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**BY EMAIL**

March 10, 2026

Ritchie Murray  
Acting Registrar  
Ontario Energy Board  
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Toronto, ON M4P 1E4  
[Registrar@oeb.ca](mailto:Registrar@oeb.ca)

Dear Ritchie Murray:

**Re: Ontario Energy Board (OEB) Staff Submission  
Elexicon Energy Inc.  
2027-2031 Custom Rate Application for Electricity Distribution Rates and  
Charges  
OEB File Number: EB-2025-0312**

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

Yours truly,

Georgette Vlahos  
Advisor, Electricity Distribution

Encl.

cc: All parties in EB-2025-0312



# **ONTARIO ENERGY BOARD**

## **OEB Staff Submission on Confidentiality**

**Elexicon Energy Inc.**

**2027-2031 Custom Rate Application for Electricity Distribution Rates  
and Charges**

**EB-2025-0312**

**March 10, 2026**

## Introduction

Elexicon Energy Inc. (Elexicon Energy) filed a Custom Incentive Rate-Setting application with the Ontario Energy Board (OEB) on December 19, 2025 under section 78 of the *Ontario Energy Board Act, 1998* (OEB Act)<sup>1</sup> seeking approval for changes to the rates that it charges for electricity distribution, beginning January 1, 2027.

Elexicon Energy requested OEB approval to permanently redact and/or approval for confidential treatment of certain portions of its application pursuant to the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction).

The confidentiality requests as described by Elexicon Energy<sup>2</sup> relate to the following:

- Non-relevant business numbers and employee information within corporate tax returns
- Labour sensitive forecast information
- Third-party pricing and commercially sensitive information
- Information that identifies physical and cyber security infrastructure vulnerabilities
- Personal information consistent with the *Freedom of Information and Protection of Privacy Act*

Elexicon Energy provided a table in its cover letter which detailed its request for confidentiality, the evidence reference, explanation and rationale, and whether the redaction fits within a presumptively confidential category under Appendix B of the Practice Direction or otherwise.

## OEB Staff Submission

OEB staff agrees that at least one of the reasons listed in Elexicon Energy's cover letter applies to each of the following proposed redactions:

### Requests for Presumptive Confidential Treatment

- **Labour Sensitive Forecast Information:**
  - Exhibit 1, Tab 5, Schedule 2, Pages 1 and 23 (Impacts of Inflation)
- **Personal Information (Permanent Redaction Requested):**
  - Exhibit 4, Tab 1, Schedule 1, Page 14 (OM&A Overview)

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<sup>1</sup> S.O. 1998, c. 15, (Schedule B)

<sup>2</sup> EB-2025-0312, Cover Letter for Request for Confidential Treatment of Information in Pre-Filed Evidence, January 23, 2026

- **Third Party Pricing Information:**
  - Exhibit 4, Tab 1, Schedule 6, Appendix A, Pages 12-14 (Dx NEXT Summary)

#### Requests for Confidentiality for Other Reasons

- **Cyber Security Risk:**
  - Exhibit 2B, Tab 1, Schedule 1, Page 24 (DSP Overview)
  - Exhibit 2B, Tab 4, Schedule 3, Appendix L-1, Pages 13, 34-35, 57-58, 62 (bullet point 3) and 75 (last bullet point) (Cresa Report)
    - OEB staff does not object to the redactions associated with the location of key technical infrastructure.
  - Exhibit 2B, Tab 4, Schedule 3, Appendix P, Pages 6, 20, 22, 26 (OT Systems)
  - Exhibit 4, Tab 1, Schedule 6, Appendix A, Pages 9-11, 20-21, 23-24 (Dx NEXT Summary)
    - OEB staff notes that with respect to pages 20-21 and 23-24 specifically, while the language appears to be high-level in nature, disclosure could reveal vulnerabilities specific to Elexicon Energy's system. Out of an abundance of caution, in this instance, OEB staff do not oppose the proposed redactions.
  - Exhibit 4, Tab 1, Schedule 6, Appendix A-1, Pages 11, 13, 19, 21-22, 30, 33 (Dx NEXT Business Case)
    - OEB staff notes that the proposed redactions on pages 11 and 13 are similar in spirit to the proposed redactions in Exhibit 4 - Tab 1 - Schedule 6 - Appendix A (Dx NEXT Summary) on pages 20-21 and 23-24. For the same reasons as outlined in the previous bullet, OEB staff does not oppose the proposed redactions.
  - Exhibit 6, Tab 2, Schedule 1, Attachment 2, Pages 10, 12-13, 21-22, 24 (Tax Return)
- **Physical Security Risk:**
  - Exhibit 2B, Tab 4, Schedule 3, Appendix E, Pages 43-45 (Substation Renewal)
  - Exhibit 4, Tab 1, Schedule 3, Page 1 (System Operations)
- **Non-Relevance (Permanent Redaction Requested):**
  - Exhibit 6, Tab 2, Schedule 1, Attachment 2, Pages 1-141 (Tax Return - Business Numbers)

