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April 23, 2018

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Via Electronic Mail and Courier

Newfoundland and Labrador Board
of Commissioners of Public Utilities
120 Torbay Road
P.O. Box 21040
St. John's, NL A1A 5B2

**Attention: Ms. G. Cheryl Blundon, Director of Corporate Services
and Board Secretary**

Dear Ms. Blundon:

**Re: 2017 Hydro GRA - Submission of the Island Industrial Customer Group on Hydro's
application for a protective order in respect of PUB-NLH-149 and CA-NLH-244**

The Island Industrial Customer (IIC) Group support Hydro's application, as filed April 13, 2018, for an order governing the terms of disclosure and access for information which is responsive to PUB-NLH-149 and CA-NLH-244.

The IIC Group note that the Board's Rules of Procedure for this proceeding (per PU 30 (2017)) provide for the making of such an order, on application of a party. The IIC Group also note that the Rules of Procedure acknowledge that the Board is bound by the provisions of the *Access to Information and Protection of Privacy Act*, RSNL 2002 Chapter A-1.1 (ATIPPA), and that documents which are determined by the Board to be confidential will be dealt with in accordance with the provisions of this legislation.

In the submission of the IIC Group, the information sought to be kept confidential by Hydro, *prima facie*, falls within the categories for which disclosure may be refused, pursuant to section 35 and 39 of the ATIPPA (excerpted in Appendix A to this submission). In the context of this recognition in ATIPPA of categories of information which should be considered confidential, the IIC Group find that Hydro's willingness to disclose this information, but subject to the confidentiality conditions stated in the proposed Undertaking, is a reasonable and justifiable measure.

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We trust these submissions will be found to be in order.

Yours truly,

Stewart McKelvey



Paul L. Coxworthy

PLC/kmcd

c: Geoffrey P. Young, Corporate Secretary and General Counsel, Newfoundland & Labrador Hydro
Dennis M. Brown, Q.C., Consumer Advocate
Gerard Hayes, Newfoundland Power
Dean A. Porter, Poole Althouse
Denis J. Fleming, Cox & Palmer
Van Alexopoulos, Iron Ore Company of Canada
Benoit Pepin, Rio Tinto
Senwung Luk, Labrador Interconnected Group

Appendix A to submission of the Island Industrial Customer Group on Hydro's application for a protective order in respect of PUB-NLH-149 and CA-NLH-244

Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

- (a) trade secrets of a public body or the government of the province;
- (b) financial, commercial, scientific or technical information that belongs to a public body or to the government of the province and that has, or is reasonably likely to have, monetary value;
- (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
- (d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;
- (e) scientific or technical information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;
- (f) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations;
- (g) information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body; or
- (h) information, the disclosure of which could reasonably be expected to be injurious to the ability of the government of the province to manage the economy of the province.

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information

- (a) that would reveal
 - (i) trade secrets of a third party, or
 - (ii) commercial, financial, labour relations, scientific or technical information of a third party;
- (b) that is supplied, implicitly or explicitly, in confidence; and
- (c) the disclosure of which could reasonably be expected to
 - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.