Newfoundland and Labrador Hydro
Hydro Place. 500 Columbus Drive
P.O. Box 12400. St. John's. NL
Canada A1B 4K7
t. 709.737.1400 I f. 709.737.1800
nlhydro.com

December 11, 2025

Board of Commissioners of Public Utilities
Prince Charles Building
120 Torbay Road, P.O. Box 21040
St. John's, NL A1A 5B2

Attention: Jo-Anne Galarneau
Executive Director and Board Secretary

Re: 2026 Capital Budget Application – Confidential Information – Hydro's Reply

Newfoundland and Labrador Hydro ("Hydro") filed its 2026 Capital Budget Application ("CBA") with the Board of Commissioners of Public Utilities ("Board") on July 15, 2025. Hydro had redacted Appendix A to Schedule 8 as that particular attachment contains specifics pertaining to individual Major Project expenditures, not proposed for approval in the 2026 CBA, and is commercially sensitive information. On July 28, 2025, Hydro received the Board's correspondence in which the Board requested that Hydro identify each piece of information filed as confidential, the basis for the claim, and why public disclosure would be detrimental and to file a Five-Year Capital Plan that incorporates both major capital and non-major capital projects in a single report. Hydro filed the information requested by the Board, including an additional summary of recurring program and project expenditures, on August 18, 2025.

On September 24, 2025, the Board provided correspondence requesting additional information regarding the confidential information as well as further information regarding the practices of other regulated utilities. The Board's questions and the information requested is provided herein.

1. **In Appendix A, explain why 2025 and prior year spending should be considered and treated as confidential, and the harm that could be caused by releasing information on past/current spending publicly.**

Appendix A to Schedule 8 is a two-page document containing the breakdown of the Major Projects Capital Plan by Investment Class and Asset Category. The redacted information on the first page of the attachment provides dollars for 2025 and prior years, per year for 2026–2030, and the cumulative for 2031–2035 for individual Major Projects, grouped by investment classification. The redacted information on the second page provides dollars for 2025 and prior years, per year for 2026–2030, and the cumulative for 2031–2035 for individual Major Projects, grouped by asset category. Hydro notes that none of the information in that Appendix pertains to the capital expenditures for which Hydro requests authorization in the 2026 CBA.

The release of information related to detailed project estimates or spending, particularly when they can be combined with known or discoverable information regarding the stages of the project and the procurement necessary at that stage, could cause significant harm or prejudice to Hydro's competitive

or negotiating position by influencing bidding and/or contract negotiation processes or legal proceedings related to claims. This would lead to increased costs to Hydro and ultimately to customers.

2. Identify any of the information for which confidential treatment is being requested that has previously been released publicly.

To the best of Hydro's knowledge, the information redacted in Appendix A to Schedule 8 of Hydro's original 2026 CBA filing has not been publicly disclosed in this or other proceedings other than the 2025 and Prior Year expenditures related to Penstock Life Extension – Phase 1. That figure was redacted in the tables on pages A-1 and A-2 of Appendix A to avoid providing the inputs that would enable the calculation of the commercially sensitive information in the remainder of the Tables and filing.[1]

The Five-Year Capital Plan provided on July 28, 2025 incorporating both major capital and non-major capital projects in a single report, as requested by the Board, may have redacted information that had not been redacted in the original 2026 CBA filing. Hydro redacted the category lines, subtotals, and totals in the finance tables where Major Project data was included to avoid allowing project specific information to be ascertained through comparison with other information that has been made available to the public. Similarly, Hydro redacted certain charts within the Capital Plan that would, when compared with other data publicly available, allow for the determination of Major Project specific confidential and commercially sensitive information

3. Other than the Nova Scotia cases provided in Hydro's 2025 Build Application, is Hydro aware of other regulated utilities that are requesting that proposed capital expenditure amounts be treated as confidential? Please provide details and examples.

It is somewhat difficult to locate relevant requests by utilities and the resulting decisions from their regulators, as not all regulators have easily accessible or searchable databases of applications and decisions. Additionally, in most cases regulators do not provide detailed reasons as to why they have granted or refused a request for confidential treatment of the filing of certain information. Further, due to the nature of the decisions, when the request is approved there is very little provided about the information for which confidentiality was sought.[2]

However, Hydro can confirm that a number of utilities request that proposed capital expenditure amounts be treated as confidential and have had their requests approved by their regulator.

***New Brunswick Power Corporation v Electricity Act, SNV 2013, c. E-7, s. 107*, EL-001-2025**

In January 2025, the New Brunswick Power Corporation ("NB Power") filed an application for approval of its Large Transmission Capital Projects. In doing so, NB Power requested that certain documents being filed with the Energy Utilities Board ("EUB") be held in confidence per Section 34 of the *Energy and Utilities Board Act*, SNB 2006, c. E-9.18.[3]

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[1] Hydro has reviewed Appendix A once more and feels that the 2025 capital spend for Penstock Life Extension – Phase 1 could be released, but only if the remaining figures and subtotals continue to be redacted.
[2] Hydro notes that the decision of the Nova Scotia Utility and Review Board ("NSUARB") in 2014 NSUARB 5, as provided in Hydro's 2025 Build Application process, was upheld by the Nova Scotia Court of Appeal as being reasonable. *Cape Breton Explorations Ltd. v. Nova Scotia (Attorney General)*, 2015 NSCA 35.
[3] *New Brunswick Power Corporation v Electricity Act, SNV 2013, c. E-7, s. 107*, EL-001-2025 (11 March 2025) EUB, p. 2.

The information that NB Power requested to hold confidential included:

- 2025 NB Power Large Transmission Capital Projects Evidence
- 2025 Grand Projets de Transport d'Énergie NB
- Appendix B Saint John Corridor Investment Rationale Document – Class 4 Estimate
- Appendix C Tie Transformer at Coleson Cove Investment Rationale Document – Class 4 Estimate
- Appendix D Saint John Corridor Investment Rational Document – Class 3 Estimate
- Appendix E Tie Transformer at Coleson Cove Investment Rationale Document – Class 3 Estimate
- Appendix F Dynamic Reactive Support Investment Rationale Document Class 4 Estimate
- Appendix H RLC Engineering Report
- Appendix A NERC TPL-001-5.1 2023 Planning Assessment for 2024–2033
- Appendix G NERC TPL-001-5.1 Compliance Documentation of 2023 Planning Assessment for 2024–2033

In its claim for confidentiality, NB Power described the nature of the confidential information and the reasons for the Claim as follows:

1. Information on the evaluation of STATCOM vendor bids could harm NB Power negotiations with one or more of the bidders.
2. The confidential information includes pricing details and other economic terms which are commercially sensitive to the bidders.
3. Revealing this information would prejudice the commercial interests of the bidders in relation to one or more expected interveners in this matter.
4. Disclosing this information would harm the commercial interests of NB Power, and by extension, the interests of ratepayers. If NB Power's ability to assure vendors that commercially sensitive information will remain confidential is undermined, it will become more challenging for NB Power to secure the best terms for ratepayers, as third parties may be reluctant to contract with NB Power or to offer favorable terms.[4]

The EUB found that whereas no objections to the Claim were filed and based on its own review of the materials, it was satisfied that the Claim and proposed treatment of the information was necessary and appropriate. The EUB's decision and the corresponding Claim for Confidentiality is enclosed herein as Attachment 1.

Decision on Confidentiality in Hydro One Networks Inc.'s Application for leave to construct a new electricity transmission line from Lambton Transformer Station, connecting Wallaceburg Transformer Station and terminating at Chatham Switching Station in the West of London area, EB-2024-0155

In May 2024 Hydro One Networks Inc. ("Hydro One") applied to the Ontario Energy Board ("OEB") for an order granting leave to construct a transmission line and associated facilities ("Project"). In responding to the OEB's interrogatories, Hydro One requested confidential treatment of certain information containing commercially sensitive information about its Engineering, Procurement and Construction ("EPC") contracts.[5] The particular types of information include:

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[4] New Brunswick Power Corporation (5 June 2025), *Claim for Confidentiality – Rule 6.*4, EL-001-2025.
[5]*Hydro One Networks Inc. – Application for leave to construct a new electricity transmission line from Lambton Transformer Station, connecting Wallaceburg Transformer Station and terminating at Chatham Switching Station in the West of London area: Decision on Confidentiality* (16 October 2024), EB-2024-0155, OEB, p. 1.

- Details of cost overrun allocation between Hydro One and its selected contractor.
- Details of cost escalation within the EPC contract.
- Details of EPC contract risk allocation pertaining to payment, insurance, and recovery of costs.
- Line-item cost breakdown of the EPC contract and its magnitude as a percentage of total Project cost.
- Cost details quoted by proposals in stage 2 by each bidder and explanation behind proposal selection.
- Details on incentives and/or penalties in place to encourage the ECI-EPC contractor to meet budget constraints and timelines.