- Exhibit 6, Tab 2, Schedule 1, Attachment 2, Pages 1, 10, 14, 18, 23, 26, 29, 42 and 131-134 (Tax Return - Employee Information)

The following sections provide OEB staff's more detailed submissions on the remaining proposed redactions as grouped by Elexicon Energy in its cover letter. OEB staff have organized the remainder of its submission as follows:

- Requests for Presumptive Confidential Treatment
- Requests for Confidentiality for Other Reasons

## Requests for Presumptive Confidential Treatment

### ***Third Party Pricing Information***

#### Exhibit 1, Tab 5, Schedule 2, Page 23 (Inflation)

Elexicon Energy explains that the redacted information identifies price increases for specific construction and engineering contracts, and that this information is presumed confidential under the Practice Direction, Appendix B, parts 1 and 2. Further, Elexicon Energy notes that public disclosure may also compromise the company's ability to negotiate competitive pricing for these and similar services and could result in significant losses for Elexicon Energy and its ratepayers, and undeserved gains for third parties (Practice Direction, Appendix A, part (a)(iii) and (iv)).<sup>3</sup>

OEB staff does not agree that the information in Table 15 should be classified as presumptively confidential. OEB staff submits that it does not appear that the information directly identifies specific unit **pricing** of a third party or billing **rates** of a third party (emphasis added by OEB staff) in accordance with parts 1 and 2 of Appendix B of the Practice Direction. However, OEB staff does not oppose confidential treatment of the first column pursuant to Appendix A of the Practice Direction, part (a), (iii) and (iv) as also suggested by Elexicon Energy. OEB staff's view is that if the first column remains redacted, the redactions in columns two and three are no longer required.

#### Exhibit 4, Tab 1, Schedule 6, Appendix A, Attachment 1, Pages 24-26 (Dx NEXT Business Case)

Elexicon Energy explains that the redacted information consists of a breakdown of the vendor pricing structure for the Dx NEXT project. This information is presumed confidential under the Practice Direction, Appendix B, parts 1 and 2.<sup>4</sup>

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<sup>3</sup> EB-2025-0312, Cover Letter for Request for Confidential Treatment of Information in Pre-Filed Evidence, p. 2

<sup>4</sup> *Ibid*, p. 5

While OEB staff does not take issue with the confidential treatment of individual cost components for each step of the planned project based on Elexicon Energy’s rationale, OEB staff does not agree that the description (breakdown) of each step/task of the DX Next project should be treated as confidential (for example, the first column in the table on page 25). The information generally outlines categories of costs, and disclosure of such information would not identify third party pricing or billing rates. On page 26, it is unclear to OEB staff as to why a portion of the first image is proposed to be redacted based on Elexicon Energy’s rationale as provided in its cover letter. OEB staff invites Elexicon Energy to clarify.

## **Requests for Confidentiality for Other Reasons**

### ***Cyber Security Risk***

Elexicon Energy explains that:

The redacted information describes technical details of Elexicon’s IT and OT infrastructure including system design architecture, specific hardware components that make up Elexicon’s IT system, the network that critical infrastructure components are hosted on, specific software solutions used by Elexicon for key functions that house customer, employee and financial data, and specific cyber security protocols used to protect key infrastructure. The redacted information also provides information about measures related to cyber security enhancements and describes the identification and assessment of cyber security vulnerabilities, including those vulnerabilities that the security enhancements address. Finally, the information identifies the location of key aspects of Elexicon’s technical infrastructure. Public disclosure of this information poses a cyber security risk as contemplated in the Practice Direction, Appendix A, part (c).<sup>5</sup>

### Exhibit 2B, Tab 4, Schedule 3, Appendix N, Pages 9-13 (IT Systems)

OEB staff notes that the redacted information on pages 9-13 reveals replacements that are scheduled to be undertaken by Elexicon Energy for certain IT infrastructure and operational technology assets based on a “lifecycle plan”. It is unclear to OEB staff why the redactions are needed based on Elexicon Energy’s rationale. OEB staff invites Elexicon Energy to further explain why this information warrants confidential treatment.

