



**Entegrus Powerlines Inc.**

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

**DECISION ON CONFIDENTIALITY, AND PROCEDURAL ORDER NO. 3  
May 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, Formet Industries, a division of Magna International Inc. (Formet Industries) 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. In Procedural Order No. 2, issued on April 5, 2023, the OEB scheduled a deadline of April 17, 2023, for Hydro One and Formet Industries to file evidence with the OEB.

On April 17, 2023, both Hydro One and Formet Industries filed evidence with the OEB, and both requested confidential treatment of certain information contained in their evidence. In accordance with the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction), both Hydro One and Formet Industries filed redacted copies of the documents on the public record, and filed unredacted copies of the documents separately, in confidence.

**Formet Industries Confidentiality Request**

The Formet Industries evidence consists of the affidavit of John Gustin, the Launch Manager at the Formet Industries plant located on the subject property. The affidavit includes a series of exhibits. By letter dated April 17, 2023, Formet Industries requested confidential treatment of certain information contained in pages 1-2, pages 6-14 and Exhibit "K" of the Gustin affidavit. The request was made pursuant to the OEB's Practice Direction.

The redacted information contained in pages 1 and 2 of Formet Industries' evidence includes employment history of the affiant. Formet Industries requested confidentiality

on the basis that this is personal information of the affiant. The redacted information contained in page 2 includes information about employment levels at the Formet Industries plant. Formet Industries requested confidentiality on the basis that this information is commercially sensitive.

The redacted information contained in pages 6 through 14 of Formet Industries' evidence is information about Formet Industries and its load profile. Formet Industries requested confidentiality on the basis that the information is presumptively confidential.

Formet Industries described the redacted information contained in Exhibit "K" of its evidence as operational information, including information about equipment, production levels, and disruptions. Formet Industries requested confidentiality on the basis that the information is presumptively confidential. Formet Industries further stated that disclosure of the redacted information contained in Exhibit "K" "could potentially prejudice the Customer's competitive position against competitors if there is an outage" and could interfere with Formet Industries' relationships with customers and suppliers.<sup>1</sup>

## Findings

The OEB finds that the redacted information described in Formet Industries' letter, dated April 17, 2023, is confidential in accordance with OEB's Practice Direction. More particularly:

- With regard to the information about employment levels at the Formet Industries location, the OEB is satisfied that the disclosure of this information could reasonably be expected to prejudice Formet Industries' competitive position. Appendix A of the Practice Direction includes this among the factors that the OEB may consider in addressing confidentiality of filings made with the OEB.
- With one exception that the OEB will address below, the OEB is satisfied that the balance of the redacted evidence includes 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".
- Finally, with regard to the information contained in pages 1 and 2 of Formet Industries' evidence that addresses the employment history of the affiant, the OEB notes that while Formet Industries asserted that this constituted personal information, Formet Industries did not identify the personal information separately or take the steps to protect that personal information in the manner provided for in the Practice Direction. In the normal course, the OEB's *Rules of Practice and Procedure* (Rules) would prevent the provision of that information to any other

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<sup>1</sup> Formet Industries Confidential Request Letter, April 17, 2023, pages 1-2

party, including those persons from whom the OEB had accepted Declarations and Undertakings with respect to confidentiality under the Practice Direction.<sup>2</sup> In the current case, Formet Industries advised in its April 17<sup>th</sup> letter that it did not object to sharing the unredacted evidence with those persons who had filed a Declaration and Undertaking. The OEB understands that Formet Industries' counsel has since confirmed that the affiant wishes to maintain that information in confidence, but has no concerns with the disclosure of the subject information to those persons who have filed Declarations and Undertakings with respect to confidentiality under the Practice Direction in this proceeding. The OEB will maintain that information in confidence. The OEB reminds Formet Industries that both the Practice Direction and the Rules contain specific provisions related to the treatment of personal information.

