



Entegrus Powerlines Inc.

**Application to Amend Schedule 1 of an Electricity
Distributor Licence**

**DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 2
April 5, 2023**

Entegrus Powerlines Inc. (Entegrus Powerlines) applied to the Ontario Energy Board (OEB) on October 17, 2022, under section 74 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), to amend its licensed service area, as described in Schedule 1 of its distribution licence ED-2002-0563, to include the property and industrial customer located at 1 Cosma Court, St. Thomas, ON.

The customer is currently served by Hydro One Networks Inc. (Hydro One). In a letter to the OEB dated April 3, 2023, Hydro One stated that it contests Entegrus Powerlines' application.

A Notice of Hearing and Procedural Order No. 1 was issued on March 17, 2023. Procedural Order No. 1 granted Hydro One intervenor status and ordered that if Hydro One wishes to file evidence, Hydro One shall file evidence with the OEB and deliver it to all parties by April 17, 2023.

By email dated March 28, 2023, the customer, Formet Industries, a division of Magna International Inc. (Formet Industries) applied for intervenor status and cost eligibility. Formet Industries also stated that it intends to file evidence with the OEB by April 17, 2023.

Formet Industries is approved as an intervenor. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Formet Industries is eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Confidentiality Request

By letter dated October 17, 2022, Entegrus Powerlines requested confidential treatment of certain information contained in seven sections of its application, which pertain to the customer's load profile and energy use, and supply planning. The request was made pursuant to the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction). Entegrus Powerlines requested confidentiality on the basis that the information is presumptively confidential.

In accordance with the Practice Direction, Entegrus Powerlines filed redacted copies of the documents on the public record, and filed unredacted copies of the documents separately, in confidence.

In its March 28, 2022, email to the OEB requesting intervenor status, Formet Industries requested that Entegrus Powerlines share an unredacted copy of the application solely with Formet Industries, noting that the redactions were made to protect Formet Industries' information from the public.

On April 3, 2023, Hydro One wrote to the OEB to object to Entegrus Powerlines' confidentiality request, as it relates to Hydro One only, and sought an unredacted copy of the application on the basis that Hydro One should be entitled to receive and verify information related to its customer, Formet Industries; the redacted information is relevant to the proceeding; and Hydro One requires the redacted information to determine the scope of the evidence it will file. Hydro One agreed that the redacted information should not be placed on the public record, and that it was only seeking the unredacted information for its review.

On April 4, 2023, Entegrus replied to the Hydro One and Formet Industries' requests for access to the confidential information, and advised that "Entegrus does not object to sharing the unredacted Application with the parties in this case, after they have provided the Declaration & Undertaking. Once Hydro One and the Customer indicate to Entegrus

that they have filed their Declaration & Undertaking with the OEB, Entegrus will provide a copy of the unredacted Application to each party, subject to any contrary direction from the OEB. Entegrus presumes that if the Customer objects to the confidential information being provided to Hydro One, then the Customer will advance that position to the OEB.”

Findings

The OEB finds that the redacted information described in Entegrus Powerlines’ October 17, 2022, letter is confidential in accordance with OEB’s Practice Direction. The seven items listed in that letter contain information that would disclose load profiles, energy usage and billing information of a specific customer that is not personal information. This type of information is among the categories described in the Practice Direction as “presumptively confidential”.

This information shall remain redacted from the public record. The OEB will allow certain individuals representing Hydro One and Formet Industries to access the information provided that they sign the OEB’s form of Declaration and Undertaking appended to the Practice Direction.

In this regard, the OEB notes that section 6.1.2 of the Practice Direction provides, in part, that “the OEB will, except where there are compelling reasons for not doing so, accept a Declaration and Undertaking from the following: (a) counsel for a party; and (b) an expert or consultant for a party.” Typically, external counsel, consultants and experts retained by parties are the individuals requiring access to the confidential information. In the current case, it appears that employees of Hydro One and Formet Industries may also require access to this material. Section 6.1.3 of the Practice Direction provides, in part, that “the OEB may accept a Declaration and Undertaking from other persons in appropriate cases.” The OEB finds that the current case is an appropriate case in which to accept a Declaration and Undertaking from other individuals. Accordingly, the OEB will accept Declarations and Undertakings from Ms. Caseres and other employees of Hydro One who require access to the information for the purposes of participating in this proceeding; and from Messrs. Richmond and Chisholm, Ms. Gallo, and employees of Formet Industries who require access to the information for the purposes of participating in this proceeding.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. If Formet Industries wishes to file evidence, Formet Industries shall file evidence with the OEB and deliver it to Entegrus Powerlines and Hydro One by **April 17, 2023**.
2. Entegrus Powerlines, Hydro One and Formet Industries shall request any relevant information and documentation from each other that is in addition to the evidence filed with the OEB and that is relevant to the hearing by written interrogatories filed with the OEB and delivered to all parties by **April 28, 2023**.
3. OEB staff shall request any relevant information and documentation from Entegrus Powerlines, Hydro One and Formet Industries that is in addition to the evidence already filed by written interrogatories filed with the OEB and served on all parties by **May 2, 2023**.
4. Entegrus Powerlines, Hydro One and Formet Industries shall file with the OEB complete written responses to all interrogatories and serve them on each other and OEB staff by **May 18, 2023**.
5. Any written submissions from Hydro One, Formet Industries and OEB staff shall be filed with the OEB and served on all parties by **June 1, 2023**.
6. Any written reply submissions from Entegrus Powerlines shall be filed with the OEB and served on all parties by **June 15, 2023**.

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-2022-0178** 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 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 OEB Counsel, James Sidlofsky, at james.sidlofsky@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **April 5, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A

PROCEDURAL ORDER NO. 2

ENTEGRUS POWERLINES INC.

EB-2022-0178

APPLICANT & LIST OF INTERVENORS

**Entegrus Powerlines Inc.
EB-2022-0178**

APPLICANT & LIST OF INTERVENORS

April 05, 2023

APPLICANT

Rep. and Address for Service

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Entegrus Powerlines Inc.
EB-2022-0178

APPLICANT & LIST OF INTERVENORS

April 05, 2023

INTERVENORS

Rep. and Address for Service

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of Magna International Inc.**

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