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October 27, 2025

RESS & EMAIL

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Richard Murray, Acting Registrar

Dear Mr. Murray:

Re: EB-2024-0115: Application by Ottawa Hydro Limited ("Hydro Ottawa") for Approval of 2026-2030 Electricity Distribution Rates (the "Application") – Reply to OEB Staff submission on Hydro Ottawa's request for confidentiality related to Undertakings

These reply submissions are in response to OEB Staff's Submission on Confidentiality, dated October 20, 2025, in respect of Hydro Ottawa's request that certain information in its undertakings be treated as confidential, as set out in Hydro Ottawa's letters dated October 6, 8 and 10, 2025. Hydro Ottawa appreciates Staff's detailed review of the information in question, and welcomes the opportunity to clarify its approach and address Staff's concerns, where applicable.

1. **JT3.15(B),(C) -Third-party Proprietary Information that is Commercially Sensitive (Practice Direction, Appendix A, Part A(i),(iv) and Part B).**

Staff has submitted that the following information should not be treated as confidential:

- *Attachment JT3.15 (B)*
  - Page 5 – Tool – Grid Modernization Maturity Matrix
  - Page 5 – Execution Methodology
  - Page 6 – Initiative Implementation Procedure
  - Page 6 – Risk level descriptions
  - Page 7 – Roadmap Design Principles
  - Page 9 – Grid Modernization Maturity Assessment Model
  - Pages 10 to 17 – Descriptions under the charts
  - Pages 19-26, 28-30, 32-36, 40-43, 45-46, 48-53, 55-66, 68-72, 74, 78-82 – Steps
- *Attachment JT3.15 (C)*
  - Page 8 – Performance-Based Grid Modernization Mode

Hydro Ottawa maintains its position that the information in question is third-party proprietary technical information, as expressed in its letter dated October 8, 2025:

> *The redacted information consists of a third party's technical material with respect to grid modernization. Hydro Ottawa has been advised by the third-party author of this document, Hatch, that the redacted information is commercially sensitive as it reflects proprietary analysis and methodologies that are treated in a confidential manner. The public disclosure would prejudice Hatch's commercial interests and competitive position, and undermine its ability to carry on business offering such analysis (Practice Direction, Appendix A, Part A(i),(iv) and Part B).*

Appended hereto is a submission from Hatch Ltd. ("Hatch"), the owner of the information, which provides a first hand discussion of the prejudice that it can sustain if the information in question were to appear on the public record. Hydro Ottawa also raises the following additional considerations with respect to the confidential treatment of this information.

The totality of the information contained in JT3.15(b) and (c) constitutes Hatch's proprietary work product, and, as such, Hydro Ottawa is of the view that it would have been reasonable to assert confidentiality over these deliverables in their entirety. Instead, Hatch underwent significant efforts to minimize its redactions to what it considered to be the most sensitive information with the view of assisting the public record in respect of this application. As the author and owner of the information in question, Hatch is in the best position to assess which portions of its proprietary deliverables can harm its commercial interests if publicly disclosed and assess whether it is prepared to take these risks in its business. Hatch has made that assessment thoughtfully in the proposed redactions.

Staff noted that the information falls into one of two categories: (i) "general descriptions or steps" and (ii) "information that is of high level [and] general nature". Hydro Ottawa submits that, in respect of both of these categories, the level of detail provided is sufficiently granular to reveal material aspects of Hatch's proprietary methodology that is not publicly available and that would prejudice Hatch's commercial business interests. Included in the redactions challenged by Staff are the description of the process and methodology that Hatch applies as part of its grid modernization analysis, and detailed descriptions of the analytical framework that make up this methodology. In characterizing these redactions as being of a general and high-level nature, Staff respectfully failed to appreciate that Hatch carries out the business of offering consulting services to utilities based on this type of proprietary analysis, and developed the process and methodology in question pursuant to its own research and innovation efforts to carry out such analysis. The public disclosure of this information would allow for Hatch's competitors to access this information to develop identical business offerings to clients, which would significantly prejudice its business interests and competitive position. Part A(i),(iv) and Part B of the Practice Direction are explicitly intended to prevent this type of prejudicial outcome.

In addition, Hydro Ottawa notes that the challenged information pertains to grid modernization, an emerging area of focus for utilities and thus for consulting firms like Hatch who can assist utilities in their assessment of foundational investments and analytical frameworks to enable grid modernization. This information was prepared for Hydro Ottawa in the normal course of business and on the basis that it be treated as confidential. Since it was not prepared for purposes of being filed as part of Hydro Ottawa's rebasing application, Hatch did not have to

contemplate the need to remove its proprietary information from these materials, as would be suitable for a public-facing deliverable.

In light of these considerations, Hydro Ottawa respectfully submits that compelling the disclosure of the information in question can have the unintended consequence of discouraging consulting firms with technical expertise from working with utilities in Ontario to solve contemporary issues such as grid modernization, to avoid the risk of them being compelled to publicly disclose their proprietary information to their competitors. This can have the further unintended impact of stifling or creating barriers to innovation, contrary to the OEB's statutory objective of "facilit[ing] innovation in the electricity sector" when carrying out its responsibilities.[1]

2. **JT1.31 - Greenbank MTS (Practice Direction, Appendix B, Part 3).**

Staff identified a potential discrepancy in respect of redactions for gross costs included in respect of Greenbank MTS in JT1.31. Staff noted that the gross costs have been redacted except for the gross cost of the Distribution Capacity Upgrade costs. Hydro Ottawa confirms that its intended approach was not to redact the Distribution Capacity costs – which is consistent with the redactions applied – because those amounts are not attributed to any customer.

3. **JT1.31 - Cyrville MTS (Practice Direction, Appendix B, Part 3).**

Staff identified a discrepancy in respect of redactions for gross costs included in respect of Cyrville MTS in JT1.31. As staff noted, Hydro Ottawa's letter dated October 8, 2025 stated the gross costs for this project were not redacted, but in the Table in the UT response did in fact redact this information. Hydro Ottawa wishes to clarify that the gross costs for Cyrville MTS should be redacted, and that the noted passage in the letter was included erroneously.

The redacted information consists of financial details pertaining to the Cyrville MTS project. Along with other details on the record, the information can also be used to deduce specific customers' load profile, energy usage and/or billing usage. This information is presumed to be confidential (Practice Direction, Appendix B, Part 3). To this end, Hydro Ottawa understands that Staff have no concerns with Hydro Ottawa's approach to redact equivalent information in respect of Cyrville MTS or Greenbank MTS.

Yours Truly,

D. Coban

Daliana Coban

cc:
April Barrie, *Hydro Ottawa Limited*

[1] *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, s.1.

October 24, 2025

Ontario Energy Board
2300 Yonge Street
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Toronto, Ontario
M4P 1E4

Attn: Ritchie Murray, Acting Registrar

Dear Mr. Murray:

Subject: **Redacted Materials in Attachments JT3.15 (B) and (C)**

I am counsel to Hatch Ltd ("Hatch"). Hatch respectfully submits the following clarifications regarding the commercially sensitive nature of the redacted materials in Attachments JT3.15 (B) and (C) as requested by OEB staff.

The redacted content reflects proprietary frameworks, methodologies, and analytical models developed by Hatch through significant investment in intellectual capital, industry experience, and innovation. Disclosure of these materials would prejudice Hatch's commercial interests and competitive position in the following ways:

1. **Loss of Competitive Advantage**
   The redacted items (including the Grid Modernization Maturity Matrix, Execution Methodology, Initiative Implementation Procedure, Roadmap Design Principles, and Performance-Based Grid Modernization Model) are core components of Hatch's service offerings. Public disclosure would enable competitors to replicate or adapt these proprietary approaches without incurring the development costs, thereby eroding Hatch's differentiation in the marketplace.

2. **Undermining Commercial Value of Intellectual Property**
   These frameworks are not publicly available and are used to deliver tailored strategic advisory services to utilities and energy sector clients. Disclosure would diminish the commercial value of Hatch's intellectual property by making it accessible without authorization or compensation.

3. **Impact on Client Relationships and Future Engagements**
   Hatch's clients, including Hydro Ottawa, rely on the confidentiality of proprietary tools and methodologies to maintain strategic advantage. Disclosure could deter future clients from engaging Hatch, fearing that sensitive strategic content may be exposed in regulatory proceedings.

4. **Misinterpretation and Misuse Risks**
   The redacted descriptions and steps, while appearing general, are embedded within a broader proprietary context. Isolated disclosure may lead to misinterpretation or misuse, potentially resulting in reputational harm or incorrect application in other jurisdictions.

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Considering the above, Hatch respectfully requests that the OEB maintain the confidentiality of the redacted items to protect its commercial interests and ensure fair competition in the energy advisory market.

Yours faithfully,

Kellie Mildren

Digitally signed by Kellie Mildren
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Kellie Mildren

Senior Counsel, Hatch

cc: M. Mitchell, Global Lead, Distribution and Smart Grid, Hatch
A. Jolly, Managing Director, Power, Hatch

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