Hydro One's arguments in support of its request for confidentiality referenced the risk that disclosure could prejudice the competitive position of wholesale market participants, likely producing significant loss or gain and that disclosure could interfere with Hydro One's other and future negotiating positions on other outsourcing agreements. The OEB approved Hydro One's request to redact in certain instances on the basis that the information was not critical to the OEB's determination in the proceeding, and in other instances based on a finding that disclosure of pricing information could negatively impact the competitive position of Hydro One or the contractor in future negotiations.

The OEB approved Hydro One's request that certain parts of the EPC Contract be treated as confidential, but not the entirety of the contract, referring to the Practice Direction on Confidential Filings which provides that "parties will make every effort to limit the scope of their requests for confidentiality to an extent commensurate with the commercial sensitivity of the information" and that parties "must prepare meaningful redacted documents or summaries so as to maximize the information that is available on the public record."

This is consistent with the specific redaction process utilized by Hydro in its confidential filings. The decision of the OEB is provided as Attachment 2.

M08984- Nova Scotia Power Inc. – 2019 Annual Capital Expenditure Plan (ACE Plan) – P-128.19

Nova Scotia Power ("NSP") applied to the (then) NSUARB in December 2018 for approval of its 2019 ACE Plan. NSP included with its application, a "confidentiality matrix" in an attachment providing a listing of capital items submitted for approval, their attachments, and whether NSP proposed full or partial confidential status. In that matrix, NSP noted the reasons for confidentiality as being "*To protect value for customers and mitigate the risk of prospective proponents having access to the information itemized in the confidentiality matrix, and maintain good business relations with vendors... The more a supplier is aware of NS Power's specific requirements and a competing vendor's costs, the better the supplier's ability to obtain the highest price, reduce competition and ultimately increase the cost for NS Power and its customers. The cost of such transparency is not always immediately evident. Information from regulatory proceedings can provide competitive advantages over other suppliers, and that could be advantageous in bidding or negotiation. Higher prices, or avoidable contractual constraints, will result in unnecessary higher costs to customers."*

NSP sought to keep the terms and conditions of suppliers pricing and arrangements confidential from their other customers or potential competitors to prevent competitors from using the information to gain a competitive advantage. This was NSP's attempt to protect its ability to acquire services and equipment on the most competitive terms, the availability of those terms could be impacted if there is a

risk that they will be disclosed to the customers or competitors of the supplier. NSP noted that as it's customer rates are cost-based, the maintenance of confidentiality is to the direct benefit of customers.

The NSUARB reviewed and approved NSP's request. The Confidentiality Matrix and the NSUARB Decision Letter are Attachment 3 to this correspondence.

***Order No. G-19-25: Utilities Commission Act, RSBC 1996, c. 473 v FortisBC Energy Inc*.**

On December 29, 2020, ForticBC Energy Inc. ("FEI") applied for a Certificate of Public Convenience and Necessity for a natural gas storage expansion project. Later in the proceeding, in October 2024, FEI filed additional information at the direction of the British Columbia Utilities Commission ("BCUC") and requested that certain information be held in confidence by the BCUC, per Rule 18 of the BCUC's Rules of Practice and Procedure. There were various reasons for the request, depending on the information for which confidentiality was sought; however, FEI requested certain supplemental evidence relating to engineering as well as detailed cost estimates, a validation estimating contingency report, and financial schedules was due to the information being operationally and commercially sensitive. FEI noted that the cost estimating documents, if disclosed, could prejudice FEI's negotiating position when securing future construction/material contracts. FEI agreed to release this information to registered intervenors who signed a confidentiality undertaking. Other information related to FEI's 2024 Resiliency Plan was requested to be considered Restricted Confidential Information and would be provided to the BCUC and not to intervenors even with a confidentiality undertaking.

One intervenor, the BC Sustainable Energy Association objected to the Request on the basis that by excluding intervenors from access to confidential information the BCUC is at risk of making a decision on the basis of "secret information." Another intervenor, the Residential Consumer Intervener Association ("RCIA") also rejected the Request on the basis that intervenors are at a disadvantage in the underlying application if they are excluded from the evidence respecting the vulnerabilities of FEI's gas system and its gas supply portfolio.

In its reply submissions, FEI argued it was in the public interest for the Restricted Confidential information to remain available only to the BCUC given its highly sensitive nature, and that it took care to ensure the most pertinent information remained public. The bulk of the BCUC's written decision, issued January 28, 2025, centered around the Restricted Confidential Information; however, the BCUC's order was that the information contained within the 2024 Resiliency Plan **and** the supplemental evidence (including the engineering and cost estimating documents) would remain confidential until the BCUC determined otherwise.

This Order and Decision is provided as Attachment 4.

The majority of the BCUC's decisions respecting requests for confidentiality for information that is considered commercially sensitive do not provide detailed reasons for granting the request and are simply an order. Relevant Orders are as follows:

Order No. G-344-24: Utilities Commission Act, RSBC 1996, c. 473 v Sidney Pier Geothermal Utility Corporation

In November 2024, Sidney Pier Geothermal Utility Corporation ("Sidney Pier") applied to register the Sidney Pier Thermal Energy System ("TES") as a Stream A TES. Sidney Pier filed a letter with the BCUC requesting to keep certain information confidential per Rule 18 of the BCUC's Rules of Practice and

Procedure. Specifically, the information for which confidentiality was requested included the capital cost, operating costs, engineering design drawings, and reports related to the TES. Sidney Pier's argument was that the information is commercially private and sensitive, and the disclosure of the information would cause harm to the current and future business and competitive advantage of Sidney Pier.

The BCUC reviewed the request and considered the request warranted. BCUC Order No. G-344-25 is enclosed as Attachment 5.

Order No. G-50-21: Utilities Commission Act, RSBC 1996, c. 473 v FortisBC Alternative Energy Services Inc.

In February 2021, FortisBC Alternative Energy Services Inc. ("FAES") applied to register the Etoile 1 Stream A Thermal Energy System ("TES"). FAES requested that the BCUC requesting keep certain information confidential per Rule 18 of the BCUC's Rules of Practice and Procedure. Specifically, FAES requested that information relating to construction costs, purchase price, operating costs, design data, drawings, and specifications be kept confidential. FAES stated that the information is commercially sensitive, and if publicly disclosed, it could reasonably be expected to result in harm or prejudice to FAES' competitive or negotiating position with other parties on future projects.

The BCUC reviewed the request and determined that information relating to construction costs, purchase price, operating costs, design data, drawings, and specifications filed by FAES shall be treated as confidential by the BCUC. BCUC Order No. G-50-21 is enclosed as Attachment 6.

4. Hydro states that the amount of capital expenditures anticipated by Hydro for work can be extrapolated when reviewed in conjunction with the planned project schedule and timelines. Would Hydro release the amount of proposed capital expenditure to the public if the detailed project schedules and timelines were treated as confidential?

No, the proposed capital expenditure amounts are themselves commercially sensitive. The planned project budget contains the base cost estimate, the contingencies and the management reserves, and the escalation and interest during construction; each of these components is commercially sensitive with specific risks associated with disclosure. The risks were discussed in some detail in Hydro's reply to the Board's Confidential Information Inquiry[6] on the 2025 Build Application.[7]

When Hydro is determining whether information should be provided in a confidential manner, Hydro considers the generally consistent circumstances shared by Canadian Utility regulators when evaluating confidentiality. Hydro considers how best to balance acting in the public interest through transparency and disclosure of information versus acting in the public interest through protecting commercially sensitive information to prevent undue material loss that would ultimately impact customers. Particularly for projects with substantial capital expenditures such as Major Projects, Hydro believes that maintaining confidentiality of information directly supports the best interests of its customers.

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[6] "Application for Capital Expenditures for the Purchase and Installation of Bay d'Espoir Unit 8 and Avalon Combustion Turbine, Confidential Information Inquiry, Hydro's Reply," Newfoundland and Labrador Hydro, May 9, 2025.
[7] "Application for Capital Expenditures for the Purchase and Installation of Bay d'Espoir Unit 8 and Avalon Combustion Turbine, Newfoundland and Labrador Hydro, March 21, 2025 ("2025 Build Application").

As discussed in Hydro's replies to the Board's requests for additional information in this proceeding, and in Hydro's 2025 Build Application, the information Hydro requests to be confidential is commercially sensitive information that could have implications for Hydro's negotiating and/or competitive position. Disclosure of the information would increase the risks of increased costs to Hydro and ultimately to customers. Hydro requests that the redacted information in this and other filings remain confidential.

Should you have any questions, please contact the undersigned.

