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March 11, 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 Confidential Treatment of Interrogatory Responses**

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Pursuant to Rule 10.01 of the OEB’s *Rules of Practice and Procedure* and the OEB’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”), Toronto Hydro requests that certain information contained in the utility’s interrogatory response or documents produced as part of the utility’s interrogatory responses be treated as confidential. Toronto Hydro seeks confidential treatment in relation to portions of the documents submitted in response to interrogatories (the “**Responsive Documents**”).

The Responsive Documents include information prepared internally by Toronto Hydro, reports prepared by third-parties, and third-party commercial agreements and related billing or payment information. Toronto Hydro also notes that certain portions of the Responsive Documents are permanently redacted for information that is not relevant to answering the question, or information that is covered by solicitor-client privilege.

Descriptions of the particular information contained in the Responsive Documents for which Toronto Hydro seeks confidential treatment and the rationale for the request are set out in the table below. Toronto Hydro notes that many of the requests relate to information that is presumed to be confidential pursuant to Appendix B of the Practice Direction.

Further, Toronto Hydro respectfully request that the Board adopt an interim arrangement with respect to Responsive Documents that consists of commercial agreements with third-parties and related payment information (the “**Temporary Confidentiality Requests**”). Toronto Hydro has not yet received consent from the third-parties for the disclosure of the agreements and clarification as to what parts of the agreement are confidential (among other things, sensitive commercial and financial information). As a balanced approach to permit that consent and clarification to be obtained and to ensure an open and transparent process, Toronto Hydro requests that this information be treated as fully confidential (other than portions thereof that set out the scope of work) until March 20, 2024. During such time, appropriate clarification will be obtained. By March 20, 2024, Toronto Hydro proposes to re-file the agreements. During this subsequent filing, to the extent that Toronto Hydro has identified additional non-confidential information – based on feedback from the third-party experts – Toronto Hydro will update the public version of the applicable interrogatory responses accordingly.

The information for which Toronto Hydro requests confidential treatment is redacted in the public version of the Application as filed. **Attachment “A”** contains a compilation of the redacted versions (non-confidential) of the relevant documents. **Attachment “B”** contains a compilation of the unredacted (confidential) versions of the relevant documents, each of which is marked “confidential” and highlights the specific portions of the documents for which Toronto Hydro requests confidential treatment. Toronto Hydro has filed the confidential Attachment ‘B’ with the OEB as a separate electronic document that is marked “confidential”. Consistent with the Practice Direction, with the exception to permanent redactions because of legal privilege or irrelevance, it is Toronto Hydro’s expectation that access to Attachment “B” – as with any confidential information in this proceeding – will only be available to representatives of parties that have filed Declarations and Undertakings in the prescribed form which have been accepted by the OEB.

The following table describes the particular information for which Toronto Hydro requests confidential treatment and outlines the basis for each of the requests.

IRR	Pages	Basis for Confidential Treatment
1B-SEC-11 Appendices A - K	All	<i>Temporary confidentiality requests for the reasons noted above in the cover letter.</i>
2B-Staff-237 Appendices A - D	All	
2B-Staff-156 Appendix B	All	

IRR	Pages	Basis for Confidential Treatment
1B-SEC-05 Appendix C	7, 10-11, 16-17	<p data-bbox="771 258 1307 327"><i>Presumed confidential per the OEB's Practice Direction, Appendix B, Item 7.</i></p> <p data-bbox="771 380 1409 737"><b>Third-Party Proprietary Data or Model:</b> The relevant Responsive Documents consist of data sets and models of third-party consultants. The information in question is proprietary and of a commercially sensitive nature, the public disclosure of which could prejudice the commercial interests and a competitive position of the consultants, as contemplated in Appendix A, items (a)(i),(iii) and (iv) of the Practice Direction.</p>
1B-Staff-74 Appendix A	All Pages	<p data-bbox="771 789 1372 1062">Toronto Hydro's consultants are commercial enterprises which, among other services, collect, compile and provide Toronto with access to proprietary industry specific data that is not otherwise in the public domain, as well as analysis based on such proprietary data. This data is of a significant commercial value.</p> <p data-bbox="771 1115 1396 1262">The public disclosure of the consultants' proprietary data and analysis would make such information freely available for use by potential clients. This would undermine the basis of the consultants' business, potentially seriously prejudicing the consultants' commercial and competitive position, as well as their ability to carry on business offering such data, research and analysis.</p>
3-DRC-14 Appendices A-E	All	<p data-bbox="771 1272 1409 1430">Further, the data in question consists of trade secret or financial, commercial, scientific or technical material that has consistently been treated as confidential, pursuant to Appendix A, item (b) and (e) of Practice Direction.</p>

