

April 26, 2022

**ADDRESS & EMAIL**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Attention: Ms. Nancy Marconi, Registrar

Dear Ms. Marconi:

**Re: Milton Hydro Distribution Inc. (“Milton Hydro”)  
EB-2022-0049: Cost of Service Rate Application for 2023 Electricity  
Distribution Rates (“Application”) – Request for Confidential Treatment of  
Certain Information in Pre-Filed Evidence**

We are counsel to Milton Hydro, the applicant in the above-referenced proceeding. Milton Hydro filed the Application on April 14, 2022. Pursuant to the OEB’s *Practice Direction on Confidential Filings* (the “Practice Direction”), Milton Hydro hereby requests the confidential treatment of certain information contained in the Application.

The specific information for which Milton Hydro seeks confidential treatment and a summary of the rationale for the requests are provided below. Appendix ‘A’ identifies exhibits and page references that contain the information for which confidentiality is requested, and the appendix attached hereto containing the confidential, unredacted copy of each document that is the subject of this request.

**1. Information Posing Security-Related Risks**

Milton Hydro requests confidential treatment, by means of redaction, for the following information, the disclosure of which is considered by Milton Hydro to pose security-related risks:

- Certain portions of the 24/7 System Control Room & Operations Business Case;
- Certain portions of the Building Renovations Business Case;
- Certain portions of the Strategic Facility Plan report prepared by Cresa; and
- Certain portions of the Bringing Disallowed Space Into Rate Base Business Case (collectively referred to as “Security Sensitive Information”).

The Security Sensitive Information identifies and describes the proposed location of control room operations within Milton Hydro’s premises. This information is highly sensitive from a

system security perspective and, if disclosed, can pose security-related risks to the operations of Milton Hydro's distribution system. The Security Sensitive Information is consistent with the types of information for which confidential treatment is contemplated in the Practice Direction and for which the OEB has consistently granted confidential treatment in prior proceedings.<sup>1</sup>

Confidential, unredacted copies of the relevant pages of the Security Sensitive Information, which have been marked "Confidential" and which identify all portions for which confidentiality is claimed using highlighting, are provided in Appendices 'B' to 'E', attached hereto.

## **2. Commercially Sensitive and Proprietary Information of a Third Party**

Milton Hydro requests confidential treatment, by means of redaction, for certain portions of PwC's IT Strategy & Roadmap Report, a copy of which has been filed by Milton Hydro under the separate cover on April 26, 2022 ("PwC Report"). The portions of the PwC Report, for which confidentiality is claimed, contain PwC's methodology and analysis used to conduct a current state review of Milton Hydro's IT systems and to develop a technology roadmap. Milton Hydro is advised by PwC that this information is commercially sensitive and proprietary to the consultant and has been consistently treated in confidence with its clients. Milton Hydro is further advised that the public disclosure of this information could cause competitive harm to PwC and provide unfair advantage to its competitors. Further detail on the confidential nature of the PwC Report is set out in the letter from PwC's counsel, attached as Appendix 'F' hereto.

Confidential, unredacted copy of the PwC Report, which have been marked "Confidential" and which identify all portions for which confidentiality is claimed using highlighting, is provided in Appendix 'G'.

Yours truly,



Tim Pavlov

cc: Dan Gopic, Milton Hydro

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<sup>1</sup> EB-2018-0165, EB-2019-0082, EB-2021-0110.

**APPENDIX A**

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Confidential Info Location</b>	<b>Confidential Submission Appendix</b>	<b>Rationale Summary Reference</b>
Exhibit 2, Attachment 2-2 Distribution System Plan, Appendix A & Exhibit 4 Attachment 4-1	24/7 System Control Room & Operations Business Case	p. 12 of 18	Appendix B	Section 1
Exhibit 2, Attachment 2-2 Distribution System Plan, Appendix A	Building Renovations Business Case	pp. 1 & 3 of 3	Appendix C	Section 1
Exhibit 2, Attachment 2-2 Distribution System Plan, Appendix I	Cresa's Strategic Facility Plan	pp. 3, 5, 21 & 23 of 25	Appendix D	Section 1
Exhibit 2, Attachment 2-1	Bringing Disallowed Space Into Rate Base Business Case	pp. 6 & 7 of 12	Appendix E	Section 1
Exhibit 2 Attachment 2-2 Distribution System Plan, Appendix F	PwC's IT Strategy & Roadmap Report	pp. 6, 8, 13, 16, 17, 22-23, 25-29, 39, 45-47, 53, 55, 58, 60, 62, 71-79 and 81-87 of 88	Appendix G	Section 2