Yours truly,

NEWFOUNDLAND AND LABRADOR HYDRO

Shirley A. Walsh
Senior Legal Counsel, Regulatory
SAW/rr/mc

Encl.

ecc:

Board of Commissioners of Public Utilities
Jacqui H. Glynn
Ryan Oake
Board General

Newfoundland Power Inc.
Dominic J. Foley
Douglas Wright
Regulatory Email

Island Industrial Customer Group
Paul L. Coxworthy, Stewart McKelvey
Denis J. Fleming, Cox & Palmer
Glen G. Seaborn, Poole Althouse

Consumer Advocate
Dennis M. Browne, KC, Browne Fitzgerald Morgan & Avis
Stephen F. Fitzgerald, KC, Browne Fitzgerald Morgan & Avis
Sarah G. Fitzgerald, Browne Fitzgerald Morgan & Avis
Bernice Bailey, Browne Fitzgerald Morgan & Avis

Attachment 1

New Brunswick Energy & Utilities Board Decision and Claim For Confidentiality

NEW BRUNSWICK
ENERGY & UTILITIES BOARD

COMMISSION DE L'ÉNERGIE ET DES SERVICES PUBLICS
NOUVEAU-BRUNSWICK

ORDER

MATTER: EL-001-2025

IN THE MATTER OF an Application by New Brunswick Power Corporation for approval of its 2025 Large Capital Transmission Projects, being the Saint John Corridor Reinforcement Project, the Coleson Cove Tie Transformer Project and the Dynamic Reactive Support (STATCOM) Project in accordance with subsection 107 of the *Electricity Act*.

March 11, 2025

Matter: EL-001-2025

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF an Application by New Brunswick Power Corporation for approval of its 2025 Large Capital Transmission Projects, being the Saint John Corridor Reinforcement Project, the Coleson Cove Tie Transformer Project and the Dynamic Reactive Support (STATCOM) Project in accordance with subsection 107 of the *Electricity Act*.

O R D E R

WHEREAS in connection with the submission of its pre-filed evidence in this matter, NB Power filed a Claim for Confidentiality under Rule 6.4 dated January 31, 2025 with respect to portions of eight documents and the entirety of two documents;

AND WHEREAS the said Claim for Confidentiality set out the particulars of the affected documents, the details of the proposed confidential treatment in this proceeding and the rationale for the claim of confidentiality;

AND WHEREAS no Notices of Objection to the said claims for confidentiality were received by the Board;

AND WHEREAS after a public hearing held on March 11, 2025 and upon its own review of the materials over which the claim for confidentiality is sought, the bases for such treatment and the proposed treatment of those materials in this proceeding, the Board is satisfied that the claim for confidentiality and the proposed treatment is necessary and appropriate;

AND UPON HEARING John G. Fury, counsel for the Applicant, NB Power;

IT IS ORDERED THAT:

1. The contents of the following documents filed with the Board are accepted as confidential:

1. 2025 NB Power Large Transmission Capital Projects Evidence CONFIDENTIAL
2. 2025 Grand Projets de Transport d'Énergie NB CONFIDENTIEL
3. Appendix B Saint John Corridor Investment Rationale Document – Class 4 Estimate CONFIDENTIAL
4. Appendix C Tie Transformer at Coleson Cove Investment Rationale Document – Class 4 Estimate CONFIDENTIAL
5. Appendix D Saint John Corridor Investment Rational Document – Class 3 Estimate CONFIDENTIAL
6. Appendix E Tie Transformer at Coleson Cove Investment Rationale Document – Class 3 Estimate CONFIDENTIAL
7. Appendix F Dynamic Reactive Support Investment Rationale Document Class 4 Estimate CONFIDENTIAL
8. Appendix H RLC Engineering Report CONFIDENTIAL
9. Appendix A NERC TPL-001-5.1 2023 Planning Assessment for 2024-2033 CONFIDENTIAL
10. Appendix G NERC TPL-001-5.1 Compliance Documentation of 2023 Planning Assessment for 2024-2033 CONFIDENTIAL

2. The proposed treatment in this proceeding of redacted versions of documents numbered 1 through 8 being placed on the public record and the confidential versions being available to parties herein who execute a confidentiality undertaking; and the documents numbered 9 and 10 being available to parties herein who execute a confidentiality undertaking is approved.

Dated at the City of Saint John, New Brunswick, this 11th day of March, 2025

New Brunswick Energy and Utilities Board

Christopher J. Stewart
Acting Chairperson

Matter No. EL-001-2025

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

CLAIM FOR CONFIDENTIALITY
(Rule 6.4)

In Relation to an Application by: New Brunswick Power Corporation ("NB Power") for approval of Large Transmission Capital Projects

In Accordance with: Section 107, Electricity Act, SNB 2013, c. E-7

New Brunswick Power Corporation ("NB Power") requests that the document being filed with the Board and described below be held in confidence by the Board pursuant to Section 34 of the Energy and Utilities Board Act:

a. Name of document(s):	1. CONF Rebuttal Attachment 1 Hitachi Email_Salisbury 300 MVAR STATCOM Budgetary Quote CONFIDENTIAL 2. CONF Rebuttal Attachment 2 Hitachi Email_Synch Condensers Budgetary Quote CONFIDENTIAL 3. CONF Rebuttal Attachment 3 Siemens Email Budgetary Quote CONFIDENTIAL 4. CONF Rebuttal Attachment 4 Mitsubishi Electric Email Budgetary Quote CONFIDENTIAL 5. CONF Rebuttal Attachment 8 Mitsubishi Electric Budgetary Estimate CONFIDENTIAL 6. CONF Rebuttal Attachment 9 STATCOM Evaluation Scorecard CONFIDENTIAL
b. Proposed confidential treatment:	X Limited disclosure of the non-redacted, confidential document to the Board and to the proposed designated recipient(s) named below who will have executed, filed and delivered a Confidentiality Undertaking (see Items c and f, below). X Redacted versions of each of the documents marked above as numbers 1,2,3 and 4 have been filed with the Board and placed on the public record, as Follows 1. Rebuttal Attachment 1 Hitachi Email_Salisbury 300 MVAR STATCOM Budgetary Quote REDACTED 2. Rebuttal Attachment 2 Hitachi Email_Synch Condensers Budgetary Quote REDACTED 3. Rebuttal Attachment 3 Siemens Email Budgetary Quote REDACTED

	4. Rebuttal Attachment 4 Mitsubishi Electric Email Budgetary Quote REDACTED Other:_____
c. Proposed designated recipient(s):	

Name of Party	Name(s) and Positions of Designated Recipients
NBEUB	Melissa Curran, Chief Clerk
NBEUB	Abigail Herrington, Counsel
NBEUB	Board Staff
Public Intervener	Alain Chiasson, Public Intervener
Public Intervener	Jeff Palermo, PJP Consulting
Utilities Municipal	Ryan Burgoyne, Counsel Jeff Garrett, Saint John Energy Shelley Wood, Saint John Energy
Other Interveners to be determined	

d. Reasons for maintaining confidentiality:	The nature of the confidential information contained in the above documents, and the reasons for this claim for confidentiality are as follows: 1. Information on the evaluation of STATCOM vendor bids could harm NB Power negotiations with one or more of the bidders. 2. The confidential information includes pricing details and other economic terms which are commercially sensitive to the bidders. 3. Revealing this information would prejudice the commercial interests of the bidders in relation to one or more expected interveners in this matter. 4. Disclosing this information would harm the commercial interest of NB Power, and by extension, the interests of ratepayers. If NB Power's ability to assure vendors that commercially sensitive information will remain confidential is undermined, it will become more challenging for NB Power to secure the best terms for ratepayers, as third parties may be reluctant to contract with NB Power or to offer favorable terms. 5. The referenced documents contain personal information relating to NB Power employees. The names of all employees who do not have director level functions at NB Power have been redacted for the public record.
e. Previous treatment:	The Board has regularly accepted the confidential treatment of pricing information and commercially sensitive terms for the reasons expressed above. For example, in the context of pricing and other commercial terms in Power Purchase Agreements, please see Matter 541 Board Ruling on Objection dated June 7, 2023.

f. Required filings:	Rule 6.4.2 requires the claimant to file the completed Claim for Confidentiality with the Board and serve it on all parties, together with: • a non-confidential summary of the document or the redacted information in the document; and • a copy of the claimant's proposed form of Confidentiality Undertaking if it differs from the form set out in the Rules.

Declaration

I, Stephanie Langlais, Director Regulatory Affairs and Corporate Compliance, have reviewed the above-noted documents and declare that New Brunswick Power Corporation ("NB Power") is claiming confidentiality over only those portions of the above-noted document(s) it considers necessary for the Board to hold in confidence and that, to the best of my knowledge, the document(s) or confidential information within the document(s) has/have not already been revealed to the public.

I confirm that I have the authority to make this declaration on behalf of the claimant.

Dated the 5th day of June, 2025.

NEW BRUNSWICK POWER CORPORATION

Stephanie Langlais

_____

Stephanie Langlais, Director Regulatory Affairs and Corporate Compliance
Email: slanglais@nbpower.com

Non-Confidential Summary of Redacted Confidential Information

In all cases the redacted information contains vendor budgetary estimates/bids for equipment as well as names of NB Power employees.