IRR	Pages	Basis for Confidential Treatment
1A-CCC-01 Appendix A	25-27, 29-30, 53-55, 74	<i>Presumed confidential per the OEB's Practice Direction, Appendix B, Item 9</i>
1A-CCC-01 Appendix B	5, 9-10, 12-14, 37-39, 61	<p><b>Non-Public Forward-Looking Financial Information Giving Rise to Liability under Securities Law:</b> The 2023-2025 Business Plan contains confidential forward-looking financial information which should not be made public as this would contravene Toronto Hydro Corporation's disclosure obligations under the Ontario Securities Act, R.S.O. 1990, c.S.5.</p>
1A-CCC-01 Appendix A	22, 25-27, 29-30, 32, 48-51, 53-55, 74, 84	<p><i>Presumed Confidential per the OEB's Practice Direction Appendix B, Item 5</i></p> <p><b>Financial Information Related to Toronto Hydro Affiliates and Non-Rate Regulated Business</b></p>
1A-CCC-01 Appendix B	5, 9-10, 12-14, 16, 32-35, 37-39, 41, 61	<p><b>Activities:</b> Certain information contained in the Responsive Documents consist of financial statements of Toronto Hydro's non-regulated affiliates, or information that pertains to such</p>
1A-CCC-01 Appendix A	22, 25-27, 29-30, 32, 48-51, 53-55, 74, 84	<p>financial information, the public disclosure of which could prejudice Toronto Hydro's and its affiliates' commercial interests and competitive position. Toronto Hydro further submits these portions of the Responsive Documents are, in any event, not relevant to Application, and provide no probative value to any issues to be decided by the Board.</p>
1B-SEC-05 Appendix C	7, 10-11, 16-17	<p><i>Deemed Confidential per section 10 of the OEB's Practice Direction.</i></p> <p><b>Personal Information:</b> Certain information contained in the Responsive Documents is "personal information" as defined in the Freedom of Information and Protection of Privacy Act, RSO 1990, c F.31. This personal information consists of the titles and compensation of specific identifiable individuals employed by Toronto Hydro that is not otherwise in the public domain.</p>

IRR	Pages	Basis for Confidential Treatment
2B-Staff-01	All	<p><b>Security Risk:</b> Pursuant to the Practice Direction, Appendix A, Item (c), certain information contained in the Responsive Documents relates to the vulnerabilities and locations of Toronto Hydro’s existing and proposed control centre and work center, including tangible risks to critical security infrastructure therein. If disclosed publicly, this information could be exploited by malicious actors and could adversely affect the safety and security of the distribution system. Toronto Hydro therefore seeks confidential treatment of this information.</p>
2B-Staff-02	All	<p><b>Previous Treatment:</b> Pursuant to the Practice Direction, Appendix A, item (e), Toronto Hydro notes that in Procedural Order No. 3 and Decision on Confidentiality in this proceeding, the Board accepted that it is appropriate to grant confidential treatment to safety/security, including the location and vulnerabilities of critical infrastructure, to the extent that its disclosure could adversely impact the safety and security of the distribution system.<sup>1</sup></p>

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

Yours truly,

Daliana Coban

Director, Regulatory Applications & Business Support

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<sup>1</sup> EB-2023-0195, Decision on Confidentiality, issues list, and Proposed Expert Evidence and Procedural Order No. 3 (February 5, 2024), pp, 4-6.