To summarize, the redacted Formet Industries information shall remain redacted from the public record. The OEB will allow certain individuals representing Entegrus and Hydro One to access the unredacted information provided that they sign the OEB's form of Declaration and Undertaking appended to the Practice Direction. The OEB expects Formet Industries to advise the OEB should it object to the provision of the unredacted information to one or more specific individuals, and the OEB will then make a determination in that regard.

### **Hydro One Confidentiality Request**

By letter dated April 17, 2023, Hydro One requested confidential treatment of certain information contained in sections of its evidence that pertain to the customer's load profile and energy use. The request was made pursuant to the OEB's Practice Direction.

### **Findings**

The OEB finds that the redacted information described in Hydro One's letter, dated April 17, 2023, is confidential in accordance with OEB's Practice Direction. The redactions contain information that would disclose load profiles, and energy usage 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 Entegrus Powerlines and Formet Industries to access the information once they sign the OEB's form of Declaration and Undertaking appended to the Practice Direction. As with confidential information filed by any other

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<sup>2</sup> OEB [Rules of Practice and Procedure](#), Rule 9A.02

party to this proceeding, the OEB expects Hydro One to advise the OEB should it object to the provision of the unredacted information to one or more specific individuals, and the OEB will then make a determination in that regard.

The OEB observes that Hydro One did not submit a table summarizing each of the requested redactions and the basis for confidential treatment, as required by the Practice Direction.<sup>3</sup> The OEB reminds Hydro One to follow the requirements of the OEB's Practice Direction when filing its confidentiality requests.

### **Hydro One Request for Additional Evidence to be Included on the Record**

On pages 3-4 of Hydro One's evidence, Hydro One requested that the record of the following three proceedings be included on the record of this proceeding:

- 1) RP-2002-0194/EB-2002-0523: an application by St. Thomas Energy Inc. for renewal of its electricity distribution licence
- 2) EB-2017-0192: a joint application by Hydro One Networks Inc. and St. Thomas Energy Inc. for approval to amend the service areas of both distributors to eliminate load transfer arrangements
- 3) EB-2017-0212: an application for approvals to effect the amalgamation of Entegrus Powerlines Inc. and St. Thomas Energy Inc.

Hydro One stated that these documents are important to establishing that the proposed service area amendment "is inconsistent with the principles established in the Combined Distribution Service Area Amendments Proceeding."

### **Findings**

The record of EB-2017-0192 and the record of EB-2017-0212 are on the OEB's electronic public record and may be referenced in this proceeding. The OEB is currently converting the public record of RP-2002-0194/EB-2002-0523 to an electronic format so that it may be referenced in this proceeding. OEB staff will inform the parties when the electronic public record of RP-2002-0194/EB-2002-0523 is complete and accessible online.

The OEB does not find it necessary to add the records of the three proceedings to the record of this proceeding. That material will be publicly accessible, and it is open to Hydro One and the other parties to refer to it, as parties in any OEB proceeding might refer to (for example) previous OEB decisions, filings, and/or OEB Codes and Guidelines.

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<sup>3</sup> See, for example, Section 5.1.4 of the Practice Direction.

## Supplementary Evidence and Settlement Conference

On April 20, 2023, Entegrus Powerlines submitted a letter to the OEB, requesting that Entegrus Powerlines be permitted to file supplementary evidence to respond to Hydro One and Formet Industries evidence. Entegrus Powerlines also requested that the OEB schedule a one-day settlement conference to explore the possibility of reaching a resolution.

On April 21, 2023, and April 24, 2023, respectively, Formet Industries and Hydro One wrote to the OEB in response to the Entegrus Powerlines request. Both parties requested that, if the OEB were to allow Entegrus Powerlines to submit supplementary evidence, they be allowed to submit supplementary evidence. Neither Hydro One nor Formet Industries objected to a settlement conference.

The OEB issued a letter on April 26, 2023, requesting that Entegrus Powerlines provide a detailed description of the nature of the supplementary evidence that it wished to file, and the reasons why this information was not included in the originally filed application, no later than April 28, 2023. The OEB also suspended all planned procedural steps while considering the requested additional steps.