Non-Confidential Summary of CONF Rebuttal Attachment 8 Mitsubishi Electric Budgetary Estimate CONFIDENTIAL and CONF Rebuttal Attachment 9 STATCOM Evaluation Scorecard CONFIDENTIAL

In all cases the documents contain vendor pricing and other equipment specific proprietary information.

Attachment 2

Ontario Energy Board's Decision on Confidentiality

Ontario Energy Board | Commission de l'énergie de l'Ontario

EB-2024-0155

Hydro One Networks Inc.

Application for leave to construct a new electricity transmission line from Lambton Transformer Station, connecting Wallaceburg Transformer Station and terminating at Chatham Switching Station in the West of London area

DECISION ON CONFIDENTIALITY

October 16, 2024

Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) on May 28, 2024, under section 92 of the Ontario Energy Board Act, 1998 (OEB Act), for an order granting leave to construct approximately 64 kilometres of electricity transmission line and associated facilities in the Township of St. Clair, Municipality of Wallaceburg, and Chatham-Kent areas (Project).

The proposed electricity transmission line would extend from Lambton Transformer Station, connecting Wallaceburg Transformer Station, and terminate at Chatham Switching Station. This transmission line has been designated as a priority transmission project under section 96.1 of the OEB Act by an Order in Council 876/2022.

Hydro One has also applied to the OEB under section 97 of the OEB Act for approval of the form of land use agreements it offers to landowners for the routing and construction of the Project.

In its cover letter to interrogatory responses filed on September 4, 2024, Hydro One requested confidential treatment of certain information in its responses to OEB Staff interrogatories 6(a), 10(a), 10(f-h), 11, 12(g), and 12(m).[1] Hydro One stated that the redacted information in the interrogatory responses contains commercially sensitive information about its Engineering, Procurement and Construction (EPC) contracts. In its letter, Hydro One proposed that confidential versions of these responses be disclosed only to OEB staff counsel, subject to their signing of the OEB's Declaration and Undertaking.

[1] EB-2024-0155, Interrogatory Responses, Cover Letter, Pg. 1-2 and Letter re: Confidential Filing, September 4, 2024

In a letter filed on September 20, 2024, Hydro One clarified that it is not seeking the requested confidential treatment to be applied to OEB Staff, OEB Counsel, or OEB Commissioners, nor for any of them to sign a Declaration and Undertaking.[2]

Each interrogatory and Hydro One's corresponding rationale for requesting confidential treatment is summarized below:

- OEB Staff 6(a) Attachment 1 - Hydro One's Line Losses Model - methodology and data used by Hydro One to derive incremental NPV values, calculation of the Project's annual line losses.

Hydro One submitted that disclosure of this information could prejudice the competitive position of wholesale market participants, likely producing significant loss or gain. Hydro One cited the OEB's previous decisions in EB-2022-0265 and EB-2023-0198 to support this request.

- OEB Staff 10 - Attachments 1-3 (EPC Contract Documents).
    - OEB Staff 10(a) - copy of the agreement between Hydro One and its selected contractor.
    - OEB Staff 10(f) - details of cost overrun allocation between Hydro One and its selected contractor.
    - OEB Staff 10(g) - details of cost escalation within the EPC contract
    - OEB Staff 10(h) - details of EPC contract risk allocation pertaining to payment, insurance, and recovery of costs.
- OEB Staff 11 - line-item cost breakdown of the EPC contract and its magnitude as a percentage of total Project cost.
- OEB Staff 12(g) - cost details quoted by proposals in stage 2 by each bidder and explanation behind proposal selection.
- OEB Staff 12(m) - details on incentives and/or penalties in place to encourage the ECI-EPC contractor to meet budget constraints and timelines.

Hydro One submitted that each of interrogatory responses 10(a), (f)-(h), 11, 12(g) and 12(m) include unit billing/pricing of a third party (EPC contractor) and are presumptively

[2] EB-2024-0155, Clarification to Confidential Treatment Request, pg. 1

confidential under the OEB's Practice Direction on Confidential Filings (Appendix B) and previous OEB decisions.

Hydro One submitted that disclosure of the information for which confidentiality is requested could prejudice the EPC contractor's position in future competitive procurements or bids with other and future potential clients. Hydro One also submitted that disclosure could prejudice the EPC contractor's subcontracting negotiations for the Project. In addition, disclosure of such information could interfere with Hydro One's other and future negotiating positions regarding other outsourcing agreements.

Hydro One noted that this type of information has been treated as confidential in the past and referred to the OEB decisions in EB-2019-0082, EB-2020-0265, and EB-2022-0041 to support its confidentiality requests.

The OEB's Practice Direction on Confidential Filings provides that, if an objection to a confidentiality request is not received within five (5) days of the OEB's receipt of the information, the OEB will make its determination on confidentiality without further procedural steps.

The OEB received no objection from the parties for any of Hydro One's confidentiality requests.

Findings on Confidentiality

OEB Staff 6(a)

The OEB approves Hydro One's request for the redaction and confidential treatment of line loss information.

The OEB finds that the redacted information is not critical to the NPV calculations underlying Table 2 in this interrogatory response, and further, that the information currently available on the public record is sufficient to consider the conductor alternatives for the Project and Hydro One's proposed selection.

The OEB notes that Hydro One has not provided a sufficient basis to support its argument that line loss information may prejudice the competitive position of wholesale market participants producing a "significant loss or gain". However, given that the information is not critical to the OEB's determination in this proceeding, and consistent with previous OEB Decisions (EB-2020-0065/EB-2023-0198), the OEB grants the confidentiality request. The redacted information will be provided to counsel or consultants who have access to confidential information in accordance with sections 5 and 6 of the Practice Direction on Confidential Filings.

OEB Staff 10(a)

The OEB approves Hydro One's request that certain parts of EPC contract information be treated as confidential but does not accept that the EPC contract in its entirety be subject to confidentiality.

In OEB Staff Interrogatory 10(a), Hydro One was asked to provide a copy of the contract that it entered with the selected EPC contractor. Hydro One's response to this interrogatory referred to certain documents which were identified as Attachments 1 to 3 to the response (Contract Documents). Hydro One claimed confidentiality for the entirety of the Contract Documents.

In its response to the interrogatory, Hydro One indicated that content of the Contract Documents contains commercially sensitive confidential information that is proprietary in nature. Hydro One stated further that public disclosure of this information will hinder Hydro One's competitive position in future competitive procurements or bids with other future potential contractors and could also prejudice the selected EPC contractor in future competitive procurements or bids or in subcontracting negotiations for the Project that is the subject of this proceeding.

The Practice Direction on Confidential Filings sets out the OEB's expectation that parties will make every effort to limit the scope of their requests for confidentiality to an extent commensurate with the commercial sensitivity of the information at issue or with any legislative obligations of confidentiality or non-disclosure. The Practice Direction provides that parties "must prepare meaningful redacted documents or summaries so as to maximize the information that is available on the public record".[3] As stated in the Practice Direction, this is important in order to afford parties a fair opportunity to present their cases and permit the OEB to provide well-documented reasons for its decisions.

The OEB finds that, in accordance with the provisions of the Practice Direction, Hydro One should file meaningful redacted versions of the Contract Documents, with a view to maximizing the information that is available on the public record while redacting confidential information where appropriate to do so based on the Practice Direction. Hydro One's claim for confidentiality in respect of redactions from the Contract Documents should include a table that meets the requirements of section 5.1.4(b) of the Practice Direction.

[3] OEB Practice Direction on Confidential Filings, p. 5.

OEB Staff 10(f-h), 11, 12(g), and 12(m)

The OEB approves the request for confidential treatment of Hydro One's responses to OEB staff Interrogatories 10(f) to (h), 11, 12(g) and 12(m).

Hydro One requested confidential treatment of its responses to these interrogatories because the responses provide EPC contract pricing information. The OEB finds that disclosure of the pricing information set out in the interrogatory responses could negatively impact the competitive position of Hydro One or the contractor in future negotiations and, accordingly, the OEB accepts the claim for confidential treatment of these responses.

Access to Confidential Information

Hydro One initially proposed that the confidential versions of its responses to OEB staff interrogatories 10(a), 10(f) to (h), 11, 12(g) and 12(m) be disclosed only to counsel for OEB Staff from whom the OEB accepts a Declaration and Undertaking. In its revised request, Hydro One clarified that it is not seeking the requested confidential treatment to be applied to OEB staff, counsel or commissioners, nor for any of them to sign a Declaration and Undertaking.

As provided for in section 6.1.1 of the Practice Direction on Confidential Filings, the OEB generally expects that confidential information should be disclosed to persons within one of the categories set out in section 6.1.2 who have signed the OEB's form of Declaration and Undertaking. The categories set out in section 6.1.2 are: (a) counsel for a party; and (b) an expert or consultant for a party. Section 6.1.2 provides further that the OEB will accept a Declaration and Undertaking from a person in either of these categories except where there are compelling reasons for not doing so.