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<sup>5</sup> *Ibid*, pp. 2-3

Exhibit 4, Tab 1, Schedule 3, Pages 3, 12 (System Operations)

It is unclear to OEB staff how public disclosure of this information, which does not appear to reveal sensitive information, could result in risks to cyber security. OEB staff invites Elexicon Energy to further explain why this information warrants confidential treatment.

Exhibit 4, Tab 1, Schedule 6, Pages 18-19, 21 (Common Corporate)

It is unclear to OEB staff why the proposed redactions on pages 18-19 and 21 (line 22) are appropriate, particularly since other information of a similar nature on pages 18 and 19 is not proposed to be redacted. OEB staff invite Elexicon to further explain why these specific redactions warrant confidential treatment.

OEB staff submits that the proposed redaction on page 21, line 25, appears overly broad, and potentially already disclosed in another section of Elexicon Energy's application (2024 Annual Report). Elexicon Energy may wish to confirm if this information is already in the public domain.

***Physical Security Risk***

Elexicon Energy states that the redacted information:

...provides the configuration of specific assets, including site maps and floorplans, identifies the location of certain types of assets particularly susceptible to theft, vandalism, or attack, and describes the security measures used to protect these assets. The redacted information also includes a discussion of security vulnerabilities, and the enhancements intended to address those vulnerabilities. Public disclosure of this information poses a physical security risk as contemplated in the Practice Direction, Appendix A, part (c).<sup>6</sup>

Exhibit 2B, Tab 4, Schedule 3, Appendix L, Pages 2-5, 11-12, 15, 17, 22 (Facilities)

With respect to pages 2-5, the only redactions which OEB staff support are those found on pages 2 and 5, as disclosure of such information may pose a potential physical security risk to Elexicon Energy. OEB staff's view is that the remaining redactions which discuss the location(s) and type(s) of general inventory and show an image of general inventory are broad, particularly in the forward-looking context of section 2.1 of this Exhibit as a whole. The redacted information does not identify the location of critical infrastructure, such as control centres, and is likely not dissimilar to the types of

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<sup>6</sup> *Ibid*, p. 4

inventory stored at other Ontario electricity distributors' facilities. This type of information has previously been filed on the public record.<sup>7</sup>

OEB staff does not object to the proposed redactions on pages 11-12, 15, 17, and 22 as disclosure could potentially create a physical security risk to Elexicon Energy due to the identification of and insights into potential security vulnerabilities at various locations.

Exhibit 2B, Tab 4, Schedule 3, Appendix L-1, Pages 9, 17, 22-33, 39-40, 48, 53, 58-59, 62-64, 69, 72, 75 (Cresa Report)

While one of the reasons Elexicon Energy uses for the proposed redactions is that disclosure would identify the “location of certain types of assets particularly susceptible to theft, vandalism, or attack, and describes the security measures used to protect these assets”, OEB staff’s view is that consideration regarding the type(s) of asset(s) should be given when requesting and/or determining whether a redaction is appropriate. For example, the OEB has previously found that the location of utility control rooms should be confidential.<sup>8</sup> In this case and as stated above, OEB staff’s view is that many of the redactions in this reference are overly broad. In many cases, the redacted information does not identify the location of critical infrastructure, such as control centres, and, as stated above, is likely not dissimilar to the types of inventories stored at other Ontario electricity distributors’ facilities.

The OEB’s Practice Direction seeks to strike a balance between the objectives of transparency and openness and the need to protect information that has been properly designated as confidential. Based on OEB staff’s views outlined above, and in consideration of the Practice Direction, OEB staff’s submissions on each proposed redaction are as follows:

- **Page 9:** for the reasons outlined above related to breadth, OEB staff does not agree with this redaction.
- **Page 17:** in OEB staff’s view, disclosure of bullet points 2 and 3 could potentially pose a security risk if disclosed. OEB staff does not agree that disclosure of the remaining redacted language (bullet point 6) detailing how space is generally utilized could pose security risks to Elexicon Energy.
- **Pages 22-33:** in this case, OEB staff does not object to Elexicon Energy’s request because disclosure of this information may pose a potential physical security risk to Elexicon Energy now and/or in the future. Specifically with respect to existing floor plans, while OEB staff acknowledges information of this nature

<sup>7</sup> For example, in EB-2024-0021, [Interrogatory Responses](#), SEC-9, January 7, 2025

<sup>8</sup> EB-2022-0049, Decision on Confidentiality and Issues List, June 29, 2022; EB-2019-0261, Decision on Confidentiality, July 28, 2020

has previously been put on the public record in a past OEB proceeding, the material was not requested to be kept confidential in that example.<sup>9</sup>

