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April 22, 2024

Ms. Nancy Marconi, Registrar  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, 27th floor  
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: OEB File No. EB-2023-0195, Toronto Hydro-Electric System Limited (“Toronto Hydro”) 2025-2029 Custom Rate Application for Electricity Distribution Rates and Charges – Request for Confidential Treatment of Undertaking Responses**

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Toronto Hydro writes pursuant to Rule 10.01 of the OEB’s *Rules of Practice and Procedure* and the OEB’s *Practice Direction on Confidential Filings* (the “**Practice Direction**”) to request that certain information contained in documents being produced as part of the utility’s responses to undertakings from the Technical Conference (the “**Responsive Documents**”) be treated as confidential.

Descriptions of the particular information contained in the Responsive Documents for which Toronto Hydro seeks confidential treatment and the rationale for the requests, including the reasons that public disclosure would be detrimental to Toronto Hydro or others, are set out in the table of concordance below. The utility notes that it has already filed one of the Responsive Documents, namely Appendix A to undertaking Response JT5.37, along with the submissions on April 18, 2024. Nonetheless, the confidentiality request is reproduced in the table of concordance for ease of reference.

For each of the Responsive Documents, Toronto Hydro has followed the required approach of filing both redacted (public) and non-redacted (confidential) versions in Attachments “A” and “B”, respectively. In the non-redacted (confidential) versions, confidential information is marked for redaction with a red outline in accordance with section 5 of the Practice Direction. Toronto Hydro confirms that no part of any undertaking responses contains, or requires redactions of, any personal information or non-relevant information.

In accordance with section 5 of the Practice Direction, Toronto Hydro is providing a table of concordance in the appendix to this letter, which for each Responsive Document identifies and describes all information for which Toronto Hydro requests confidential treatment and the rationale for each request. The table is organized based on the categories of information for which Toronto Hydro is requesting confidential

treatment, which are as follows:

- Underlying data sets for studies carried out by third-party consultants; and
- Proprietary methodologies of studies carried out by third-party consultants.

Please do not hesitate to contact me if you have any questions.

Yours truly,

Daliana Coban

Director, Regulatory Applications & Business Support

## Appendix A: Confidentiality Requests for Undertaking Responses

Responsive Document	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Information	Redactions for Non-Relevance
JT5.37 Appendix A	All pages	<p><i>Presumptively confidential information: Practice Direction, Appendix B, Item 7; Appendix A items (a)(i), (ii), (iv), (b), and (e)</i></p> <p><b>Underlying proprietary data set of consultant:</b> This Responsive Document includes underlying data sets from Clearspring Energy Advisors, LLC (“Clearspring”), a third-party consultant retained by Toronto Hydro. The information consists of custom elasticities developed by the consultant. This type of document, which contains the underlying data and or/model of a consultant retained by the utility, is explicitly contemplated as a category of information presumed to be confidential under the Practice Direction. The consultant has advised Toronto Hydro that the information in question is proprietary and of a commercially sensitive nature, the public disclosure of which could prejudice the commercial interests and a competitive position of the consultants, as contemplated in Appendix A, items (a)(i), and (iv) of the Practice Direction.</p> <p>Clearspring is a commercial enterprise which, among other services, collects, compiles and provides Toronto Hydro with access to proprietary industry specific data that is not otherwise in the public domain, as well as analysis based on such proprietary data. This information is of a significant commercial value. The public disclosure of the consultants’</p>	N/A	N/A	N/A

Responsive Document	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Information	Redactions for Non-Relevance
		<p>custom elasticities data would make such information freely available for use by potential clients and competitors. This would undermine the basis of the consultants' business, potentially seriously prejudicing the consultants' commercial and competitive position, as well as their ability to carry on business offering such data, research and analysis, with the potential consequence of impeding or diminishing Clearspring's capacity to fulfill its contractual obligations, as contemplated in Appendix A, item (a)(ii) of the Practice Direction. Further, the data in question consists of trade secret or financial, commercial, scientific or technical material that has consistently been treated as confidential pursuant to Appendix A item (b) and (e) of the Practice Direction.</p>			
JT1.7 Appendix A	pp. 6-7, 9, 11, 13-14	<p><i>Considerations in determining requests for confidentiality: Practice Direction, Appendix A items (a)(i), (iv), and (b)</i></p> <p><b>Commercially sensitive and proprietary information of consultants relating to their methodology:</b> These Responsive Documents consist of third party consultant reports, except for JT3.12 Appendix A which is a supplement to a previously filed report, prepared by a third party-consultant (Gartner), that defines IT maturity thresholds. These reports, as well</p>	N/A	N/A	N/A

Responsive Document	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Information	Redactions for Non-Relevance
JT3.1 Appendix A	pp. 26-31	as the supplement, each contain information that reveals proprietary aspects of consultant methodologies used to perform their analysis. For example, in the instance of consultants such as Hatch and Metsco with respect to JT1.7 Appendix A and JT3.1 Appendix A, respectively, the methodologies utilized in their responsive documents are the result of years of research and development into determining what factors to consider in their analysis'. Such information is commercially sensitive in nature, and the public disclosure of such information could prejudice the commercial interests and competitive position of the relevant consultant, and thereby be likely to cause them significant loss, as contemplated in Appendix A, items (a)(i), and (iv) of the Practice Direction.			
JT3.1 Appendix F	pp 7-9, 11, 20-25	Similarly, for JT3.1 Appendix F, the information consists of portions of checklists in the third-party consultant AtkinsRealis' audit report which Toronto Hydro is advised reveals proprietary aspects of the consultant's audit process.			

Responsive Document	Pages	Redactions for Confidential Treatment	Redactions for Personal Information	Redactions for Privileged Information	Redactions for Non-Relevance
JT3.12 Appendix A	All Pages	<p>As described above, Toronto Hydro’s consultants are commercial enterprises. The public disclosure of the consultants’ proprietary methodologies would make such information freely available for use by potential clients and competitors. This would undermine the basis of the consultants’ business, potentially seriously prejudicing the consultants’ commercial and competitive position, as well as their ability to carry on business offering such research and analysis with the potential consequence of impeding or diminishing Clearspring’s capacity to fulfill its contractual obligations, as contemplated in Appendix A, item (a)(ii) of the Practice Direction.</p> <p>Further, the data in question consists of trade secret or financial, commercial, scientific or technical material that has consistently been treated as confidential pursuant to Appendix A item (b) and (e) of the Practice Direction.</p>			