



Elexicon Energy Inc.

Application for Approval of Z-Factor

DECISION ON CONFIDENTIALITY

April 5, 2023

Elexicon Energy Inc. (Elexicon Energy) filed a Z-factor event application with the Ontario Energy Board (OEB) on December 9, 2022, under section 78 of the *Ontario Energy Board Act* seeking approval for changes to its electricity distribution rates to be effective July 1, 2023.

In its cover letter to the interrogatory responses dated March 22, 2023, Elexicon Energy requested confidential treatment for Elexicon Energy's interrogatory response to Staff-07 which included a forecast of Elexicon Energy's Return on Equity (ROE) for 2022. The request for confidential treatment was made pursuant to Sections 10.01 and 10.02 of OEB's *Rules of Practice and Procedure* (Revised December 17, 2021) and Section 5.1 of the OEB's *Practice Direction on Confidential Filings* (Revised December 17, 2021).

Elexicon Energy requested confidential treatment for the redacted portions in Staff-07 for the following reasons:

- The request for the forecast of its estimated ROE for 2022 requires the disclosure of non-public forward-looking financial and includes information that has not been generally disclosed by Elexicon Energy.
- Elexicon Energy noted that the OEB provided confidential treatment for Elexicon Energy's ROE for 2022 in one of its recent applications before the OEB.¹
- The forecasted ROE is based on unaudited, draft financial information that is subject to change. A forecast of Elexicon Energy's 2022 ROE relies on speculative, non-public, forward-looking financial information, which is consistently treated in a confidential manner.

¹ EB-2022-0024

In its reply letter for the confidentiality request dated March 31, 2023, Elexicon Energy provided a revised response to Staff-07 that included calculations of Elexicon Energy's forecast 2022 ROE. In this letter, Elexicon Energy noted that given that disclosure of the "calculations showing the derivation" of the 2022 forecast ROE would also result in the disclosure of confidential information, the revised interrogatory response should be granted confidential treatment for the same reasons outlined in the March 22nd, 2023, cover letter for Elexicon Energy's interrogatory responses.

OEB staff did not oppose the confidentiality request and noted that a similar request was granted in a recent proceeding.² OEB staff was the only party to provide submissions on the confidentiality request.

Findings

The OEB approves confidential treatment of the redacted portion of the revised response to interrogatory Staff-07 corresponding to Elexicon Energy's 2022 forecast ROE and the calculations that underpin this forecast.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Ontario Energy Board approves Elexicon Energy Inc.'s request for confidential treatment of the unredacted attachment provided in response to Ontario Energy Board staff interrogatory 7. The unredacted attachment shall be classified as confidential; only the redacted version will be placed on the public record. Access to the information will only be available in accordance with Part 6 of the Ontario Energy Board's *Practice Direction on Confidential Filings* requiring receipt of a Declaration and Undertaking from representatives of parties requesting such access.

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

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

² EB-2022-0024