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March 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 – Updates to Interrogatories and Confidential Materials

Further to Toronto Hydro’s correspondence dated March 21, 2024 (the “**Prior Correspondence**”), Toronto Hydro writes 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**”) to update the confidential documents being produced as part of the utility’s interrogatory responses (the “**Responsive Documents**”).

In accordance with section 12 of the Practice Direction, attached to this letter Toronto Hydro provides a table of concordance, which describes all information for which Toronto Hydro requests confidential treatment and outlines the basis for each of the requests, for interrogatory responses that were filed on March 11, 2024 and that are being filed as of the date of this letter. For ease of reference, Toronto Hydro marked the information in the table that was updated from Prior Corresponding using “/C”.

In the Prior Correspondence, Toronto Hydro requested interim confidential treatment of the entirety of the Responsive Documents for **2B-Staff-237(b)** pending disclosure consent from Hydro One. Toronto Hydro received consent from Hydro One and is refileing the Responsive Documents with specific redactions as noted in the table of concordance.

Furthermore, upon closer review Toronto Hydro identified that pages 29-31 of Appendix D for interrogatory 1A-CCC-01, which were specifically assessed for relevance in response to that particular interrogatory, include information that is otherwise responsive to **1B-SEC-05**. Toronto Hydro apologizes for the error, and is filing this information as Appendix J to **1B-SEC-05**.

Toronto Hydro notes that Appendix I for **1B-SEC-05** was inadvertently missed from the consolidated materials that were filed with the Prior Correspondence. Toronto Hydro apologize for the error and is filing the document to correct the record.

The response to **2B-SEC-64** has been updated to include a clarifying reference to the Responsive Document filed at Appendix B which were submitted with the Prior Correspondence.

Lastly, Toronto Hydro is filing consolidated interrogatory response files for Exhibits 1B and 2B to include the aforementioned updates.

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

Yours truly,

Daliana Coban

Director, Regulatory Applications & Business Support

Appendix: Table of Concordance for Confidentiality Requests for Interrogatory Responses

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
1B-SEC-11 Appendix A	14	<p><i>Presumed confidential information: Practice Direction, Appendix B, Items 1 and 2; Appendix A, items A(i),(ii) and (iv)</i></p> <p>Pricing information rates of third-party consultant:</p> <p>The retainer agreements entered into between Toronto Hydro and its consultants include pricing terms agreed to by Toronto Hydro and its consultants that resulted from a process of competitive negotiations. Some of these documents also include assumptions that third party consultants make in determining their pricing.</p>	N/A	N/A	N/A
1B-SEC-11 Appendix B	18				
1B-SEC-11 Appendix C	7, 17				
1B-SEC-11 Appendix D	18				
1B-SEC-11 Appendix E	17				
1B-SEC-11 Appendix F	17-18				
1B-SEC-11 Appendix G	6, 16				
1B-SEC-11 Appendix J	21				
1B-SEC-11 Appendix K	3-4				
2B-Staff-156 Appendix B	19-21, 34-35				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>Toronto Hydro is advised that disclosing this information on the public record could prejudice the respective competitive position of consultants in terms of future negotiations to provide similar services to Toronto Hydro or other potential clients.</p>			
1B-SEC-11 Appendix E	22-36	<i>Practice Direction, Appendix A, Item C</i>	N/A	N/A	N/A
2B-Staff-156 Appendix B	45	<p>Sensitive Cybersecurity Information: The indicated pages contain Toronto Hydro's cyber security requirements with which the third-parties were required to comply as a condition of their retainer. The disclosure of this information could</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>adversely impact the safety and security of the distribution system, including related assets and facilities. More specifically, the information identifies vulnerabilities and configuration architecture of cyber infrastructure that can be exploited by malicious actors to harm Toronto Hydro. If disclosed publicly, this information could be exploited by malicious actors which could adversely affect the safety and security of the distribution system.</p>			
1B-SEC-5 Appendix G	6-7		N/A	N/A	N/A