- **Page 39:** the redactions which discuss the location(s) and type(s) of general inventory are, in OEB staff's view, overly broad. With respect to the proposed redaction of the images, while OEB staff acknowledges that images similar in nature have previously been put on the public record in another OEB proceeding<sup>10</sup>, the material was not requested to be kept confidential in that example. OEB staff does not object to the images remaining confidential as disclosure could identify the location and configuration of specific assets.
- **Page 40:** the redactions which discuss the types of general inventory stored based on a conceptual plan and show an image of general inventory, are overly broad. As such, OEB staff do not support these redactions. OEB staff does not object to the proposed redaction of the image on the right side of the slide as disclosure of this site map could potentially pose a security risk to Elexicon Energy.
- **Pages 48 and 53:** as above, OEB staff does not agree with redactions associated with typical assets stored in a utility's yard and/or premises. OEB staff's view is that the proposed redactions are overly broad and specific physical security risks and/or vulnerabilities are not identifiable.
- **Page 58:** OEB staff does not object to the proposed redactions for the reasons explained by Elexicon Energy.
- **Page 59:** OEB staff does not agree with redactions associated with typical assets stored in a utility's yard and/or premises. Further, OEB staff does not agree with the proposed redaction of bullet point 2 as the language is general in nature and would not appear to reveal physical security risks and/or vulnerabilities if disclosed.
- **Pages 62-64:** OEB staff does not agree with the proposed redactions in bullets 7, 8, and 14 on page 62, and the last bullet on page 64. Disclosure would not appear to reveal physical security risks and/or vulnerabilities. With respect to page 63, OEB staff does not object to the redacted images as disclosure would expose a site plan which may pose a physical security risk to Elexicon Energy.
- For the reasons outlined above related to redactions associated with typical assets stored by a utility, OEB staff does not agree with the following redactions:
  - **Page 69:** all redactions
  - **Page 72:** all redactions except bullet point 2
  - **Page 75:** all redactions except bullet point 2, 10 and the last bullet

<sup>9</sup> EB-2022-0049, [Exhibit 2 Appendix I – Cresa Strategic Facilities Plan](#), p. 10

<sup>10</sup> Ibid, p. 13

Exhibit 4, Tab 1, Schedule 6, Pages 5, 39-41 (Common Corporate)

Below, OEB staff provides its rationale for disagreeing with the following proposed redactions:

- The page 5 redactions include a general discussion of historical investments made to enhance security. Specific details are not discussed.
- The page 39 redaction does not specifically identify any location and does not disclose any security vulnerabilities.
- The page 40 redactions reveals general initiatives taken by Elexicon Energy against physical security threats. Specific details are not discussed.
- The information underlying the redaction on page 41 (lines 14-15) is broad and general in nature.

While the information on lines 22-23 on page 41 is high-level, OEB staff does not object to its redaction, as disclosure would release a list of generic locations being monitored for safety purposes. OEB staff further notes that the continued confidential treatment of this information is unlikely to hinder the OEB's ability to hear the application in an open and transparent manner.

***Third Party Commercially Sensitive Information***

Elexicon Energy states that the redacted information consists of pricing-related commercial terms for the software cost components of the Dx NEXT project. The vendor has advised Elexicon Energy that publicly disclosing this information could prejudice the vendor's competitive position in providing similar software services to other potential clients and can impair its ability to negotiate agreements with other customers. Elexicon Energy requests confidential treatment pursuant to the Practice Direction, Appendix B, Parts 1 and 2 and Appendix A, parts (a)(i), (iii) and (iv)).<sup>11</sup>

Exhibit 4, Tab 1, Schedule 6, Appendix A, Page 15 (Dx NEXT Summary) and Exhibit 4, Tab 1, Schedule 6, Appendix A, Pages 7, 23, 25-26, 32 (Dx NEXT Business Case)

The information for which Elexicon Energy seeks redaction in the above references is general and can be inferred from related unredacted portions of the Dx NEXT Business Case documentation. It is unclear to OEB staff how the requested general redactions relating to the duration or term of its agreement constitute pricing-related commercial terms under the cited portions of Appendix B of the Practice Direction. It is also unclear to OEB staff how the disclosure of this information could generate potential harm under Appendix A of the Practice Direction.

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<sup>11</sup> EB-2025-0312, Cover Letter for Request for Confidential Treatment of Information in Pre-Filed Evidence, p. 5

**Conclusion**

In closing, OEB staff notes that the “Explanation and Rationale” column in Elexicon Energy’s cover letter contained, in several instances, multiple reasons that were not specific to each redaction. For ease of review, OEB staff encourages Elexicon Energy to identify the reason for each specific redaction in future filings.

*All of which is respectfully submitted*