



BY EMAIL and RESS

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2300 Yonge Street
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January 10, 2022
Our File: EB20210041

Attn: Nancy Marconi, Acting Registrar

Dear Ms. Marconi:

Re: EB-2021-0041 – London Hydro 2022 – SEC Comments

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No. 2, these are SEC’s comments on London Hydro’s request for confidential treatment for certain interrogatory responses.

1-SEC-1 Attachments. London Hydro seeks confidentiality over the entirety of 7 compensation related benchmarking reports undertaken by MEARIE/Korn Ferry on the basis that, a) it has received the documents on the basis that it must take steps to maintain its confidentiality, b) there is harm to MEARIE/Korn Ferry on the basis that they will likely lose value if potential purchasers could download the document off the OEB website and, c) it eliminates the incentive for third-parties to undertake these studies.

The OEB was faced with essentially the same arguments in EB-2020-0007 regarding one of the 7 compensation reports at issue in the proceeding, the 2020 MEARIE Compensation Survey. In its decision, the OEB denied the confidentiality request over any of the report (referenced in the decision as Report 1) finding “that the OEB is not persuaded that such information would prejudice MEARIE’s and Korn Ferry’s competitive position” and that Burlington Hydro had “not established that financial or economic loss would occur as a result of making Report 1 public.”¹ The OEB also noted that it had ordered similar MEARIE reports to be placed on the public record in Burlington Hydro’s previous cost of service application.²

¹ [Decision and Rate Order \(EB-2020-0007\), April 15, 2021](#), p.8-9

² [Decision and Rate Order \(EB-2020-0007\), April 15, 2021](#), p.9, citing [Decision and Order on Confidentiality \(EB-2013-0115/0159/0174\), May 29, 2014](#), p.7



The 7 reports at issue in this proceeding are the same type at issue in the Burlington Hydro confidentiality request, including one that is identical, and SEC sees no reason for the OEB to depart from its findings in that proceeding.

2-SEC-11 Attachments. London Hydro seeks confidentiality over the entirety of three attachments related to its planned CIS Refresh Project, on the basis that the information is commercial sensitive and may harm the company's competitive position as it undertakes its RFP. SEC accepts that certain information contained in the attachments may be commercial sensitive and should be treated as confidential so as not to harm the RFP process. SEC's objection is that the request is overbroad. Even a cursory review of the attachments demonstrates that the entirety of the three attachments does not contain commercially sensitive information. Moreover, much of the information in the attachments is already contained in the pre-filed evidence (see for example, Exhibit 2, p.78-79). London Hydro should be required to revise its request and only seek confidential treatment over specific aspects of the attachments that are truly commercially sensitive and would harm the RFP process.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Ted Doherty, SEC (by email)
Applicant and intervenors (by email)