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April 16, 2025

**RESS & EMAIL**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Attention: Nancy Marconi, Registrar

Dear Ms. Marconi:

**Re: EB-2025-0051: Application by Burlington Hydro Inc. (“BHI”) for Approval of 2026-2030 Electricity Distribution Rates (the “Application”)– Request for Confidential Treatment of Information in Pre-Filed Evidence**

We are legal counsel to BHI, the applicant in the above-referenced proceeding. BHI filed the Application on April 16, 2025. Pursuant to the OEB’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”), BHI hereby requests OEB approval to permanently redact from the public and/or treat confidentially certain information contained in the Application (the “**Confidential Information**”).

The Confidential Information, as further detailed on page two of this letter, includes but is not limited to:

- Names and salaries of BHI’s employees;
- Job titles and job-related classifications known as Korn Ferry Hay Points;
- Names and usernames of BHI customers;
- A detailed breakdown of a vendor’s unit pricing;
- BHI and third-party registered business numbers; and
- Information that identifies vulnerabilities with respect to BHI’s physical security infrastructure.

The Confidential Information has been redacted in the public version of the Application filed with the OEB. Appendix A 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 BHI requests confidential treatment. For ease of reference, in Appendix A and Appendix B, where appropriate, BHI used blue highlights for personal information and green highlights for non-relevant information, both of which BHI seeks to permanently redact from the OEB record. Information for which BHI seeks confidential treatment on the record has been highlighted yellow.

Appendix B is the confidential (unredacted) version of BHI’s 2023 Management & Non-Union Employee Pay Report (Exhibit 4, Attachment 6) that will be filed as part of a separate appendix as a password protected document, due to the particular sensitivities in respect of same. Torys will provide OEB Staff with the password to access Appendix B. We further note that on page 8 of the public version Appendix B, BHI has scrambled the order of the information listed to minimize the amount of information that BHI is requesting be afforded confidential treatment. Failure to scramble the information (or redact it) would allow this information, which appears in the same order elsewhere in the report, to be potentially used to infer certain conclusions. In changing the order of the information listed on page 8 of Schedule B, BHI is not altering the substance of the report or is in any way causing prejudice to the reader.

Exhibit Reference		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
Exhibit 1, Attachment 3, Customer Feedback Tweets BHI 04162025	All	Y	<p><b>Not Relevant:</b> The information consists of the names and unique usernames of certain BHI customers. Pursuant to Part 11 of the Practice Direction, this information is not relevant because it will not provide any assistance to the OEB or intervenors in resolving any of the issues that are part of this proceeding.</p> <p><b>Personal Information:</b> Consistent with the definition of “personal information” under the Freedom of Information and Protection of Privacy Act, RSO, 1990, CF 31, the redacted information includes the names and usernames of BHI customers expressing their personal opinions and views.</p>
Exhibit 2	Pages 22, 25	N	<p><b>Physical Security:</b> The disclosure of this information could adversely impact the safety and security of the distribution system, including related assets and facilities. More specifically, the information identifies vulnerabilities of existing physical security infrastructure (Appendix “A”, Part (c)). Failure to redact this information would expose the aspects of BHI’s security infrastructure that is vulnerable, which can be exploited by malicious actors.</p>
Exhibit 2, Appendix A, DSP	Pages 147-148		

Exhibit Reference		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
DSP, Appendix A, Material Investment Summary Documents (Buildings)	Page 91		
DSP, Appendix O, 2021 Building Condition Assessment	Pages 2, 6-7 41-42		
Exhibit 2, Appendix B - Business Case - SCADA Replacement and ADMS Acquisition	Pages 14-15	Y	<b>Commercially Sensitive Unit Costs:</b> The information consists of a line-by-line breakdown of the cost estimate provided by BHI’s vendor. Vendor pricing information is commercially sensitive and if disclosed, could prejudice the competitive positions of the vendor in any future negotiations about providing similar services. Confidential treatment is not being sought for the total cost of the services. The OEB has previously held that cost estimates provided by utility vendors constitute “unit costs” which is presumed to be confidential information pursuant to the Practice Direction (Appendix B, Part 1). <sup>1</sup>
Exhibit 4, Attachment 6, 2023 Management Non-Union Employee Pay Report BHI 04162025	Pages 8, 16-20	Y	<b>Personal Information:</b> Consistent with the definition of “personal information” under the Freedom of Information and Protection of Privacy Act, RSO, 1990, CF 31 (“FIPPA”), the redacted information includes the names and salaries of BHI employees. This information, which is of a private and personal nature, is deemed to be confidential pursuant to the Practice Direction, Part 10, and has been previously redacted from record in BHI’s last rebasing application (EB-2020-0007).

<sup>1</sup> EB-2019-0018, Decision on Confidentiality, Alectra Utilities Corporation (October 8, 2019), at p. 3.

Exhibit Reference		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
	Pages 16-20	N	<p><b>Commercially Sensitive Information that can Prejudice BHI’s Competitive Position in the Labour Market:</b> The record contains information regarding BHI’s base salary, total direct and total cash compensation information for non-union employees relative to market median. This information includes (a) job titles and (b) Korn Ferry Hay Points. When viewed alongside the market data (which has not been redacted from the public record), this information allows someone to assess BHI’s competitiveness in the labour market for specific positions, or categories of positions that can be ascertained from the Korn Ferry Hay Points system classification. Disclosure of this information can prejudice BHI’s competitive position in the labour market and could adversely impact BHI’s ability to attract, hire and retain non-union employees (Practice Direction, Appendix A, Part (a)(i)).</p> <p><b>Protection of Employee Privacy:</b> Since BHI typically employs one person in each job position, disclosure of the job title on the public record along with the market data will reveal (or allow someone to ascertain) the actual salary and compensation of specific BHI employees. BHI seeks confidential treatment of this information to safeguard the privacy of the affected employees while providing the OEB and intervenors confidential access to the information to assist them evaluating the market competitiveness of BHI’s compensation program.</p> <p><b>Previous Treatment:</b> The OEB has previously held that internal compensation data relative to market median is commercially sensitive because disclosure of the information could adversely impact the utility’s competitive position in the labour market and may not sufficiently protect the identity of individual employees in some job levels.<sup>2</sup></p>

<sup>2</sup> EB-2022-0149, Procedural Order 2, Decision on Confidentiality and Other Matters (September 2, 2022) at pp. 2-3.

Exhibit Reference		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
Exhibit 6, Attachment 9, 2023 Federal and Provincial Tax Returns BHI 04162025	Page 11 (on left),	N	<b>Not Relevant:</b> The information consists of names of BHI employees and registered business numbers contained in BHI's corporate income tax returns. Pursuant to Part 11 of the Practice Direction, this information is not relevant because it will not provide any assistance to the OEB or intervenors in resolving any of the issues that are part of this proceeding.  <b>Previous Treatment:</b> Pursuant to Appendix A, Part (e) of the Practice Direction, the OEB has previously decided that this information is not relevant and could expose the utility to the risk of fraud and other malicious acts. <sup>3</sup>
	Page 164 (on left)		
	Pages 1-22; 60-168		

Yours Truly,



Daliana Coban

cc: Sally Blackwell, *Burlington Hydro Inc.*

<sup>3</sup> EB 2023-0195, Toronto Hydro-Electric System Limited, Decision on Confidentiality, Issues List, Proposed Expert Evidence and Procedural Order No. 3 (February 5, 2024) at page 3.

## **Appendix “A”**