Entegrus Powerlines submitted a letter on April 28, 2023, that described the scope of, and rationale for the supplementary evidence it intends to file. In the letter, Entegrus Powerlines also stated that the supplementary evidence could be limited to a total of not more than 10 pages, not including necessary schedules, and submitted within 7 days of the OEB's direction.

On May 4, 2023, Hydro One submitted a letter commenting on, and objecting to, the scope of the supplementary evidence proposed by Entegrus Powerlines. Hydro One requested that the OEB limit the Entegrus Powerlines' supplementary evidence in the manner, and for the reasons, set out in Hydro One's letter. Hydro One concluded its letter as follows:

Should the OEB grant Entegrus' request to file supplementary evidence, Hydro One renews its request to the OEB that it also grant Hydro One the opportunity to file additional evidence, if necessary, to address Entegrus' evidence, and afford our customer, Formet, the same opportunity.

## Findings

It is in the interest of the OEB and all parties that the evidence in this proceeding be complete, in order that the proceeding can move forward. Accordingly, the OEB will allow all parties to file limited supplementary evidence.

The OEB will allow Entegrus Powerlines to file supplementary evidence consistent with the scope described by Entegrus Powerlines in its letter dated April 28, 2023. More particularly, Entegrus Powerlines shall limit its supplementary evidence to the five areas identified at pages 2-4 of its April 28, 2023, letter. This supplementary evidence shall be limited to not more than 10 pages, not including necessary schedules. Entegrus Powerlines shall file its supplementary evidence no later than May 12, 2023.

The OEB also approves Formet Industries' and Hydro One's requests to submit supplementary evidence. This supplementary evidence should be limited to not more than 10 pages, not including necessary schedules, and should not go beyond the scope of Entegrus Powerlines' supplementary evidence. Formet Industries and Hydro One shall file any supplementary evidence no later than May 19, 2023.

In Procedural Order No. 2, the OEB made provision for Entegrus Powerlines, Hydro One and Formet Industries to file written interrogatories by April 28, 2023. That date will now be June 2, 2023.

In Procedural Order No. 2, the OEB also made provision for OEB staff to file written interrogatories by May 2, 2023. That date will now be June 6, 2023.

In accordance with the [OEB's Protocol for Adjusting Adjudicative Timelines](#), the OEB is placing this proceeding in abeyance, beginning April 21, 2023, which was one week before written interrogatories were scheduled to be submitted. The OEB will resume processing the application one week before interrogatories are submitted.

The OEB approves Entegrus Powerlines' request for a one-day settlement conference. A virtual settlement conference among the parties will be convened on June 26, 2023, at 9:30 am.

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. Entegrus Powerlines shall file written supplementary evidence with the OEB and deliver it to Hydro One and Formet Industries by **May 12, 2023**.

2. If Hydro One or Formet Industries wishes to file supplementary evidence, Hydro One and Formet Industries shall file supplemental evidence with the OEB and deliver it to Entegrus Powerlines and each other by **May 19, 2023**.
3. 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 **June 2, 2023**.
4. 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 **June 6, 2023**.
5. 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 **June 22, 2023**.
6. A settlement conference among the parties and OEB staff will be convened on **June 26, 2023**, starting at 9:30 a.m. This will be a virtual event and information on how to participate will be provided in advance of the settlement conference. If OEB staff or intervenors intend to submit clarification questions to Entegrus Powerlines as part of the settlement process, they are encouraged to submit these questions as far in advance as possible of the commencement of the settlement conference, in the interests of making the settlement process as efficient as possible.
7. If there is no settlement proposal arising from the settlement conference, Entegrus Powerlines shall file a statement to that effect with the OEB by **June 27, 2023**.
8. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **July 14, 2023**.
9. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **July 21, 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](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. all required parties as per the [Practice Direction on Cost Awards](#).

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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](mailto:james.sidlofsky@oeb.ca).

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

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

**DATED** at Toronto, **May 5, 2023**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar