



Ontario  
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BY EMAIL

May 6, 2024

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4  
[Registrar@oeb.ca](mailto:Registrar@oeb.ca)

Dear Ms. Marconi:

Re: **Ontario Energy Board (OEB) Staff  
OEB Staff Expert Evidence: Pacific Economics Group Research LLC (PEG)  
Expert Evidence - Clearspring  
Toronto Hydro-Electric System Limited  
2025-2029 Custom Rate Application for Electricity Distribution Rates and  
Charges  
Ontario Energy Board File Number: EB-2023-0195**

By letter dated January 24, 2024, OEB staff advised the OEB of its intention to file two reports prepared by PEG: one regarding a review of the evidence provided by Clearspring Energy Advisors (Clearspring) and another regarding the evidence provided by Scott Madden Management Consultants. In Procedural Order No. 3, dated February 5, 2024, the OEB approved staff's proposal to provide expert evidence by PEG.

Please find attached a copy of PEG's report relating to the evidence provided by Clearspring, titled *Statistical Cost Research for THESL's New CIR Plan*. A copy of the author's curriculum vitae and, in accordance with Rule 13A of the OEB's Rules of Practice and Procedure, a signed Form A: Acknowledgement of Expert's Duty were previously submitted on May 2, 2024.

### ***Claim for Confidentiality of PEG's Working Papers***

The analyses documented in PEG's evidence are the result of proprietary econometric modelling of electricity distributor data. The working papers consist of the following: spreadsheet and database files with the data used in the analyses, program code, and

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other relevant documentation. OEB staff is requesting confidential treatment for the working papers, in their entirety. The working papers are underlying datasets and models of a consultant retained by OEB staff, a category of presumptively confidential material, as set out in Appendix B of the OEB's *Practice Direction on Confidential Filings*. In addition, the working papers should be accorded confidential treatment for the following reasons:

1. To prepare this report, PEG utilized some of Clearspring's working papers. Toronto Hydro, in its letter dated April 4, 2024, requested confidential treatment for Clearspring's working papers. For this reason, PEG's working papers require the same confidential treatment. To disclose PEG's working papers publicly would disclose the proprietary and commercially sensitive data of Clearspring.
2. PEG's working papers also contain additional data and program code that PEG has developed, or that PEG has acquired from third party vendors. The data and code may be under agreements for non-disclosure. This data and code would have commercial value to economic consultants who are competitors to PEG.

OEB staff therefore requests confidential treatment of PEG's working papers in their entirety. This would be consistent with previous proceedings, such as Hydro One's 2023-2027 Custom Rate Application, EB-2021-0110, and Toronto Hydro's 2020-2024 Custom Rate Application, EB-2018-0165.

***Claim for Confidentiality of supporting files for PEG's Framework Report***

On May 2, 2024, OEB staff filed PEG's Framework Report. On May 3, 2024, SEC requested the live spreadsheet that supports Table 2 of that report. Additionally, PEG's working papers will include supporting files for Table 1a and 1b of PEG's Framework Report. These supporting files also use some of the data from the Clearspring working papers. To disclose these spreadsheets would disclose data for which Toronto Hydro has requested confidential treatment. As a result, OEB staff requests confidential treatment of these spreadsheets to preserve the confidentiality of the data used by Toronto Hydro's third-party consultant.

Any questions relating to this letter should be directed to Thomas Eminowicz at [Thomas.Eminowicz@oeb.ca](mailto:Thomas.Eminowicz@oeb.ca).

Yours truly,

Thomas Eminowicz  
Senior Advisor

c: All intervenors, Toronto Hydro, Charles Keizer, Arlen Sternberg