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BY EMAIL

December 3, 2025

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Mr. Murray:

**Re: Ontario Energy Board (OEB) Staff Submission
Entegrus Powerlines Inc. (Entegrus)
Application for 2026 Electricity Distribution Rates
OEB File Number: EB-2025-0044**

Please find attached OEB staff's submission in the above referenced proceeding.

Yours truly,

Zubin Panchal
Senior Advisor, Electricity Distribution Rates

Encl.

cc: All parties in EB-2025-0044



ONTARIO ENERGY BOARD

OEB Staff Submission on Confidentiality

Entegrus Powerlines

Application for 2026 Rates

EB-2025-0044

December 3, 2025

Introduction

Entegrus Powerlines Inc. (Entegrus) filed a cost of service application with the Ontario Energy Board (OEB) on August 28, 2025 under section 78 of the *Ontario Energy Board Act, 1998* (OEB Act)¹ seeking approval for changes to the rates that it charges for electricity distribution, beginning May 1, 2026.

As part of its interrogatory responses, Entegrus requested confidential treatment of portions of a 2025 MEARIE Management Survey, prepared by Eckler Ltd. Entegrus stated that it is requesting confidential treatment of the information pursuant to the OEB's [Rules of Practice and Procedure](#) (Rules) and the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction).

The confidentiality requests as explained by Entegrus relate to the following:

Item	Reason for Request	Request for Confidential Treatment	Reference
1	<u>Presumptively Confidential</u>	<u>List of Participants</u> Disclosure of the underlying dataset of participant lists Eckler used to generate the statistics in its report could undermine the competitive position of Eckler.	Interrogatory Response 1-SEC-4, Attachment 1 - Page 8
2	<u>Presumptively Confidential</u>	<u>Benchmark Positions Survey Results</u> "Model output on pages 28 to 30 is based on a confidential description of the proprietary benchmark job models set out on pages 5-7 and Appendix C of the Eckler Report. Taken together, the detailed categorization of benchmark job tables, model description and model output are a proprietary model of Eckler qualifying for presumptively confidential treatment under section 7 of Appendix B of the Practice Direction. Furthermore, public disclosure of the model details could prejudice Eckler's competitive position and produce a significant loss." ²	Interrogatory Response 1-SEC-4, Attachment 1 - Pages 5-7, 28-30 and Appendix C

¹ S.O. 1998, c. 15, (Schedule B)

² EB-2025-0044, Cover Letter to Interrogatory Responses and Confidentiality Request, November 26, 2025

Entegrus explains that prior decisions addressing confidentiality of previous MEARIE reports appear to have pertained to a confidentiality request over the entire MEARIE report. Entegrus states that it has narrowed its request to particularly sensitive confidential information.³ Entegrus states that ratepayer representatives will have access to the confidential materials provided a declaration and undertaking is signed by the representative.

OEB Staff Submission

Appendix B of the Practice Direction provides a list of specific categories of information that will presumptively be considered confidential, subject to any objections from parties as to why confidential treatment should not be accorded to such information in a particular proceeding.

For the reasons outlined below, the OEB staff does not support the requests for confidential treatment.

Page 8 – List of Participants

Entegrus states that Eckler Ltd.'s list of participants is a fundamental component of the underlying dataset that was used to survey, collect data, conduct quality assurance, and aggregate the information to publish the statistics.⁴

OEB staff is aware of lists of participants in compensation benchmarking studies disclosed on the public record in other proceedings. For example, Hydro One Networks Inc. filed unredacted versions of its compensation cost benchmarking studies prepared by Willis Towers Watson and Mercer in its transmission rate application.⁵ Further, in Festival Hydro Inc.'s and Centre Wellington Hydro Ltd.'s interrogatory responses filed as part of their respective 2025 cost of service applications, a 2023 MEARIE Management Survey (also prepared by Eckler Ltd.) was provided without redactions.⁶ These studies include the disclosure of a complete list of participating organizations.

³ *Ibid.*, pp. 1-2

⁴ *Ibid.*, p. 3

⁵ EB-2019-0082, Hydro One Networks Inc. 2020-2022 Custom IR Application, Exhibit F-4-1, Attachment 1, 2 and 3, March 21, 2019.

⁶ EB-2024-0023, Festival Hydro Inc [IRR 4-Staff-21 \(b\)](#), July 25, 2024, Attachment 3; EB-2024-0012, Centre Wellington Hydro Ltd. [IRR 1-SEC-1](#), August 1, 2024, Appendix A

It is not clear to OEB staff how the disclosure of such information could undermine Eckler Ltd.'s competitive position as suggested by Entegrus.

Given the public disclosure of the same types of information in other proceedings, OEB staff submits that the list of companies that participated in the MEARIE survey should be disclosed on public record. Further, OEB staff does not agree that the contents of page 8, especially on a stand-alone basis, are considered "presumptively confidential" pursuant to the Practice Direction. OEB staff submits that the contents of page 8 include the list of local distribution companies (LDC) that submitted survey materials, with no associated identifying underlying data/statistics of an individual LDC. Therefore, in this case, OEB staff does not agree that the list of survey participants is presumptively confidential.