Hydro One has not supported its proposal for disclosure only to OEB counsel, staff and commissioners with any compelling reasons why the confidential information should not be disclosed in accordance with the provisions of sections 6.1.1 and 6.1.2 of the Practice Direction. Accordingly, the OEB finds that the confidential information should be disclosed to persons within one of the categories set out in section 6.1.2 who have signed the OEB's Declaration and Undertaking.

IT IS THEREFORE ORDERED THAT:

1. Hydro One shall file with the OEB a redacted version of the Contract Documents and interrogatory responses to OEB Staff 6(a), 10(a), 10(f-h), 11, 12(g) and 12(m), reflecting the OEB's findings in this decision, by **October 21, 2024**. Hydro One shall include a table that meets the requirements of section 5.1.4(b) of the Practice Direction in respect of its redactions of the Contract Documents and interrogatory responses.

2. Counsel or consultants for intervenors that wish to review the confidential, unredacted versions of the interrogatory responses to OEB Staff 6(a), 10(a), 10(f-h), 11, 12(g), and 12(m) and Contract Documents shall sign and file the OEB's Confidentiality Declaration and Undertaking form by no later than **October 23, 2024**.

3. Hydro One shall provide the confidential, unredacted versions of the interrogatory responses to OEB Staff 6(a), 10(a), 10(f-h), 11, 12(g), and 12(m) and Contract Documents to counsel or consultants who signed the OEB's form of Declaration and Undertaking by no later than **October 24, 2024**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's Rules of Practice and Procedure.

Please quote file number, **EB-2024-0155** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the OEB's online filing portal.

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the Regulatory Electronic Submission System (RESS) Document Guidelines found at the File documents online page on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet set up an account, or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Muhammad Yunus at Muhammad.Yunus@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

Email: registrar@oeb.ca
Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, October 16, 2024

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

Attachment 3

Nova Scotia Utility and Review Board's Decision Letter and The Confidentiality Matrix

Nova Scotia Utility and Review Board

Mailing address
PO Box 1692, Unit "M"
Halifax, Nova Scotia
B3J 3S3
board@novascotia.ca
http://nsuarb.novascotia.ca

Office
3rd Floor, 1601 Lower Water Street
Halifax, Nova Scotia B3J 3P6
1 855 442-4448 (toll-free)
902 424-4448 t
902 424-3919 f

December 13, 2018

brian.curry@nspower.ca

Brian Curry
Regulatory Counsel
Nova Scotia Power Inc.
PO Box 910
Halifax, NS B3J 2W5

Dear Mr. Curry:

M08984– Nova Scotia Power Inc. – 2019 Annual Capital Expenditure Plan (ACE Plan) – P-128.19

The Board panel assigned to this matter, Roberta J. Clarke, Q.C., Panel Chair, Richard J. Melanson, LL.B., Member, and Steven M. Murphy, MBA, P.Eng., Member, has reviewed and approved NS Power's request for confidential treatment of certain information and attachments as set out in its Confidentiality Matrix, electronically filed with the revised ACE Plan dated December 11, 2018.

In accordance with Rule 12 of the Board's Regulatory Rules, the Board reserves the right to consider the matter further should there be an objection raised by any party to this proceeding.

Yours truly,

Doreen Friis

Doreen Friis
Regulatory Affairs Officer/Clerk

c. Interested Parties

Document: 259608

CONFIDENTIALITY MATRIX

LEGEND	
Confidential in Entirety (shaded)	TS = Technical Support
Partially Confidential (italicized)	CS = Cost Support
(1) = Commercial/Cost Information	
(2) = Third Party Proprietary Information	*Includes Description, PowerPlant (PP), Detailed Cost Estimate (DCE), and Economic Analysis Model (EAM).
(3) = System Security	

Function/Tab#	Capital Work Order	Work Order Main Body*	Attachment 1	Attachment 2	Attachment 3	Attachment 4	Attachment 5	Attachment 6	Attachment 7	Attachment 8
Generation										
	Hydro Projects									
G01	50518 - HYD - Ruth Falls Main Dam Refurbishment	*DCE (1)*	*CS: Vendor Quote (1)*							
G02	C0002539 - HYD - Bridge Remediation 2019	*DCE (1)*	TS: Inspection Report	TS: Inspection Report	TS: Inspection Report	TS: Inspection Report	*TS/CS: Inspection Report (1)*	*TS/CS: Inspection Report (1)*	*TS/CS: Inspection Report (1)*	*TS/CS: Inspection Report (1)*
G03	46254 - HYD - Mill Lake Surge Tank Replacement	*DCE (1)*	TS: Inspection Report	*CS: Vendor Cost Estimate (1)*						
G04	C0004058 - HYD - Tidewater 2 Overhaul									
G05	C0010957 - HYD - Malay Falls Unit 6 Overhaul									
G06	C0012158 - HYD - Malay Falls Unit 6 Generator Refurbishment		TS: Inspection Report							
G07	48536 - HYD - Wreck Cove Brook Dam D-9 Refurbishment	*DCE (1)*	TS: Stability Assessment	*CS: Vendor Cost Estimate (1)*						
G08	C0006859 - HYD - WRC Crane Refurbishment	*DCE (1)*	TS: Inspection Report	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*			
G09	C0003998 - HYD - Wreck Cove Station Service Cable Replacement	*DCE (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Bid (1)*						
	Steam Projects									
	Boiler									
G10	C0011076 - POT - Boiler Refurbishment 2019									
G11	C0010318 - TRE6 - Boiler Refurbishment 2019									
G12	C0009099 - LIN3 - Boiler Refurbishment 2019									
G13	C0009100 - LIN4 - Boiler Refurbishment 2019									
G14	C0007398 - POT - Air Heaters Refurbishment	*DCE (1)*	TS: Inspection Report	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*					
G15	C0011064 - PHB - Boiler Refurbishment 2019									
G16	C0010319 - TRE5 - Boiler Refurbishment 2019									
G17	C0009108 - LIN4 - Economizer Header Refurbishment									
G18	C0009092 - LIN3 - Reheat Tube Replacement 2019									
G19	C0009093 - LIN4 - Reheat Tube Replacement 2019									
G20	C0009113 - LIN4 - Burner Front Refurbishment									
G21	47591 - TRE5 - Bottom Ash Seal Replacement									
	Turbine									
G22	C0010141 - POT - IP/LP Turbine Refurbishment	*DCE (1)*	*CS: Vendor Quote (1)*							
G23	C0010142 - POT - HP Turbine Refurbishment	*DCE (1)*	TS: Product Bulletin (2)	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*				
G24	C0010718 - TRE5 - Turbine Main Valve Refurbishment									
G25	C0010498 - POT - Turbine Valve Refurbishment	*DCE (1)*	*CS: Vendor Quote (1)*							
	Generator									
G26	C0007638 - POT - Generator Auxiliary Equipment Refurbishment	*DCE (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*			
G27	51790 - TRE6 - Generator High Voltage Bushings Refurbishment	*DCE (1)*	*CS: Vendor Quote (1)*							
G28	49664 - AVR Critical Spare	*DCE (1)*	*CS: Vendor Quote (1)*							
G29	C0011085 - POT - Hydrogen Panel Replacement									
	Environmental									
G30	C0009088 - LIN 1&2 - CEMS Replacement	*DCE (1)*	TS: Discontinuation Notice	*CS: Vendor Quote (1)*						
G31	C0010369 - TRE5 - Baghouse Filter Replacement Phase 2		TS: Operating Approval							
G32	C0009094 - LIN - Fly Ash Precipitator Component Refurbishment									
G33	49991 - TUC1 - CEMS Replacement	*DCE (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*						
G34	49656 - TUC - Waste Water Treatment Plant Controls Upgrade	*DCE (1)*	*CS: Vendor Proposal (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*				
	Balance of Plant									
G35	50632 - TRE - (Bunker C) HFO Refurbishment Project Phase 2	*DCE (1)*	TS: Inspection Report	*CS: Vendor Proposal (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Quote (1)*	*CS: Vendor Proposal (1)*		
G36	48638 - TRE - Rail Car Fuel Delivery Upgrade	*DCE (1)*	*TS: Solid Fuel Handling Study (1)*	*CS: Vendor Quote (1)*						
G37	51238 - TRE - Asbestos Abatement 2019									
G38	C0010323 - TRE6 - Mills Refurbishment 2019									
G39	C0008098 - TRE - Sludge Dewatering Infrastructure	*DCE (1)*	*TS: Sludge Management Options Study (1)*	*CS: Vendor Opinion of Probable Cost (1)*						
G40	C0009096 - LIN - Mill Refurbishment 2019									
G41	C0011458 - ICP - Rail System Refurbishment Program 2019									
G42	49714 - TUC - UT3 and ST34 Cable Replacement									
G43	C0009082 - LIN - Reclaim Feeder Refurbishment Phase 3									
G44	C0010324 - TRE5 - Condenser Inlet Piping and Valve Replacement									
G45	C0009079 - LIN - CW Pump Refurbishment 2019									
G46	C0011088 - POT - Coal Mill Refurbishment 2019	*DCE (1)*	*CS: Vendor Quote (1)*							
G47	C0009111 - LIN4 - Bottom Ash Refurbishment									
G48	C0009112 - LIN - Ash Silo Stair Replacement	*DCE (1)*	*CS: Inspection Report (1)*							
G49	C0010325 - TRE5 - CW Screen Refurbishment									
G50	C0009059 - LIN - Coal Plant Structural Refurbishment Phase 5									
G51	C0009080 - LIN - CW Screen Refurbishment 2019									
G52	C0010372 - TRE5 - Post Cooler Conveyor Refurbishment	*DCE (1)*	TS: Service Report	*CS: Vendor Proposal (1)*						
G53	C0008559 - POT - Diesel Generator and Essential Services Switchgear Replacement	*DCE (1)*	*CS: Vendor Quote (1)*							
G54	C0011091 - POT - Asbestos Abatement 2019									
G55	C0010326 - TRE6 - Parallel Slide Valve Replacement	*DCE (1)*	*CS: Vendor Quote (1)*							
	Gas Turbine									
G56	49874 - CT - BGT Replace Halon Fire Protection	*DCE (1)*	*CS: Vendor Quote (1)*							
Transmission										
T01	C0010042 - 2019 Transmission Right-of-Way Widening 69kV									
T02	C0010948 - 2019/2020 Sacrificial Anode Installation Program									
T03	C0010952 - 2019/2020 Substation PCB Equipment Removal									
T04	C0010949 - 2019/2020 Steel Tower Life Extension									
T05	C0011339 - L6549 - Replacements and Upgrades Phase 2									
T06	C0010950 - 2019/2020 Steel Tower Refurbishment									
T07	C0011338 - L5548 - Replacements and Upgrades									
T08	C0011242 - L5541 - Replacements and Upgrades									
T09	C0011241 - L5026 - Replacements and Upgrades									
T10	C0011300 - L7005 - Replacements and Upgrades									
T11	C0011240 - L5511 - Replacements and Upgrades									
T12	C0010978 - 2019/2020 Transmission Switch & Breaker Replacement									
T13	C0011243 - L5551 - Replacements and Upgrades									
T14	C0011918 - 2019 Oil Containment Program									
T15	C0011851 - 2019 Tap Changer Replacements/Refurbishments									
T16	C0011850 - 2019 Substation Insulator Replacement Program									
Distribution										
D01	C0010040 - New Distribution Rights-of-Way Phase 4									
D02	C0011208 - 2019 Padmount Replacement Program									
D03	C0011209 - 8S5-401 - Cabot Trail Rebuild									
D04	C0006319 - 2019 PCB Pole Top Transformer Replacements									
D05	C0014019 - 2019 Substation Recloser Replacements									
D06	C0011309 - 54H-304 - Underground Device Replacement									
D07	C0011197 - 64N - Lourdes Street Conversion Phase 1		*TS: Planning Study (3)*							
D08	C0011200 - 6S-224 - Birch Hill Drive Conversion		*TS: Planning Study (3)*							
D09	C0011320 - 22W-311GA Hawk Point Road Reconductor Replacement									
D10	52229 - 16V-314H - New Edinburgh Phase Extension									
D11	C0011189 - 2H-411 - Cowie Hill UG System Replacement Part 3									
D12	C0013978 - 115 - Keltic Drive Substation Animal Guards	*DCE (1)*	*CS: Vendor Estimate (1)*							
D13	C0011182 - 15N-202 - Dominion St & Arthur St Rebuild									
D14	C0011206 - 102W-311 - Jedediah Rd Rebuild									
D15	C0011187 - 5N-301 - Masstown Road Rebuild Phase 2									
D16	C0011188 - 23H-303 - Willett Street Underground Replacement									

