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via Regulatory Electronic Submission System (RESS)

January 26, 2024

Ms. Nancy Marconi, Registrar
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

Re: OEB File No. EB-2023-0195, Toronto Hydro-Electric System Limited (“Toronto Hydro”) 2025-2029 Custom Rate Application for Electricity Distribution Rates and Charges – Request for Confirmation of Confidential Treatment of Clearspring Energy Advisors’ Datasets and Models and Timing for Delivery of Corresponding PEG Material

On January 19, 2024, Toronto Hydro received a request from OEB Staff to provide the dataset and models underlying Clearspring Energy Advisors’ (“Clearspring”) Econometric Benchmarking Report at this stage, in advance of the interrogatory process.

Toronto Hydro is willing to accommodate OEB Staff’s request for early production of the Clearspring working papers on the same basis as has been accepted and directed in the past¹, namely that: (i) the working papers will be treated as confidential and only provided to parties who sign the OEB’s Declaration and Undertaking (including execution by OEB Staff’s expert, PEG); and (ii) PEG shall file its corresponding working papers at the same time as it delivers its responding report – with Clearspring being given reasonable time to review them in advance of the time for filing interrogatories on this report.

Accordingly, pursuant to Rule 10.01 of the OEB’s *Rules of Practice and Procedure* and the OEB’s *Practice Direction on Confidential Filings*, and on behalf of Clearspring, Toronto Hydro seeks confirmation of confidential treatment of the working papers being filed in response to OEB Staff’s request. This information consists of proprietary, technical, and commercially sensitive dataset and models that represents significant work undertaken by Clearspring and holds considerable commercial value. As noted, this information has been treated as confidential in previous proceedings on the grounds that

¹ See for example EB-2021-0110

public disclosure would result in financial and competitive harm to Clearspring.² Toronto Hydro also ask for confirmation of the above timing for delivery of PEG's similar working papers.

Please do not hesitate to contact us if you have any questions.

Sincerely,

Daliana Coban
Director, Regulatory Applications & Business Support
Toronto Hydro-Electric System Limited

Cc: Charles Keizer and Arlen Sternberg, Torys LLP; all intervenors

² See EB-2018-0165, EB-2019-0161, and EB-2021-0110.