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via Regulatory Electronic Submission System (RESS)

May 7, 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 –  
Evidence Update and Requests for Confidential Treatment**

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In accordance with the resolution of SEC and AMPCO’s motions, Toronto Hydro is filing updates to six interrogatory and undertaking responses. Furthermore, Toronto Hydro is filing several updates to other responses where (i) OEB Staff has requested certain clarifications or (ii) the utility discovered errors. Please refer to Appendix A to this letter for a summary of the updated evidence.

### **Requests for Confidential Treatment**

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 request that certain information contained in documents being produced as part of the utility’s evidence updates (the “**Responsive Documents**”).

In accordance with section 12 of the Practice Direction, Toronto Hydro provides an updated table of concordance as Appendix B to this letter, which describes all information for which Toronto Hydro requests confidential treatment and outlines the basis for each of the requests, including the reasons that public disclosure would be detrimental to Toronto Hydro or others. For ease of reference, Toronto Hydro marked the information in the table that was updated from the utility’s prior correspondence using “/C”.

For each of the Responsive Documents, Toronto Hydro has followed the required approach of filing both redacted (public) and non-redacted (confidential) versions. In the non-redacted (confidential) versions, confidential information is highlighted yellow and non-relevant information is highlighted red, in

accordance with section 12 of the Practice Direction. Toronto Hydro confirms that none of its submissions contain personal information and as such, no redactions have been made in that regard.

Please contact us if you have any questions.

Sincerely,

Daliana Coban

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

## Appendix A: Summary of Updated Evidence (May 7, 2024)

### Updated Interrogatory Responses

Interrogatory	Description of the Revisions	Numerical Differences
1B-SEC-5	Added Appendix K: Accenture 2021 Utility Grid Modernization Benchmark Study in accordance with motion resolution as set out in joint letter with AMPCO and SEC filed on April 30, 2024.	N/A
1B-SEC-6	Added budget guidance documents as Appendices A-D in accordance with motion resolution as set out in joint letter with AMPCO and SEC filed on April 30, 2024.	N/A
1B-SEC-20 (a)	Revised response to provide more fulsome objection to the interrogatory request in accordance with motion resolution as set out in joint letter with AMPCO and SEC filed on April 30, 2024.	N/A
2B-SEC-57	Added Appendix A with internal annual capital budgets by program in accordance with motion resolution as set out in joint letter with AMPCO and SEC filed on April 30, 2024. Revised response to reflect inclusion of Appendix A and provide context with respect to budget numbers provided.	Due to the size of the information, the numerical differences cannot be summarized for the purposes of this table. Please refer to the new Appendix A to the interrogatory response.
4-SEC-90	Revised response to provide envelope level annual OM&A internal budgets with explanation of material variances between budgets and actuals in accordance with motion resolution as set out in joint letter with AMPCO and SEC filed on April 30, 2024. Also added confirmation that Toronto Hydro does not internally budget on basis of the OEB Appendix 2-JC categories.	N/A

Interrogatory	Description of the Revisions	Numerical Differences
5-Staff-313 (f)	Revised response to clarify Toronto Hydro's proposal regarding its long-term ("LT") debt rate.	N/A
5-Staff-314	Revised response to confirm that Toronto Hydro is proposing to continue to set its capital structure for all of the 2025-2029 period with a deemed debt-to-capital split of 60:40, with the debt component continuing to reflect a 4% short-term debt and 56% long-term debt structure.	N/A

### Updated Undertaking Responses

Undertaking	Description of the Revisions	Numerical Differences																	
JT3.2	Revised response to include second planned capital project greater than \$5 million with +20%/-15% variance, which had been inadvertently omitted from original response.	<b>Table 1: Planned Distribution Capital Projects greater than \$5 million with +20% / -15% Variance</b>																	
		<table border="1"> <thead> <tr> <th>Project Description</th> <th>Portfolio / Project Overview</th> <th>Project Variance Summary</th> <th>Design Estimate</th> <th>Actual Costs</th> <th colspan="2">Variance</th> </tr> </thead> <tbody> <tr> <td> <b>Load Demand</b>            P-180695-ZZ129001            Phase 2-P18            Transfer A256DN from A5-6DN to A5-6W TOA256DN         </td> <td>To maintain the Dufferin A5-6DN bus loading within firm capacity and provide capacity for conversion of 4kV Dupont feeders, new cables &amp; load transfer.</td> <td>The original design estimate did not account for all required contractor costs. Additional civil and electrical work was also required due to unforeseen site conditions found during execution (increasing material and labour costs).</td> <td>\$3.5M</td> <td>\$5.2M</td> <td>\$1.6M</td> <td>+65%</td> </tr> </tbody> </table>	Project Description	Portfolio / Project Overview	Project Variance Summary	Design Estimate	Actual Costs	Variance		<b>Load Demand</b> P-180695-ZZ129001 Phase 2-P18 Transfer A256DN from A5-6DN to A5-6W TOA256DN	To maintain the Dufferin A5-6DN bus loading within firm capacity and provide capacity for conversion of 4kV Dupont feeders, new cables & load transfer.	The original design estimate did not account for all required contractor costs. Additional civil and electrical work was also required due to unforeseen site conditions found during execution (increasing material and labour costs).	\$3.5M	\$5.2M	\$1.6M	+65%			
Project Description	Portfolio / Project Overview	Project Variance Summary	Design Estimate	Actual Costs	Variance														
<b>Load Demand</b> P-180695-ZZ129001 Phase 2-P18 Transfer A256DN from A5-6DN to A5-6W TOA256DN	To maintain the Dufferin A5-6DN bus loading within firm capacity and provide capacity for conversion of 4kV Dupont feeders, new cables & load transfer.	The original design estimate did not account for all required contractor costs. Additional civil and electrical work was also required due to unforeseen site conditions found during execution (increasing material and labour costs).	\$3.5M	\$5.2M	\$1.6M	+65%													

