

March 1, 2024

via RESS

Ms. Nancy Marconi, Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4
Registrar@oeb.ca

Re: Newmarket-Tay Power Distribution Ltd. Confidential Interrogatory Response for Application for rates effective May 1, 2024 (OEB File No: EB-2023-0039)

Dear Ms. Marconi,

Newmarket-Tay Power Distribution Ltd.'s (NT Power) is providing an update to its request for confidential treatment of an interrogatory response and also responding to OEB staff's February 28, 2024 letter on this matter. In NT Power's February 23, 2023 covering letter to its responses to interrogatories, NT Power requested confidential treatment of certain information contained in the Cost Sharing Agreement filed in IRR 21 – CCMBC 8. The Cost Sharing Agreement contains a Confidentiality Agreement between NT Power and the Regional Municipality of York (York Region) to which NT Power is bound by. At that time, York Region did not consent to the public release of the following sections of the agreement:

- Page 14 – sections 11.4 and 11.5 regarding cost estimates
- Page 28 – Appendix C for the list of prequalified contractors and the associated contact information (i.e. contact person, title, email, phone)

Upon further discussions with York Region since the filing of the confidentiality request, York Region has consented to disclose sections 11.4 and 11.5 and vendor company names in Appendix C. York Region has not provided consent to disclose the contact person, title, email and phone numbers of the vendors in Appendix C.

An amended, redacted response to IRR 21 – CCMBC 8 is attached to this correspondence. NT Power will also separately file a revised unredacted confidentiality agreement. NT Power will file the two documents in RESS as well.

Pursuant to the OEB's Practice Direction on Confidential Filings, section 5.1.4(b), NT Power is completing the below table with respect to its amended request for confidential treatment.

Pages Redacted	ii) Whether the redacted information fits within a presumptively confidential category included in Appendix B, if applicable	Where (ii) does not apply, the basis for the confidentiality claim, including references to Appendix A, if applicable	Reasons why public disclosure of that information would be detrimental
28 – contact person, title, email, phone numbers of vendors	No	York Region has not provided consent to disclose this information. NT Power also believes that these details are not relevant to the matters at issue this proceeding, nor will it have an impact on the OEB’s ability to decide on the relevant issues.	NT Power would be in breach of the confidentiality agreement with York Region, as York Region has not consented to its public release.

NT Power acknowledges and agrees with OEB staff’s comments in its letter with respect to the nature of this information falling within the business identify information exception in section 2(3) of the *Freedom of Information and Protection of Privacy Act*.

However, NT Power also notes that in the OEB’s recent Decision on Confidentiality for E.L.K. Energy Inc.¹, while agreeing that home phone numbers and personal cell phone numbers would qualify as personal information, the OEB stated that “...even if the cell phone numbers were not for personal devices, that information is not relevant to this proceeding.” NT Power submits that irrespective of whether the requested redacted information is personal information or not, similar to the circumstances in the above-noted E.L.K Energy Inc. proceeding, the contact information of the vendors is not relevant to the issues in the current proceeding. Accordingly, NT Power maintains its request for confidential treatment for the above aspects of the Cost Sharing Agreement.

Should you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Sincerely,



Alex Share, CPA, CA
Chief Financial Officer
NT Power
ashare@ntpower.ca

cc: John Vellone, Borden Ladner Gervais
All parties

¹ EB-2023-0013, February 27, 2024