



Ontario
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BY EMAIL

August 30, 2024

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Generic Proceeding – Cost of Capital and Other Matters
Ontario Energy Board File Number: EB-2024-0063
OEB Staff Objection to Confidentiality Request**

Pursuant to section 5.1.6 of the [Practice Direction on Confidential Filings](#) (Practice Direction), OEB staff is filing this letter to object to the request by the Ontario Energy Association (OEA) for confidential treatment of certain information filed with its response to interrogatory SEC 41(d).

In its August 23, 2024 letter, the OEA wrote:

On behalf of OPG the OEA requests that the un-redacted version of OPG's List of Outstanding Debt Supporting Regulated Operations need not be filed. The redacted information in this document relates to highly confidential debt terms. This is commercially sensitive information, and access to such information could give other parties information not otherwise available that could (at least theoretically) provide some advantage unrelated to the proceeding.

It is not clear to OEB staff why the list of outstanding OPG debt is commercially sensitive or how it could provide anyone with an advantage unrelated to the proceeding. Even if such information is sensitive, it is not at all obvious why it cannot be provided to the OEB and to individuals who sign the Declaration and Undertaking, which includes a commitment to use the information only for the purpose of the proceeding – in other words, why the OEB's usual approach to confidentiality is insufficient.

As the Practice Direction says, "the placing of materials on the public record is the rule, and confidentiality is the exception." OEB staff is not convinced that the information in question requires confidential treatment, let alone the extra layer of protection (i.e., non-disclosure to anyone, even the OEB and individuals who sign the Declaration and Undertaking) requested by the OEA.

Under section 5.1.8 of the Practice Direction, the OEA will have an opportunity to respond to our objection. Unless it is able to persuade the OEB that non-disclosure – or at least restricted disclosure subject to the Declaration and Undertaking – is truly required, the OEB should order that the information be placed on the public record of this proceeding.

Yours truly,

Fiona O'Connell
Senior Advisor, Regulatory Accounting, Operations Decision Support

c: All parties to EB-2024-0063