Pages 5-7 – Benchmark Positions, Pages 28-30 – Benchmark Positions Survey Results, and Appendix C

Entegrus states that the

model output on pages 28 to 30 is based on a confidential description of the proprietary benchmark job models set out on pages 5-7 and Appendix C of the Eckler Report. Taken together, the detailed categorization of benchmark job tables, model description and model output are a proprietary model of Eckler qualifying for presumptively confidential treatment under section 7 of Appendix B of the Practice Direction.⁷

As noted previously, a 2023 MEARIE Management Survey prepared by Eckler Ltd. was provided in its entirety in other OEB proceedings.⁸ Entegrus has not explained how the MEARIE Management Survey provided in this proceeding differs in character, substance, or methodology from the previous MEARIE Management Survey prepared by Eckler Ltd. that was put on the public record in previous OEB proceedings. It would appear to OEB staff that the matters identified by Entegrus are already public.

Unless Entegrus can satisfactorily explain how the MEARIE Management Survey prepared by Eckler Ltd. provided in this proceeding differs from the 2023 MEARIE

⁷ EB-2025-0044, Cover Letter to Interrogatory Responses and Confidentiality Request, November 26, 2025, p. 4

⁸ See footnote 6

Management Survey, also prepared by Eckler Ltd, provided in full on the public record in previous OEB proceedings, OEB staff does not agree with any of the redactions in the references noted.

Entegrus further argues that

The Eckler Report expressly states that it contains commercially sensitive and proprietary confidential information (including intellectual property rights). Indeed, the first page is clearly marked “Confidential and Proprietary.”⁹

and

Furthermore, public disclosure of the model details could prejudice Eckler’s competitive position and produce a significant loss. Disclosure of model categorization and descriptions consists of a commercial and/or technical material that is consistently treated in a confidential manner by Eckler.¹⁰

OEB staff submits that one of the considerations in determining whether a document shall become part of a public record is the document’s content and relevance to the matters at issue in the proceeding. The OEB has previously stated: “...the fact that the party preparing a document wishes to have it kept confidential is not determinative. Nor does the fact that a document may be copyrighted prevent it from entering the public record.”¹¹

Entegrus’ application states that

Management conducts periodic comparisons to the Mearie Management Salary Survey to ensure that compensation is competitive in comparison with other like-sized Local Distribution Companies (“LDCs”) and those in the Southern Ontario region, consistent with +/- 10% of the P50 value.¹²

and

⁹ EB-2025-0044, Cover Letter to Interrogatory Responses and Confidentiality Request, November 26, 2025, p. 4, pp. 3-4

¹⁰ *Ibid*, p. 4

¹¹ EB-2011-0099, Decision on Confidentiality, March 19, 2013, p. 6

¹² EB-2025-0044, Application – Exhibit 4, August 29, 2025, p. 71

The MEARIE salary survey forms a key input into this benchmarking exercise, however consideration is also given to private sector comparators since EPI competes for employees within its geographic area.¹³

Based on Entegrus' evidence, OEB staff's view is that Entegrus relied on the salary survey, in some way, to demonstrate the reasonableness of its proposed management compensation costs in its application. OEB staff submits that public disclosure of the MEARIE Management Survey outweighs the argument that it could prejudice Eckler Ltd.'s competitive position and produce a significant loss. The OEB has previously stated (in a decision related to an older version of the MEARIE survey not prepared by Eckler Ltd.) that "Salaries are a significant component of the revenue requirement. Benchmarking is a tool commonly used by the Board to determine the reasonableness of costs. The Board has relied on precisely this type of salary benchmarking data to set rates in other proceedings."¹⁴

For the reasons outlined above, OEB staff does not support any of the redactions as proposed by Entegrus.

Generative Artificial Intelligence

To advance its confidentiality request, Entegrus also states that

Generative artificial intelligence may use the proprietary intellectual property in the Eckler Report to train the model and unjustly benefit from Eckler's many years of experience.¹⁵

and further, that

[...] the OEB must exercise strict caution when determining what proprietary intellectual property is placed on the public record. Once disclosed, such information becomes susceptible to unrestricted use by generative artificial intelligence tools, which may appropriate and replicate the material in a manner

¹³ *Ibid*, p. 72

¹⁴ EB-2011-0099, Decision on Confidentiality, March 19, 2013, p. 4

¹⁵ EB-2025-0044, Cover Letter to Interrogatory Responses and Confidentiality Request, November 26, 2025, p. 2

that undermines and devalues the commercially-developed expertise of third parties.¹⁶

OEB staff submits that Entegrus' comments regarding generative artificial intelligence do not alter the applicable test for confidentiality under the OEB's Rules or the Practice Direction. The possibility that publicly filed information may be accessed or processed by emerging technologies is not, in and of itself, a basis for departing from the OEB's longstanding presumption of openness.

Entegrus has not demonstrated how the use of this information by generative artificial intelligence tools creates a specific, identifiable harm beyond that associated with any public disclosure, and in any event, it appears that information very similar to the subject material is already publicly available. Accordingly, OEB staff submits that Entegrus' comments regarding generative artificial intelligence do not provide a compelling basis to grant confidential treatment in this case.

All of which is respectfully submitted

¹⁶ EB-2025-0044, Cover Letter to Interrogatory Responses and Confidentiality Request, November 26, 2025, p. 2