Undertaking	Description of the Revisions	Numerical Differences						
		<b>Load Demand</b> P-150129-XD129001 Esplanade to Copeland Phase 3	Load transfer from Esplanade TS to Copeland TS for capacity planning.	Due to unforeseen site conditions found during execution, pumping of cable chambers and water removal services drove additional costs. City of Toronto requirements and customer coordination required work to be executed after hours, increasing labour costs.	\$3.6M	\$5.4M	\$1.8M	+51%
<b>JT3.18</b>	Added Appendix A: Project Variance Analysis “PVA”) reports for 27 projects greater than \$1 million with +30% variance and revised response to reflect inclusion of Appendix A, as well as information regarding approval process in accordance with motion resolution as set out in joint letter with AMPCO and SEC filed on April 30, 2024. Also added two new tables summarizing projects greater than \$1 million with -30% variance.	N/A						
<b>JT4.31</b>	Revised response to clarify that impact of growth was not included in other scenarios and to quantify the impact of including growth if it had been included in the IRM and IRM + ACM scenarios.	N/A						

Undertaking	Description of the Revisions	Numerical Differences
<b>JT5.10</b>	Revised response to provide additional information regarding the increase in derecognition in the Externally Driven Capital Variance Account (“EDCVA”).	N/A
<b>JT5.13</b>	Updated Appendix A (DVA Continuity Schedule) to address issues with version filed on April 22, 2024. Revised response to add clarifications regarding revised continuity schedule and other explanatory notes, including reconciliation of DVA balances in Appendix A and rate rider calculations in Appendix B (further supported by new Appendix C).	N/A
<b>JT5.14</b>	Revised Appendix A (GA Analysis Workform) to present more clearly a reconciling item from ‘GA 2023’ tab as explained in detail in revised response.	Due to the size of the information, the numerical differences cannot be summarized for the purposes of this table. Please refer to the updated GA Analysis Workform and the revised response for a description of the changes.

## Appendix B: Table of Concordance for Confidentiality Requests for Interrogatory & Undertaking 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><b>Pricing information rates of third-party consultant:</b>            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
		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.			
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	<b>Sensitive Cybersecurity Information:</b> 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			



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	<b>Third party confidential information provided to consultants on confidential basis:</b> 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				
1B-SEC-5 Appendix K	11				
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. Toronto Hydro has reached an agreement with the SEC as a result of a motion to disclose this document. The agreement stipulates that Toronto Hydro will provide the Accenture PDF, with redactions applied to the other utilities that participated in the study.</p> <p>/C</p>			
1B-SEC-5 Appendix E	7-8	<i>Appendix A, items A(i),(ii) and (iv)</i>	N/A	N/A	N/A
1B-SEC-11 Appendix K	1-3	<b>Commercially sensitive and proprietary information of consultants relating to their</b>			
2B-SEC-64 Appendix B	19-24				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p><b>methodology:</b> 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 our certain proprietary methodologies that the consultants have applied in their respective studies would undermine the basis of the consultants' business, potentially seriously prejudicing the consultants' commercial and competitive position, as well as their ability to</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		carry on business offering such research, and analysis.			
1B-SEC-5 Appendix E	1	<b>Consultant Branding:</b> 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 was not engaged to produce the Responsive Document for the purpose of these proceedings, it	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
		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: Practice Direction, Appendix B, Item 6</i>	N/A
1A-CCC-1 Appendix B	42, 44			<b>Privileged Information (Solicitor-Client):</b> The proposed redactions pertain to privileged information and communications by Toronto Hydro's Chief Legal Officer, which were directly related to the seeking, formulating and giving legal advice	
1A-CCC-1 Appendix C	3				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
				to the Board of Directors (Permanent Redaction)	
1A-CCC-1 Appendix A	25-27, 29-30, 53-55, 74	<p><i>Presumed confidential per the OEB's Practice Direction, Appendix B, Item 9</i></p> <p><b>Non-Public Forward-Looking Financial Information Giving Rise to Liability under Securities Law:</b></p>	N/A	N/A	N/A
1A-CCC-1, Appendix B	5, 9-10, 12-14, 37-39, 61	<p>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</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		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

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
					proposals, but rather 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>  <b>Financial Information Related to Toronto Hydro Affiliates and Non-Rate Regulated Business Activities:</b> Certain information contained in the Responsive Documents consist of financial statements of Toronto Hydro's non-regulated			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>affiliates, or information 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>			
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</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>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><b>Previous Treatment:</b> Pursuant to the Practice Direction, Appendix A, item (e), Toronto Hydro notes that in Procedural Order 3/Decision on</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		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>			
3-DRC-14 Appendices A-E	All	<i>Presumed confidential per the OEB's Practice Direction, Appendix B, Item 7.</i>	N/A	N/A	N/A
1B-Staff-74 Appendix A	All	<b>Third-Party Proprietary Data or Model:</b> The relevant Responsive Documents consist of data			

<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.