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
1B-SEC-5 Appendix H	4,6,7,12,14-22, 26-27,30-31,33, 35, 39, 41-47, 49, 52, 54	<i>Practice Direction, Appendix A, item A(ii)</i>			
1B-SEC-5 Appendix E	10,11,14	Third party confidential information provided to consultants on confidential basis: For the TRC benchmarking materials in 1B-SEC-5, Appendix G, Toronto Hydro seeks to anonymize the third-party utilities that participated in the benchmarking study. Similarly, for the EY study in 2B-SEC-64, Appendix B, Toronto Hydro seeks to redact information where it has been advised that the utility-specific information is sensitive was provided to the consultant on a confidential basis.			
1B-SEC-5 Appendix F	All				
2B-SEC-64 Appendix B	18-24				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>These Responsive Documents identify commercial, operational and technical information provided by identifiable third-party utilities to carry out benchmarking studies. The information includes advice on processes and costs which are sensitive to the nature of the specific utilities' operations. Toronto Hydro is advised that the information was provided by the third-party utilities to advance the state of shared knowledge amongst regulated utilities, on the understanding that they would remain anonymous. Given that third party utilities shared information on the understanding that</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>it would remain anonymous, as Toronto Hydro was advised, Toronto Hydro submits that the consultant would be at risk breaching contractual terms with third party agreements, by identifying those utilities on the public record.</p> <p>Toronto Hydro submits that that it is in the public interest to incentivize the exchange of shared experience and knowledge among utilities in a free and open manner, which would be at risk if the OEB compelled disclosure of information that was intended to remain confidential among utilities.</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>For the Responsive Document prepared by PwC, Toronto Hydro is agreeable to identify, the third-party utilities that participated in the benchmarking study; however, for the above reasons, the Toronto Hydro is seeking confidential treatment for benchmark rankings of each of the third-party utilities.</p> <p>The Responsive Document prepared by Accenture consists of a spreadsheet commissioned by a third-party utility that sets out the results of Accenture’s benchmarking study on grid modernization. The Responsive Document was provided to Toronto Hydro</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>on a confidential basis as a courtesy for participating in the third-party utility's benchmarking study.</p> <p>Toronto Hydro would be at risk of breaching the terms of its contract with Accenture if it disclosed it on the public record.</p> <p>Accenture has consented to Toronto Hydro disclosing the document subject to the condition that the document as a whole remains subject to confidential treatment.</p> <p>Please refer to the relevant discussion in the introduction of this letter.</p>			
1B-SEC-5 Appendix E	7-8	Appendix A, items A(i),(ii) and (iv)	N/A	N/A	N/A
1B-SEC-11 Appendix K	1-3				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
2B-SEC-64 Appendix B	19-24	<p>Commercially sensitive and proprietary information of consultants relating to their methodology: Certain portions of Responsive Documents contain information of a proprietary and commercially sensitive nature (other than pricing terms), the public disclosure of which could prejudice the commercial interests and a competitive position of the consultants. This information sets out certain proprietary methodologies that the consultants have applied in their respective studies would undermine the basis of the consultants' business, potentially</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		seriously prejudicing the consultants' commercial and competitive position, as well as their ability to carry on business offering such research, and analysis.			
1B-SEC-5 Appendix E	1	Consultant Branding: The consultant, PwC, has advised that it did not consent to reproduce its branding on the Responsive Document, which consists of a report that it prepared. Although PwC does not object to being identified as the author of the Responsive Document, it has advised Toronto Hydro that due to the dated nature of the report and its underlying data, and because PwC	N/A	N/A	N/A

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		was not engaged to produce the Responsive Document for the purpose of these proceedings, it objects to its firm branding being included on the Responsive Document.			
1A-CCC-1 Appendix A	5, 78, 80, 83	N/A	N/A	<i>Presumed confidential information:</i> <i>Practice Direction, Appendix B, Item 6</i>	N/A
1A-CCC-1 Appendix B	42, 44			Privileged Information (Solicitor-Client):	
1A-CCC-1 Appendix C	3			The proposed redactions pertain to privileged information and communications by Toronto Hydro's Chief Legal Officer, which were directly	

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
				related to the seeking, formulating and giving legal advice to the Board of Directors (Permanent Redaction)	
1A-CCC-1 Appendix A	25-27, 29-30, 53-55, 74	<i>Presumed confidential per the OEB's Practice Direction, Appendix B, Item 9</i>	N/A	N/A	N/A
1A-CCC-1, Appendix B	5, 9-10, 12-14, 37-39, 61	<p>Non-Public Forward-Looking Financial Information Giving Rise to Liability under Securities Law:</p> <p>The 2023-2025 Business Plan contains confidential forward-looking financial information which should not be made public as this would contravene Toronto</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		Hydro Corporation's disclosure obligations under the Ontario Securities Act, R.S.O. 1990, c.S.5.			
1A-CCC-1, Appendix D	2-13, 28-32	N/A	N/A	N/A	The interrogatory requests all materials provided to Toronto Hydro's Board of Directors with respect to this application, the underlying budgets, and Toronto Hydro's most recent business plan. The indicated pages of Appendix D do not specifically relate to the rate application proposals, but rather

