



Jay Shepherd

Professional Corporation
2300 Yonge Street
Suite 806, Box 2305
Toronto, ON M4P 1E4

BY EMAIL and RESS

April 30, 2013

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario, M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2012-0153 – Northern Ontario Wires – SEC Confidentiality Objection

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No. 3, these are SEC’s submissions with respect to Northern Ontario Wires Inc.’s (“NOW”) request for confidentiality treatment for its Strategic Financial Plan, dated October 26, 2009, requested in Interrogatory 5-SEC-12s.

NOW claims that the Strategic Financial Plan contains information that is sensitive in nature and proprietary to the third-party who prepared them. The *Practice Direction on Confidentially Filings* (the “Practice Direction”) is clear, “the onus is on the person requesting confidentiality to demonstrate to the satisfaction of the Board that confidential treatment is warranted in any given case.”¹

NOW has not met its burden to demonstrate confidential treatment should be granted. NOW has not described what or why the information in the Strategic Financial Plan is sensitive and/or why it is propriety information to the third party who prepared it. It is not enough for NOW to assert that it is. SEC has reviewed the document after signing the Declaration and Undertaking and submits there is no reason that any portion should be accorded confidentiality treatment. It is simply an analysis of its financial trends, regulatory and management analysis and recommendations, a copy of its dividend policy and what was at the time future financial projections (2009-2011). This information is regularly produced by regulated utilities in cost of service proceeding and is important in helping to determine managerial and financial prudence.

¹ *Practice Direction on Confidential Filings* at p. 2

T. (416) 483-3300 F. (416) 483-3305

mark.rubenstein@canadianenergylawyers.com

www.canadianenergylawyers.com

While SEC submits that the Strategic Financial Plan should not be accorded confidentiality treatment, if the Board does disagree then NOW should be required to redact such information and place the remainder of the document on the public record.

Yours very truly,
Jay Shepherd P.C.

Original signed by

Mark Rubenstein

cc: Applicant and Intervenors (by email)