract, obtains similar quotes from other third parties where required and relies on its previous experience to determine if the proposed cost increases are reasonable.

As discussed above, WPLP received a range of Change Requests from Valard in connection with the impacts of COVID-19 on project costs and schedule, routing changes, impacts from access restrictions and impacts from forest fires. These Change Requests are currently under review and/or at different stages of resolution. The Change Order Materials include, in the sections identified in the table above, information relating to matters that are the subject of ongoing or expected negotiations or dispute resolution processes as between the parties. This information includes information compiled and developed by Hatch, the purpose of which is to assist WPLP in considering, managing and resolving those issues as with Valard. Disclosure of such information on the public record has the potential to interfere significantly and adversely with those processes.

Impeding/Diminishing Capacity to Fulfill Contractual Obligations

Disclosure of the confidential sections of the Hatch Project Memorandums would result in potential harm by impeding or diminishing the capacity of Hatch and WPLP to fulfill their existing contractual obligations for the same reasons as described in relation to HONI-11, above. More particularly, disclosure would put a chill on the forthcoming, detailed and transparent reporting of project information as between Hatch and WPLP, which information is vital to WPLP's ability to effectively monitor, administer and oversee performance under the EPC Contract, as well as to fairly and efficiently resolve disputes arising thereunder. Deterring reporting and diminishing a project owner's ability to perform effective contractor oversight is contrary to the interests of utilities and ratepayers.

Prejudicing a Person's Competitive Position

Disclosure of the confidential sections of the Hatch Project Memorandums could result in potential harm to the competitive positions of Valard and its subcontractors by disclosing

commercially sensitive pricing information of those parties. Public disclosure of pricing information could prejudice the competitive positions of Valard and its subcontractors in future negotiations to provide similar services to other potential clients.

An unredacted, confidential copy of the response to OEB Staff-12, including the two Hatch Project Memorandums, is provided in **Appendices “G” to “I”**, respectively.

6. OEB Staff-13

In response to OEB Staff-13(c), WPLP provides a table that contains contingency amounts for each of the 10 line sections and 5 stations that are expected to come into service in 2023 (the “2023 Contingency Amounts”). This information does not fit within any of the categories of presumptively confidential information as set out in Appendix B to the Practice Direction. However, WPLP is requesting confidential treatment of the 2023 Contingency Amounts because its disclosure would interfere with ongoing or expected negotiations or dispute resolution processes, which is among the considerations set out in Appendix A to the Practice Direction.

As discussed above, there has been a range of contract change requests made by Valard relating to various matters under and in relation to the EPC Contract. These change requests are either currently under review or at various stages of resolution between the parties. As a result, disclosure on the public record of the 2023 Contingency Amounts associated with pending change orders that are the subject of ongoing or expected negotiations or dispute resolution processes as between the parties has the potential to interfere significantly and adversely with those processes.

An unredacted, confidential copy of the table contained in the response to OEB Staff-13(c) is provided in **Appendix “J”** below.

7. OEB Staff-22

In response to OEB Staff-22(b), WPLP provides a table that contains contingency amounts associated with each of the lines segments and stations to be placed into service in 2023 and additions to fixed asset accounts that include those contingency amounts (the “Additions to Fixed Assets”). In response to OEB Staff-22(c), WPLP provides a second table that contains Additions to Fixed Assets along with variances to WPLP’s initial rate application (this table along with the information redacted in the table in OEB Staff-22(c) are referred to herein as the “Contingency Amounts”). For the same reasons as set out above in respect of OEB Staff-13, WPLP is requesting confidential treatment of the Contingency Amounts. Specifically, disclosure of this information would interfere with ongoing or expected negotiations or dispute resolution processes, which is among the considerations set out in Appendix A to the Practice Direction.

Unredacted, confidential copies of the tables contained in the responses to OEB Staff-13(b) and (c) are provided in **Appendices “K”** below.

8. OEB Staff- 27

In response to OEB Staff-27, WPLP provides two live Excel spreadsheets that contain Clearspring Energy Advisors’ (Clearspring) detailed OM&A benchmarking calculations along with the underlying historical and forecast data used to perform its analysis (the “Clearspring Working Papers”). WPLP is advised by Clearspring that the Clearspring Working Papers contain

proprietary technical information, including underlying data variables that are of considerable commercial value to Clearspring, and must be treated as confidential in their entirety. As confirmed with Clearspring, public disclosure of the Clearspring Working Papers could prejudice its economic interests and competitive position, while providing an unfair advantage to its competitors. The Clearspring Working Papers are considered presumptively confidential pursuant to Appendix B of the Practice Direction as they contain Clearspring's underlying dataset and model.

Unredacted, confidential copies of the Clearspring Working Papers are provided as separately filed live Excel spreadsheets.

9. OEB Staff-29

In response to OEB Staff-29, WPLP provides details regarding the proprietary Korn Ferry Hay job evaluation methodology along with a sample of how it is applied in job evaluation (the "Methodology"). WPLP is advised by Korn Ferry that this information is their intellectual property, which is commercially sensitive and proprietary to Korn Ferry and has considerable commercial value to them, and therefore that the entirety of the response requires confidential treatment. Public disclosure of the Methodology could therefore prejudice Korn Ferry's economic interests and competitive position, while providing an unfair advantage to its competitors. The Korn Ferry Hay job evaluation methodology is considered presumptively confidential pursuant to Appendix B of the Practice Direction as it contains Korn Ferry's underlying dataset and model.

An unredacted, confidential copy of the response to OEB Staff-29 is provided in **Appendix "L"** below.

Access to Confidential Information

Consistent with the Practice Direction, it is WPLP's expectation that access to confidential information in this proceeding will only be available to representatives of parties that file Declarations and Undertakings in the prescribed form. As no parties have filed Declarations and Undertakings, it is WPLP's expectation that access to confidential information would therefore only be available to OEB staff that are involved directly in this proceeding and that such staff would be under equivalent obligations in respect of confidentiality notwithstanding that they are not required to file Declarations and Undertakings. Moreover, in respect of any Declarations and Undertakings that may be filed, WPLP reserves its right to make submissions regarding the need for limitations on access to any of the confidential information.

Yours truly



Jonathan Myers

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

Appendices A to L have been filed confidentially with the OEB in accordance with the *Practice Direction on Confidential Filings*