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>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 is not otherwise in the public domain, as well as</p>			



Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>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 technical material that has consistently been treated</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		as confidential pursuant to Appendix A item (b) and (e) of the Practice Direction.			
1B-SEC-05 Appendix C	7, 10-11	N/A	<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</p>	N/A	N/A

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
			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.		
1B-SEC-05 Appendix J	All	<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 Activities:</b> Information contained in the Responsive Document</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>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>2B-Staff-237 Appendix A</p>	<p>2, 5-6, 11, 14, 43-45</p>	<p><b>Security Risk:</b> 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 provided by Hydro One, it</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>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><b>Previous Treatment:</b> 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 infrastructure, to the</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		extent that its disclosure could adversely impact the safety and security of the distribution system. <sup>2</sup>			
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.
1B-SEC-06 Appendix A /C	4-7, 9, 11, 15, 17	N/A	N/A	N/A	Toronto Hydro has redacted content that does not contain guidance related to the development of budgets (e.g.
1B-SEC-06 Appendix D /C	5-6, 11				

<sup>2</sup> 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
					information with respect to process management) and information that was superseded and no longer reflects the utility's business plan (e.g. outdated planning and application filing timelines). /C
JT5.37 Appendix A	All Pages	<p><i>Presumptively confidential information: Practice Direction, Appendix B, Item 7; Appendix A items (a)(i),(ii), (iv), (b), and (e)</i></p> <p><b>Underlying proprietary data set of consultant:</b> This Responsive Document includes underlying data sets from Clearspring Energy Advisors, LLC ("Clearspring"), a third-</p>	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
		<p>party consultant retained by Toronto Hydro. The information consists of custom elasticities developed by the consultant. This type of document, which contains the underlying data and or/model of a consultant retained by the utility, is explicitly contemplated as a category of information presumed to be confidential under the Practice Direction. The consultant has advised Toronto Hydro that 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</p>			



Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>consultants, as contemplated in Appendix A, items (a)(i), and (iv) of the Practice Direction. Clearspring is a commercial enterprise which, among other services, collects, compiles and provides Toronto Hydro 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 information is of a significant commercial value. The public disclosure of the consultants' custom elasticities data would make such information freely available for use by potential clients and competitors. This would</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>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, with the potential consequence of impeding or diminishing Clearspring's capacity to fulfill its contractual obligations, as contemplated in Appendix A, item (a)(ii) of the Practice Direction. 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</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		Appendix A item (b) and (e) of the Practice Direction.			
JT1.7 Appendix A	6-7, 9, 11, 13-14	<i>Considerations in determining requests for confidentiality: Practice Direction, Appendix A items (a)(i), (iv), and (b)</i>  <b>Commercially sensitive and proprietary information of consultants relating to their methodology:</b> These Responsive Documents consist of third party consultant reports, except for JT3.12 Appendix A which is a supplement to a previously filed report, prepared by a third party-consultant (Gartner), that	N/A	N/A	N/A
JT3.1 Appendix A	26-31				
JT3.1 Appendix F	7-9, 11, 20-25				
JT3.12 Appendix A	All Pages				

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>defines IT maturity thresholds. These reports, as well as the supplement, each contain information that reveals proprietary aspects of consultant methodologies used to perform their analysis. For example, in the instance of consultants such as Hatch and Metsco with respect to JT1.7 Appendix A and JT3.1 Appendix A, respectively, the methodologies utilized in their responsive documents are the result of years of research and development into determining what factors to consider in their analysis'. Such information is commercially sensitive in nature, and the public disclosure of such</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>information could prejudice the commercial interests and competitive position of the relevant consultant, and thereby be likely to cause them significant loss, as contemplated in Appendix A, items (a)(i), and (iv) of the Practice Direction. Similarly, for JT3.1 Appendix F, the information consists of portions of checklists in the third-party consultant AtkinsRealis' audit report which Toronto Hydro is advised reveals proprietary aspects of the consultant's audit process. As described above, Toronto Hydro's consultants are commercial enterprises. The public disclosure of the consultants'</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		<p>proprietary methodologies would make such information freely available for use by potential clients and competitors. 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 research and analysis with the potential consequence of impeding or diminishing Clearspring's capacity to fulfill its contractual obligations, as contemplated in Appendix A, item (a)(ii) of the Practice Direction.</p>			

Responsive Documents	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Treatment	Redactions for non-Relevance
		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 the Practice Direction.			