

July 24, 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 Interrogatory Responses**

We are legal counsel to BHI, the applicant in the above-referenced proceeding. BHI filed interrogatory responses on July 24, 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 interrogatory responses (the “**Confidential Information**”).

The Confidential Information, as further detailed on page two of this letter, includes:

- Information related to vendors’ pricing;
- Information that identifies security vulnerabilities with respect to BHI’s infrastructure;
- BHI and third-party registered business numbers;
- Information related to BHI’s affiliates; and
- Proprietary data of a third-party consultant retained by BHI.

The Confidential Information has been redacted in the public version of the interrogatory responses filed with the OEB.

Appendix A contains a compilation of excerpts 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, BHI used green highlights for non-relevant information it seeks to permanently redact from the OEB record, and yellow highlights for information for which BHI seeks confidential treatment.

IRR		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
1-Int-5, Appendix	All (excerpts)	N	<b>Non-Relevant Information Related to BHI Affiliate:</b> The information consists of financial and strategic information related to BHI’s unregulated affiliate. This information is not relevant to the Application and provides no probative value to any issues to be decided by the Board. Furthermore, the information is confidential as the public disclosure of this information could prejudice BHI’s affiliates’ commercial interests and competitive position.
2-Staff-24(a),(d)	(a) Table 1, “Program” column, “Included in building assessment” column, and “Description” column; (d) 3 <sup>rd</sup> bullet point	N	<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)). <sup>1</sup> Failure to redact this information would expose the aspects of BHI’s security infrastructure that is vulnerable, which can be exploited by malicious actors.
2-Int-26(h), Appendix	Section 4.1, 4.2, Appendix A, Table 9	Y	<b>Commercially Sensitive Vendor Pricing Information.</b> The information reveals vendors’ pricing information related to aspects of the OMS project and includes information about the total cost of the project from which one would be able to deduce the vendor pricing using other information that is unredacted. The OEB has previously held that pricing for identified services provided by utility vendors constitute “unit costs” which are presumed to be confidential information pursuant to the Practice Direction (Appendix

<sup>1</sup> BHI sought confidential treatment for similar information in the pre-filed Application, and no parties objected to same.

IRR		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
			B, Part 1). <sup>2</sup> Vendor pricing information is commercially sensitive and if disclosed, could prejudice the competitive position of the vendor in any future negotiations related to the provision of similar services. The total costs are also commercially sensitive because the public disclosure of this information would allow one to deduce the vendor pricing information by subtracting the BHI's internal costs from the total cost to derive the vendor pricing. Furthermore, the disclosure of the total costs on the public record could harm the vendors commercial interest by disclosing a price ceiling for the services, thereby undermining the vendor's ability to negotiate a competitive price for its services with other clients.
	Appendix A, Table 7, 8, 10	Y	<b>Unsuccessful Bid Pricing:</b> The information reveals unsuccessful bid prices received as part of a competitive process. This information is presumed by be confidential pursuant to the Practice Direction (Appendix B, Part 4). This information is commercially sensitive and its disclosure could prejudice the competitive position of the unsuccessful proponents in future bids for similar services.

<sup>2</sup> EB-2019-0018, Decision on Confidentiality, Alectra Utilities Corporation (October 7, 2019), at p. 3.

IRR		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
4-Int-106(i), Appendix	Schedule B (pp 21, 22; Schedule B (pp. 49, 50)	Y	<b>Commercially Sensitive Vendor Pricing Information:</b> The information reveals vendors’ forward-looking pricing to perform vegetation management services by zone. The OEB has previously held that pricing for identified services provided by vendors constitute “unit costs” which are presumed to be confidential information pursuant to the Practice Direction (Appendix B, Part 1). <sup>3</sup> Vendor pricing information is commercially sensitive and if disclosed, could prejudice the competitive position of the vendor in future negotiations for similar services. Disclosure of this information could also prejudice the competitiveness of future BHI procurements as other vendors may use the existing unit costs and hourly rates as an approximate floor price. In addition, the pricing information was submitted by the vendor in the RFP process on the basis of the RFP which stated that such pricing will be treated as confidential and will not be shared with competitors.
4-Int-107(b),(d)	Table 1, “Actual Costs” column; Table 3, “Forecast Cost” column except “Total” row	Y	<b>Commercially Sensitive Vendor Pricing Information:</b> The information reveals vendors’ historical and forward looking prices to perform vegetation management services by zone. The OEB has previously held that pricing for identified services provided by vendors constitute “unit costs” which are presumed to be confidential information pursuant to the Practice Direction (Appendix B, Part 1). <sup>4</sup> Vendor pricing information is commercially sensitive and if disclosed, could prejudice the competitive position of the vendor in future negotiations for similar services. Disclosure of this information could also prejudice the competitiveness of future BHI procurements as other vendors may use the existing unit costs and hourly rates as an approximate floor price. This information is of the same or similar nature as the unit costs information identified in Int-106 (i),

<sup>3</sup> EB-2019-0018, Decision on Confidentiality, Alectra Utilities Corporation (October 7, 2019), at p. 3.

<sup>4</sup> EB-2019-0018, Decision on Confidentiality, Alectra Utilities Corporation (October 7, 2019), at p. 3.

IRR		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
			Appendix, except that it pertains to historical rather than forward-looking vendor pricing.
4-Int-120(c), Appendix	All (“Revenue category” and “Number of Employees Category” column)	Y	<p><b>Underlying Dataset of Third-Party Consultant:</b> The information consists of portions of a dataset of a third party consultant. The OEB presumes this information to be confidential (Appendix B, Part 7.) The public disclosure of this data set could prejudice the commercial interests of the consultant, as contemplated in Appendix A, items (a)(i)(iii)(iv) of the Practice Direction.</p> <p>BHI’s consultants are commercial enterprises which, among other services, collect, compile industry data and conduct proprietary analysis based on such data. The public disclosure of the data could undermine the consultants’ obligations to the survey participants to keep their data confidential and thus prejudice the consultants’ commercial interests, competitive position and ability to obtain data necessary to conduct their services.</p>
6-Staff 73(a), Attachment	Pages 1-22; 59-60, 63-192		<p><b>Not Relevant:</b> The information consists of names of BHI employees and registered business numbers of BHI and third parties 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.</p> <p><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>5</sup></p>

<sup>5</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.

IRR		Presumptive Confidential Treatment (Y/N)	Explanation and Rationale
9-Staff-85(a), Appendix	All	No	<p><b>Not Relevant:</b> The information consists of registered business numbers of BHI as 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.</p> <p><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>6</sup></p>

Yours Truly,



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cc: Sally Blackwell, *Burlington Hydro Inc.*

<sup>6</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”**

(Intentionally omitted from public version)