CONFIDENTIALITY MATRIX

LEGEND	
Confidential in Entirety (shaded)	TS = Technical Support
Partially Confidential (italicized)	CS = Cost Support
(1) = Commercial/Cost Information	
(2) = Third Party Proprietary Information	*Includes Description, PowerPlant (PP), Detailed Cost Estimate (DCE), and Economic Analysis Model (EAM).
(3) = System Security	

Function/Tab#	Capital Work Order	Work Order Main Body*	Attachment 1	Attachment 2	Attachment 3	Attachment 4	Attachment 5	Attachment 6	Attachment 7	Attachment 8
D17	C0004165 - 70W-311G - Crousetown Road Phase Extension									

1 - Commercial Information
To protect value for customers and mitigate the risk of prospective proponents having access to the information itemized in the confidentiality matrix, and maintain good business relations with vendors, this information is confidential.

The more a supplier is aware of NS Power's specific requirements and a competing vendor's costs, the better the supplier's ability to obtain the highest price, reduce competition and ultimately increase the cost for NS Power and its customers. The cost of such transparency is not always immediately evident. Information from regulatory proceedings can provide competitive advantages over other suppliers, and that could be advantageous in bidding or negotiation. Higher prices, or avoidable contractual constraints, will result in unnecessary higher costs to customers.

NS Power seeks to keep the terms and conditions of suppliers pricing and arrangements confidential from their other customers or potential competitors. This prevents competitors from using the information to gain a competitive advantage. This is equally true for NS Power, which desires to protect its ability to acquire services and equipment on the most competitive terms. Those "best" terms may not be available if there is a risk that they will be disclosed to the customers or competitors of the supplier.

Since NS Power customer rates are cost-based, the maintenance of confidentiality for this item is to the direct benefit of customers.

2 - Third Party Proprietary Information
This is information belonging to third parties for which those third parties have asserted confidentiality over proprietary cost and technical information.

3 - System Security
One-Line diagrams frequently included in system planning studies are confidential due to system security concerns. Protection of the power system preserves reliability and reduces the risks associated with external threats.

Attachment 4

British Columbia Utilities Commission Order No. G-19-25 and Decision

bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385

ORDER NUMBER
G-19-25

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc.
Application for a Certificate of Public Convenience and Necessity
for the Tilbury Liquefied Natural Gas Storage Expansion Project

BEFORE:
A. K. Fung, KC, Panel Chair
T. A. Loski, Commissioner
A. C. Dennier, Commissioner

on January 28, 2025

ORDER

WHEREAS:

A. On December 29, 2020, FortisBC Energy Inc. (FEI) filed an application with the British Columbia Utilities Commission (BCUC) pursuant to sections 45 and 46 of the *Utilities Commission Act* (UCA) for the approval of a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application);

B. FEI also requests the following related financial approvals pursuant to sections 59 to 61 of the UCA:

- A depreciation rate of 1.67 percent and a net salvage rate of 0.67 percent applicable to the new 3 Bcf LNG tank;
- A new non-rate base deferral account: the "TLSE Application and Preliminary Stage Development Costs" deferral account; and
- A deferral account, the "TLSE FX Mark to Market deferral account", to capture the mark-to-market valuation of any foreign currency forward contracts entered into related to construction of the TLSE Project;

C. By Order G-62-23 dated March 23, 2023, the BCUC adjourned the proceeding and invited FEI to file a resiliency plan and additional evidence described in Order G-62-23;

D. On October 24, 2024, FEI filed a resiliency plan (2024 Resiliency Plan) and additional evidence (Supplemental Evidence);

E. FEI requests that certain information contained within the 2024 Resiliency Plan and the Supplemental Evidence be held confidential by the BCUC in perpetuity, pursuant to Rule 18 of the BCUC's Rules of Practice and Procedure (Rules) established by Order G-296-24. Specifically, FEI requests the following:

   1. Appendices D, E, G, I, J and K to the Supplemental Evidence relating to engineering and cost estimate matters be held confidential due to the operationally sensitive and commercially sensitive nature of the information;
   2. Redacted information in the 2024 Resiliency Plan and associated Appendices RP 1, RP 2, and RP 4 relating to specific details of FEI's gas system assessed vulnerabilities be held confidential on a restricted basis due to the highly sensitive security related information and that it be available only to the BCUC; and
   3. Redacted information in the 2024 Resiliency Plan relating to FEI's gas supply portfolio be held confidential on a restricted basis and be available only to the BCUC due to the commercially sensitive nature of the information (Items 2 and 3 collectively known as Restricted Confidential Information);

F. By Order G-324-24 dated December 4, 2024, the BCUC requested registered interveners to submit comments in response to FEI's request that certain information contained within the 2024 Resiliency Plan and the Supplemental Evidence be held confidential by the BCUC in perpetuity, including information that FEI requests to be held confidential and available only to the BCUC;

G. By January 3, 2025, the following interveners filed their submissions: Residential Consumer Intervener Association (RCIA); BC Sustainable Energy Association (BCSEA); and Commercial Energy Consumers Association of BC (the CEC). On January 9, 2025, FEI filed its reply submissions; and

H. The BCUC considers making determinations regarding FEI's request for confidential treatment of certain information, including the treatment of the Restricted Confidential Information, is warranted.