**Copies of Appendices B to E and Appendix G have been filed confidentially in accordance with the *Practice Direction on Confidential Filings***

**APPENDIX 'F'**

**Letter from PwC Counsel re Confidentiality of the PwC Report**



April 25, 2022

**DELIVERED BY EMAIL ([registrar@oeb.ca](mailto:registrar@oeb.ca))**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Attention: Registrar

Dear Madam/Sir,

**Re: Confidentiality of PricewaterhouseCoopers LLP (“PwC”) report,  
Milton Hydro 2023 Cost of Service Rate Application (the “Application”)**

We are writing on behalf of PwC. We understand that Milton Hydro intends to file the IT Strategy & Roadmap Report prepared by PwC (the “Report”) as part of its Application. Pursuant to Rule 10.01 of the Ontario Energy Board’s (“OEB”) *Rules of Practice and Procedure* (the “Rules”) and Appendix A (subsections (a) and (b)) and Appendix B (section 7) of the OEB’s *Practice Direction on Confidential Filings* (the “Practice Direction”, collectively, the “Confidentiality Requirements”), PwC hereby requests the confidential treatment of certain information contained in the Report.

PwC has proposed redactions on pages 6, 8, 13, 16, 22-23, 25-29, 39, 45-47, 53, 55, 58, 60, 62, 71-79 and 81-87 of the Report attached to this letter. PwC respectfully submits that the information contained on these pages, being PwC’s methodology and analyses, be redacted on the basis of subsection (b) of Appendix A of the Practice Direction as information that is “...commercial...material that is consistently treated in a confidential manner by the person providing it to the OEB.” The “person” referenced in that subsection is PwC in its delivery of the Report to Milton Hydro (and the OEB). PwC’s methodology is proprietary and confidential commercial information and only shared with its clients, in this case, Milton Hydro, in confidence.

This is further evidenced by PwC’s expectation of confidentiality in all of the information contained within the Report by the following text on page 2 of the Report:

*This information is strictly confidential and has been prepared solely for the use and benefit of, and pursuant to a client relationship exclusively with, Milton Hydro*

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PricewaterhouseCoopers LLP  
PricewaterhouseCoopers Place, 18 York, Suite 2600, Toronto, Ontario, Canada M5J 0B2  
T: +1 416 863 1133, [www.pwc.com/ca](http://www.pwc.com/ca)



*("Client"). This report should not be copied or disclosed to any third party or otherwise be quoted or referred to, in whole or in part, without the prior written consent of PwC...*

The information contained in the Report is not available to the public via other sources.

Moreover, subsections (a)(i) and (iv) of Appendix A of the Practice Direction are also applicable to the foregoing noted redactions in that should the redacted information be made publicly available, it would certainly prejudice PwC's competitive position and result in a significant loss to PwC as its competitors would then be aware of PwC's methodology and analyses and use it in future bids with potential clients to undermine PwC's future proposal, thereby resulting in significant loss to PwC.

In the alternative, the foregoing redacted information is a model of a consultant (PwC), retained by a party (Milton Hydro), which would be presumptively confidential and therefore redacted pursuant to section 7 of Appendix B of the Practice Direction.

We have also redacted the timeframe listed on pages 6, 15, 16 and 17 pursuant to the subsections (a)(i) and (iv) of Appendix A of the Practice Direction on the basis that PwC's competitors may attempt to undermine PwC's future bid by proposing a shorter timeframe than what PwC would propose for similar work, thereby resulting in prejudice to PwC's competitive position and resulting in significant loss to PwC.

By not protecting the foregoing identified confidential information would be to simply educate its competitors to the detriment of PwC in future work.

Thank you for considering our arguments for confidentiality in respect of the Report. Should the OEB require any further information or clarification as to the requests made herein please contact the undersigned as needed.

Yours truly,

*Spencer Knibutat*

Spencer Knibutat