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
					contain contextual information of a general nature.
1A-CCC-1, Appendix A	22, 25-27, 29-30, 32, 48-51, 53-55, 74, 84	<i>Presumed Confidential per the OEB's Practice</i>	N/A	N/A	N/A
1A-CCC-1, Appendix B	5, 9-10, 12-14, 16, 32-35, 37-39, 41, 61	<i>Direction Appendix B, Item 5</i> Financial Information Related to Toronto Hydro Affiliates and Non-Rate Regulated Business Activities: Certain information contained in the Responsive Documents consist of financial statements of Toronto Hydro's non-regulated affiliates, or information			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>that pertains to such 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>			
1A-CCC-1, Appendix D	29-31				
2B-Staff-01	All	<p>Security Risk: Pursuant to the Practice Direction, Appendix A, Item (c), certain information contained in the Responsive Documents</p>	N/A	N/A	N/A
2B-Staff-02	All				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>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> <p>Previous Treatment: Pursuant to the Practice Direction, Appendix A, item (e), Toronto Hydro notes that in Procedural</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>Order 3/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.¹</p>			
<p>3-DRC-14 Appendices A-E</p>	<p>All</p>	<p><i>Presumed confidential per the OEB's Practice Direction, Appendix B, Item 7.</i></p> <p>Third-Party Proprietary Data or Model: The</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

¹ EB-2023-0195, Decision on Confidentiality, Issues List, and Proposed Expert Evidence and Procedural Order No. 3 (February 5, 2024), pp, 4-6.

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>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> <p>Toronto Hydro's consultants are commercial enterprises which, among other services, collect, compile and provide Toronto with access to proprietary industry specific data that</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>is not otherwise in the public domain, as well as analysis based on such proprietary data. This data is of a significant commercial value. 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. Further, the data in question consists of trade secret or financial, commercial, scientific or</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		technical material that has consistently been treated as confidential pursuant to Appendix A item (b) and (e) of the Practice Direction.			
1B-SEC-05 Appendix C	/C 7, 10-11	/C N/A	<p><i>Deemed Confidential per section 10 of the OEB's Practice Direction.</i></p> <p>Personal Information: Certain information contained in the Responsive Documents is "personal information" as defined in the Freedom of Information and</p>	N/A	N/A

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
			Protection of Privacy Act, RSO 1990, c F.31. This personal information consists of the compensation of specific non-named executive officers employed by Toronto Hydro that is not otherwise in the public domain.		
/C 1B-SEC-05 Appendix J	All	<p><i>Presumed Confidential per the OEB's Practice Direction Appendix B, Item 5</i></p> <p>Financial Information Related to Toronto Hydro Affiliates and Non-Rate Regulated Business Activities: Information contained in the</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>Responsive Document consist of consolidated financial information which includes Toronto Hydro’s affiliates, and non-rate regulated business activities, the public disclosure of which could prejudice Toronto Hydro’s and its affiliates’ commercial interests and competitive position.</p>			
<p>/C 2B-Staff-237 Appendix A</p>	<p>2, 5-6, 11, 14, 43-45</p>	<p>Security Risk: Pursuant to the Practice Direction, Appendix A, Item (c), Toronto Hydro requests certain information contained in the Hydro One Connection and Cost Recovery Agreement for Copeland TS in 2B-Staff-237, Appendix A to be treated confidentially. Based on information</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		<p>provided by Hydro One, it is Toronto Hydro's understanding that the disclosure of certain information could be exploited by malicious actors and could adversely affect the safety and security of Hydro One's transmission facilities.</p> <p>Previous Treatment: Pursuant to the Practice Direction, Appendix A, item (e), Toronto Hydro notes that in Procedural Order 3/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</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for Non-Relevance
		infrastructure, to the extent that its disclosure could adversely impact the safety and security of the distribution system. ²			
/C 2B-Staff-237 Appendices B and D	1	N/A	N/A	N/A	These documents consist of invoices issued by Hydro One to Toronto Hydro and the redactions relate to Hydro One's banking information, which is not relevant to the issues of this proceeding.

² EB-2023-0195, Decision on Confidentiality, Issues List, and Proposed Expert Evidence and Procedural Order No. 3 (February 5, 2024), pp, 4-6.