NOW THEREFORE for the reasons outlined in the decision accompanying this order, the BCUC orders as follows:

1. The information contained within the 2024 Resiliency Plan and the Supplemental Evidence which FEI has requested be held confidential will be held confidential until the BCUC determines otherwise.

2. The Restricted Confidential Information will be held confidential and will be accessible only by the BCUC, until the BCUC determines otherwise.

DATED at the City of Vancouver, in the Province of British Columbia, this 28th day of January 2025.

BY ORDER

Electronically signed by Anna Fung

A. K. Fung, KC
Commissioner

FortisBC Energy Inc.
Application for a Certificate of Public Convenience and Necessity
for the Tilbury Liquefied Natural Gas Storage Expansion Project

DECISION

1.0 Introduction

On December 29, 2020, FortisBC Energy Inc. (FEI) filed an application with the British Columbia Utilities Commission (BCUC) pursuant to sections 45 and 46 of the *Utilities Commission Act* (UCA) for the approval of a Certificate of Public Convenience and Necessity (CPCN) for the Tilbury Liquefied Natural Gas (LNG) Storage Expansion (TLSE) Project (Application).

By Order G-62-23 dated March 23, 2023, the BCUC adjourned the proceeding and invited FEI to file a resiliency plan and additional evidence described in Order G-62-23.

On October 24, 2024, FEI filed a resiliency plan (2024 Resiliency Plan) and additional evidence (Supplemental Evidence). FEI requests that certain information contained within the 2024 Resiliency Plan and the Supplemental Evidence be held confidential by the BCUC in perpetuity, pursuant to Rule 18 of the BCUC's Rules of Practice and Procedure (Rules) established by Order G-296-24. Specifically, FEI requests the following:

- Appendices D, E, G, I, J and K to the Supplemental Evidence relating to engineering and cost estimate matters be held confidential due to the operationally sensitive and commercially sensitive nature of the information;
- Redacted information in the 2024 Resiliency Plan and associated Appendices RP 1, RP 2, and RP 4 relating to specific details of FEI's gas system assessed vulnerabilities be held confidential on a restricted basis due to the highly sensitive security related information and that it be available only to the BCUC; and
- Redacted information in the 2024 Resiliency Plan relating to FEI's gas supply portfolio be held confidential on a restricted basis and be available only to the BCUC due to the commercially sensitive nature of the information.

By Order G-324-24 dated December 4, 2024, the BCUC requested registered interveners to submit comments in response to FEI's request that certain information contained within the 2024 Resiliency Plan and the Supplemental Evidence be held confidential by the BCUC in perpetuity, including information that is requested to be held confidential and available only to the BCUC. By January 3, 2025, the following registered interveners filed their submissions with the BCUC: BC Sustainable Energy Association (BCSEA); Commercial Energy Consumers Association of BC (the CEC); and Residential Consumer Intervener Association (RCIA). On January 9, 2025, FEI filed its reply submission.

These reasons for decision summarize parties' submissions and the Panel's determination with respect to FEI's request to keep certain information confidential.

1.1 BCUC Rules of Practice and Procedure

Part IV of the Rules outlines the provisions for requests for confidentiality and the filing of confidential documents.

Rule 20.01 outlines the considerations for the BCUC with respect to determinations on confidential information:

> In determining whether the nature of the information or documents require a confidentiality direction, the BCUC will have regard to matters that it considers relevant, including:
>
> (a) whether the disclosure of the information could reasonably be expected to result in:
>
> i. undue material financial loss or gain to a person;
>
> ii. significant harm or prejudice to that person's competitive or negotiating position; or
>
> iii. harm to individual or public safety or to the environment;
>
> (b) whether the information is personal, financial, commercial, scientific, labour relations or technical information that is confidential and consistently treated as confidential by the person;
>
> (c) whether the person's interest in confidentiality outweighs the public interest in the disclosure of the information or documents in the hearing;
>
> (d) whether the person submitting the document has any legal obligation to maintain confidentiality; and
>
> (e) whether it is practicable to hold the hearing in a manner that is open to the public.

2.0 FEI's Requests for Confidential Treatment of Certain Information

FEI requests certain information contained within the Supplemental Evidence and the 2024 Resiliency Plan be held confidential in perpetuity by the BCUC. The following section describes the nature of the confidential information in both the Supplemental Evidence and the 2024 Resiliency Plan.

<u>Supplemental Evidence</u>

FEI seeks to file the following appendices confidentially and requests that the BCUC hold this information confidential in perpetuity:

- Engineering documents related to Tilbury base plant containing operationally sensitive information:
  - Appendix D – CB&I Report
  - Appendix E – WSP Report
- Cost estimating documents, which include information which if disclosed may prejudice FEI's negotiating position when securing future construction/material contracts:
  - Appendix G – Detailed cost estimate
  - Appendix I – Validation Estimating Contingency Report
  - Appendix K – Financial Schedules

FEI states that confidentiality undertakings already signed by registered interveners entitles them to have access to these documents.[1]

[1] Exhibit B-60, cover letter, p. 2.

2024 Resiliency Plan

FEI states that the 2024 Resiliency Plan contains certain information which is highly sensitive for security reasons and which FEI requests be kept confidential, and remain accessible only to the BCUC. FEI also states that the 2024 Resiliency Plan contains confidential information relating to FEI's gas supply portfolio, and proposes to similarly limit access to this information to the BCUC only. FEI requests confidential treatment of this gas supply information as it is commercially sensitive. FEI notes that the BCUC, by Order G-241-24, has previously approved this gas supply information as being confidential. Together, this confidential information which FEI proposes can be accessed only by the BCUC is referred to as "Restricted Confidential Information."

FEI identifies the following Restricted Confidential Information:

- A limited amount of data and information contained within Section 3, 4, 5 and 7 of the 2024 Resiliency Plan which can be used to infer an otherwise anonymized assessed gas system vulnerability (AV), and one instance of confidential gas supply portfolio information.
- Appendix RP 1 is a spreadsheet of all vulnerabilities identified by FEI as part of its work on the 2024 Resiliency Plan.
- Appendix RP 2 is a report prepared by FEI's consultant Exponent, Inc. (Exponent) that assesses the 2024 Resiliency Plan, the risk (probability and consequence) of disruption to FEI's ability to supply gas, and the mitigations of such risk. Information contained within the report that identifies an AV has been redacted.
- Appendix RP 4 to the 2024 Resiliency Plan includes specific de-anonymized information about each of the 58 AVs, including specific location information, and their respective current risk assessments.

3.0 Intervener Submissions

3.1 BCSEA

BCSEA submits its objection to the BCUC designating information as Restricted Confidential Information that can only be accessed by the BCUC. BCSEA states that such an approach is not mentioned in the Rules. BCSEA submits its concern that excluding interveners from accessing the Restricted Confidential Information risks the BCUC making a decision with respect to the Application on the basis of secret information – a practice which the BCSEA submits should be avoided.[2]

3.2 The CEC

The CEC submits it has no issue with FEI's proposed confidentiality requests.[3]

3.3 RCIA

RCIA does not agree with FEI's request to restrict access to the Restricted Confidential Information in the 2024 Resiliency Plan to the BCUC only. RCIA submits that information relating to vulnerabilities of FEI's gas system and FEI's gas supply portfolio are core to the justification for the TLSE Project and that interveners are at a disadvantage if they are excluded from this evidence. RCIA notes that its technical advisors and legal counsel are professionals that have executed a Confidentiality Declaration and Undertaking form for this proceeding and

[2] Exhibit C2-17, p. 2.
[3] Exhibit C5-25, p. 1.

that have demonstrated a history of responsible access to confidential information as part of their work. Further, RCIA notes that it intends to provide its analysis of resiliency issues as part of this proceeding, and that this work is made significantly more difficult if RCIA does not have access to FEI's own analysis of resiliency risk factors.[4] In particular, RCIA states that FEI's redactions of the entire list of assumptions made in the baseline scenario in section 3.4.1.2.2 of the 2024 Resiliency Plan and its entire list of vulnerabilities in section 4.2 of the 2024 Resiliency Plan result in RCIA's inability to provide a meaningful analysis of the 2024 Resiliency Plan.

