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File No. 22164.3

July 25, 2024

BY EMAIL & RESS

Ms. Nancy Marconi
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P1E4

Dear Ms. Marconi:

Re: Festival Hydro Inc. (“Festival”) Cost of Service Application for 2025 Electricity Distribution Rates (“Application”) Ontario Energy Board (“OEB”) File No. EB-2024-0023 Interrogatory Responses

On June 12, 2024, the OEB issued Procedural Order No. 1 setting out a process for interrogatories on the Application. On July 5, 2024, OEB Staff, School Energy Coalition, Energy Probe, Vulnerable Energy Consumer Coalition and Association of Major Power Consumers in Ontario filed written interrogatories to Festival. Enclosed are Festival’s responses to those interrogatories.

Festival is hereby requesting confidential treatment of the attachments to the response to interrogatory 2-AMPCO-8 and 4-Staff-20, pursuant to sections 9A, 10.01 and 10.02 of the OEB’s *Rules of Practice and Procedure* (revised July 13, 2023) and sections 5.1.1, 5.1.2 and 10 of the OEB’s *Practice Direction on Confidential Filings* (revised December 17, 2021) (“**Practice Direction**”).

Location	Reason for Confidentiality
2-AMPCO-8	<p>The redacted information in the attachment to 2-AMPCO-8 contains information regarding sensitive infrastructure within Festival’s service area and disclosure could affect the security of Festival’s distribution system. The redacted information relates to information about Festival’s information technology devices such as their IP addresses, serial numbers and firmwares. Disclosure of this information publicly will present a cybersecurity concern for Festival. Further, it contains information that is non-responsive to the interrogatory in question and is not relevant to the matters at issue in this proceeding.</p> <p>Accordingly, the redacted information in 2-AMPCO-8 should remain redacted and should not be provided parties to who would otherwise be</p>

	<p>allowed to have access to confidential information in accordance with section 6 of the Practice Direction.¹</p>
<p>4-Staff-20</p>	<p>The redacted information is “personal information” under the <i>Freedom of Information and Protection of Privacy Act</i> as it pertains to an identifiable individual about their employment history or information relating to financial transactions with their employer (Festival). The redacted information pertains to personal information about salaries, benefits, pay adjustments and bonuses of executive staff at Festival that has been consistently treated in a confidential manner by Festival and the OEB.² Disclosure of this information could significantly prejudice Festival in future salary negotiations with employees of Festival or create an atmosphere of discontent. In any event, the redacted information contains information that is non-responsive to the interrogatory in question and is not relevant to the matters at issue in this proceeding.</p> <p>This confidentiality request is distinct from other OEB decisions where data has been aggregated in salary surveys (e.g., MEARIE) and disclosed publicly. The redacted information in this case pertains to an identifiable individual. Provision of this information would allow the inference of compensation information for identifiable individuals or multiple individuals.³</p> <p>Accordingly, the redacted information in 4-Staff-20 should remain redacted and should not be provided parties to who would otherwise be allowed to have access to confidential information in accordance with section 6 of the Practice Direction.</p>

Please contact the undersigned with any questions.

Yours truly,

BORDEN LADNER GERVAIS LLP



Colm Boyle

CB/JV

¹ Decision on Confidentiality EB-2023-0013, E.L.K. Energy Inc., February 27, 2024.

² Decision on Confidentiality EB-2021-0048, Oshawa PUC Networks Inc., December 14, 2020, p.4.

³ Decision on Confidentiality EB-2021-0009, Brantford Power Inc., August 19, 2021; Decision on Confidentiality EB-2020-0007, Burlington Hydro Inc., January 12, 2021.