4.0 FEI Reply Submission

FEI submits that it is in the public interest for the Restricted Confidential Information to remain available to the BCUC only. FEI states that it has taken care to file information most pertinent to the Application publicly and to limit designating information as Restricted Confidential Information to only the most security sensitive information. FEI explains that the Restricted Confidential Information includes de-anonymized details about specific vulnerabilities to FEI's system, such as their locations, and particular modes of failure that pose the most likely and most severe risk of causing significant customer outages. FEI submits that the distribution of this information should be carefully limited.[5]

In response to RCIA, FEI states that the specific Restricted Confidential Information in sections 3.4.1.2.2 and 4.2 of the 2024 Resiliency Plan includes some of the most sensitive types of information related to a gas utility and should be treated accordingly.[6] Further, FEI notes that its confidentiality requests are not driven by the particular characteristics of the interveners, but rather is based on the principle that limiting circulation of Restricted Confidential Information provides the best security protection.[7]

In response to BCSEA, FEI submits that Rules 19 and 24 provide the BCUC with the authority to approve FEI's proposed treatment of confidential information as currently requested. Further, FEI submits that its proposed treatment of the Restricted Confidential Information is similar to the treatment of security sensitive information related to electric utilities, pursuant to the BCUC's Rules of Procedure for Reliability Standards in British Columbia.[8]

FEI also submits that the majority of the Restricted Confidential Information is not directly relevant to the BCUC's ultimate decision regarding the TLSE Application, but is filed in this proceeding in response to the BCUC's request for a holistic resiliency plan. FEI submits that it has maintained public access to information that directly supports the need for the TLSE Project; for example, interveners and the public have information which demonstrates that the risk posed by a T-South no flow event occurring in the winter is the greatest resiliency risk currently faced by FEI.[9]

FEI further submits that the BCUC should consider the risk of cyber-attack on critical energy assets in making its determination with respect to the treatment of the Restricted Confidential Information. FEI states it is unlikely that the potential recipients of the Restricted Confidential Information have the same level of cyber-threat protection in place as FEI.[10]

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[4] Exhibit C1-23, p. 1-2.
[5] Exhibit B-62, p. 2.
[6] Ibid., p. 2.
[7] Ibid., p. 3.
[8] Ibid., p. 2.
[9] Ibid.
[10] Ibid., p. 3.

Panel Determination

The Panel considers FEI's request to limit access of the Restricted Confidential Information to only the BCUC serves the public interest. The Panel notes that the Restricted Confidential Information contained within the 2024 Resiliency Plan includes analysis of vulnerabilities faced by specific gas system assets and analysis of specific consequences which may result from the occurrence of a failure of those specific gas system assets. The Panel finds that restricting access to this information is reasonably necessary to maintain public and environmental safety. Inadvertent disclosure of the Restricted Confidential Information may be exploited by malicious actors, potentially leading to significant interruptions in gas supply services and damage to the environment or public property. While not determinative, the Panel observes that the BCUC commonly restricts access to security sensitive information with respect to electricity Mandatory Reliability Standards. Therefore, the Panel's determination regarding Restricted Confidential Information is consistent with other BCUC practices with respect to security sensitive information, and is made pursuant to Part IV of the Rules, in particular Rules 19 and 24.

The Panel finds that FEI has provided sufficient information within the 2024 Resiliency Plan that is publicly available so as to allow interveners and the public to assess the merits of the Application. Further, the Panel shares FEI's concerns with respect to the risk of inadvertent disclosure of the Restricted Confidential Information as a result of a recipient of the Restricted Confidential Information falling victim to cyber-attack.

Accordingly, **the BCUC orders the information contained within the 2024 Resiliency Plan and the Supplemental Evidence which FEI has requested be held confidential will be held confidential until the BCUC determines otherwise. The BCUC further orders that the Restricted Confidential Information be held confidential and be accessible only to the BCUC until the BCUC determines otherwise.**

DATED at the City of Vancouver, in the Province of British Columbia, this 28th day of January 2025.

Electronically signed by Anna Fung

_____
A. K. Fung, KC
Panel Chair/Commissioner

Electronically signed by Tom Loski

_____
T. A. Loski
Commissioner

Electronically signed by Ana Dennier

_____
A. C. Dennier
Commissioner

Attachment 5

British Columbia Utilities Commission Order No. G-344-24

bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385

ORDER NUMBER
G-344-24

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Sidney Pier Geothermal Utility Corporation
Confidentiality Request

BEFORE:
B. A. Magnan, Commissioner
E. B. Lockhart, Commissioner

on December 17, 2024

ORDER

WHEREAS:

A. On November 20, 2024, Sidney Pier Geothermal Utility Corporation (SPGU) filed a letter with the British Columbia Utilities Commission (BCUC) requesting to keep certain information contained in its application to register the Sidney Pier Thermal Energy System (TES) as a Stream A TES (Stream A TES Application), including attachments, and associated responses to BCUC Staff Questions confidential, pursuant to Section 18 of the BCUC's Rules of Practice and Procedure established by Order G-296-24. The confidentiality request included proposed redactions of the abovementioned documents;

B. On February 15, 2024, SPGU filed a Stream A TES Application with the BCUC to register the Sidney Pier TES as a Stream A TES, in accordance with the BCUC TES Regulatory Framework Guidelines;

C. On April 16, 2024, the BCUC issued BCUC Staff Questions No. 1 regarding the Stream A TES Application to SPGU, and on May 10, 2024, SPGU filed its responses;

D. On May 16, 2024, the BCUC issued Staff Questions No. 2 regarding the Stream A TES Application to SPGU, and on May 31, 2024, SPGU filed its responses;

E. By Order G-198-24 dated July 22, 2024, the BCUC granted SPGU a Stream A TES exemption for the Sidney Pier TES;

F. On November 25, 2024, the BCUC issued Staff Questions No. 1 regarding the confidentiality request. On November 26, 2024, SPGU filed its response to Staff Questions No. 1, which included revisions to its confidentiality request;

G. On December 10, 2024, the BCUC issued Staff Questions No. 2 regarding the confidentiality request. On December 13, 2024, SPGU filed its response to Staff Questions No. 2, which included further revisions to its confidentiality request;

H. In its confidentiality request, SPGU specifically requests that the capital cost, operating costs, engineering design drawings and reports related to the Sidney Pier TES be kept confidential. SPGU states that this information is commercially private and sensitive, the disclosure of which would cause harm to the current and future business and competitive advantage of SPGU. SPGU requests to keep the attachments to the Stream A TES Application confidential in their entirety; and

I. The BCUC has reviewed SPGU's confidentiality request, including all revisions, and responses to BCUC Staff Questions No. 1 and No. 2 regarding the confidentiality request and considers that the following determination is warranted.

NOW THEREFORE the BCUC orders that the attachments to SPGU's Stream A TES Application, and the redacted information in SPGU's Stream A TES Application and associated responses to BCUC Staff Questions No. 1 and No. 2 shall be held confidential unless otherwise determined by the BCUC.

DATED at the City of Vancouver, in the Province of British Columbia, this 17th day of December 2024.

BY ORDER

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner

Attachment 6

British Columbia Utilities Commission Order No. G-50-21

bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385
F: 604.660.1102

ORDER NUMBER
G-50-21

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Alternative Energy Services Inc.
Stream A Registration of the Etoile 1 Thermal Energy System

BEFORE:
T. A. Loski, Panel Chair
E. B. Lockhart, Commissioner
B. A. Magnan, Commissioner

on February 23, 2021

ORDER

WHEREAS:

A. On February 2, 2021, FortisBC Alternative Energy Services Inc. (FAES) filed with the British Columbia Utilities Commission (BCUC) an application to register the Etoile 1 Stream A Thermal Energy System (Etoile 1 TES) (Application), in accordance with the BCUC Thermal Energy Systems Regulatory Framework Guidelines (TES Guidelines);

B. FAES also requests that certain information contained in the Application be held confidential, pursuant to Section 18 of the BCUC's Rules of Practice and Procedure established by Order G-15-19. Specifically, FAES requests that information relating to construction costs, purchase price, operating costs, design data, drawings and specifications be kept confidential. FAES states the information is commercially sensitive and if publicly disclosed, it could reasonably be expected to result in harm or prejudice to FAES' competitive or negotiating position with other parties on future projects;

C. On August 28, 2014, the BCUC issued Order G-127-14 approving the TES Guidelines and on March 2, 2015, revisions to the TES Guidelines were approved by Order G-27-15;

D. Under Section 2.1 of the TES Guidelines, a Stream A TES is defined as: "An On-Site TES with an Initial Capital Cost above $500,000 but less than $15,000,000 is exempt from sections 44.1, 45 to 46 and 59 to 61 of the UCA [*Utilities Commission Act*]. TES Providers are required to register Stream A TES prior to building or otherwise acquiring the Stream A TES"; and

E. The BCUC has reviewed the Application and is satisfied that the Etoile 1 TES meets the characteristics of a Stream A TES and is suitable for exemption from sections 44.1, 45 and 59 to 61 of the UCA.

NOW THEREFORE pursuant to section 88(3) of the UCA and by the advance approval of the Lieutenant Governor in Council (Order in Council 400/14), the BCUC orders as follows:

1. In accordance with the TES Guidelines, the Etoile 1 TES is exempt from sections 44.1, 45 and 59 to 61 of the UCA.

2. FAES must file with the BCUC, an annual report for the Etoile 1 TES in accordance with Stream A annual reporting guidelines as provided in Appendix B of the TES Guidelines.

3. Information relating to construction costs, purchase price, operating costs, design data, drawings and specifications filed by FAES shall be treated as confidential by the BCUC.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of February 2021.

BY ORDER

Original signed by:

T. A. Loski
Commissioner