

June 7, 2019

VIA EMAIL

Mr. Brent Czarnecki
Law Department
Manitoba Hydro
22nd Floor – 360 Portage Avenue
Winnipeg, MB R3C 0G8

– and –

Intervenors of Record

Dear Parties:

Re: Centra Gas Manitoba Inc.’s (“Centra”) 2019/20 General Rate Application (“GRA”):
And Re: Centra’s March 8; March 22; and March 27, 2019 Rule 13 Motions Respecting Confidential Information:
And Re: Centra’s Proposed Redactions to its Responses to Round 1 Information Requests

Background:

This Letter Decision address four Motions by Centra to keep certain information in the above referenced GRA confidential and not place it on the public record.

(i) **March 8, 2019 Motion**: The Public Utilities Board (“PUB” or “Board”) issued a Letter Decision on February 26, 2019 with respect to its adjudication of Centra’s initial request for the Board to keep confidential certain information in Centra’s GRA. On March 8, 2019, Centra provided its compliance filing with respect to the Board’s February 26, 2019 decisions. In its March 8, 2019 compliance filing, Centra requested certain of the information remain confidential pursuant to the Board’s Rule 13. This Letter Decision adjudicates Centra’s March 8, 2019 confidentiality requests;

(ii) **March 22, 2019 Motion**: Pursuant to the timetable established in Board Order 24/19, Centra filed on March 22, 2019 a supplement to its November 30, 2018 GRA. Included in that submission was Centra’s request for the Board to keep certain information confidential and off of the public record. This Letter Decision adjudicates Centra’s March 22, 2019 confidentiality requests;

(iii) **March 27, 2019 Motion**: Following an initial review of Centra's GRA supplement submission of March 22, 2019, the Board determined that certain information in GRA Appendix 7.2 should also be updated to reflect the most current information provided by Centra in its March 22, 2019 update. By letter dated March 27, 2019, Centra provided an update to Appendix 7.2 together with a request that certain portions of the information remain confidential and not placed on the public record. This Letter Decision adjudicates Centra's March 27, 2019 confidentiality requests.

(iv) **Round 1 Information Request Responses**: In providing responses to first round Information Requests Centra requests that certain portions of the responses be accepted by the Board in confidence and not placed on the public record. This Letter Decision adjudicates Centra's confidentiality requests related to its responses to first round Information Requests. With the exception of, PUB/CENTRA I-55, PUB/CENTRA I-102, PUB/CENTRA I-138, CAC/CENTRA I-17, IGU/CENTRA I-27 and TCPL/CENTRA I-4 which will be adjudicated in a subsequent Letter Decision by the board. In addition, the board will also adjudicate Appendix 8.9 in a subsequent Letter Decision.

Centra's Rule 13 Motion for Confidentiality of Specific GRA Information:

As indicated above, and pursuant to Rule 13 of the PUB's Rule of Practice and Procedure (available on the Board's website www.pubmanitoba.ca) Centra has made requests of the Board to keep certain information confidential and not place it on the public record.

Centra's grounds for seeking specific information not be placed on the public record were coded in its Redaction Criteria and identified adjacent to the proposed confidential information in Centra's above listed filings. Centra established and publicly filed its Redaction Criteria with its GRA filing.

In further support of its Rule 13 Confidentiality Motion, Centra submitted that the current unlimited pricing discretion afforded to TransCanada Pipelines Limited ("TCPL") in establishing short-term firm and interruptible transportation bid floors on the Canadian Mainline has caused Centra to consider historical and forecast annual gas supply and gas cost information as commercially sensitive. Centra is concerned that public disclosure of certain information, including information on Centra's transactions, commercial arrangements, and operations, will expose Centra and its ratepayers to increased costs and irreparable harm by virtue of Centra being a captive shipper on the Canadian Mainline. If this confidential information was to become public, Centra submits the potential for adverse pricing activity by market participants will result to the detriment of Centra. Consequently, the Utility submits its competitive market position is reasonably expected to be prejudiced by public disclosure of this confidential information, including the potential for material cost increases to Centra and its ratepayers.

To further explain its Rule 13 submissions, Centra cites the TCPL RH-001-2014 Mainline Tolls proceeding before the National Energy Board ("NEB"), in which TCPL filed a motion seeking Centra's peak day requirement and the specific details as to how Centra contracts for gas to meet its requirements. Although acknowledging that the information requested by TCPL had, in the past, been publicly posted with the PUB as part of Centra's provincial regulatory proceedings, Centra declined to provide the requested information in the NEB proceeding on the grounds that the information was commercially sensitive for the reasons

cited in the above prior paragraph. In a letter decision dated September 3, 2014 (Ruling #2), the NEB ruled that the information requested by TCPL was commercially sensitive and dismissed TCPL's motion to compel Centra to provide the requested information.

Centra also relies on this Board's Order 26/17, in which the PUB denied a TCPL motion that sought the public release of a Report that analyzed Centra's alternative supply contracting options and which Report Centra filed in confidence with the PUB. Centra cites page 20 of Order 26/17, where the PUB held "*that the interest in confidentiality outweighs the public interest in disclosure*" and "*the public interest is protected by confidentiality, while conversely, it would reasonably be expected that the public interest would be harmed if there was disclosure of the Report.*"

The Board's Rules for Receipt of Confidential Filings

Proceedings before the Board are public. By standard protocol, and pursuant to the Board's Rules of Practice and Procedure (available on the Board's website at www.pubmanitoba.ca), documents filed with the Board by a party to a proceeding are placed on the public record. However, Rule 13(2) provides that the Board may receive information in confidence on any terms it considers appropriate in the public interest. This exception to the general rule of public disclosure arises where the test under Rule 13(2) is met:

- (a) If the Board is of the opinion that disclosure of the information could reasonably be expected
 - i. to result in undue financial loss or gain to a person (including Centra and other corporations) directly or indirectly affected by the proceeding; or
 - ii. to harm significantly that person's competitive position

or

- (b) if
 - i. the information is personal, financial, commercial, scientific or technical in nature; or
 - ii. the information has been consistently treated as confidential by a person directly affected by the proceeding; and
 - iii. the Board considers that the person's interest in confidentiality outweighs the public interest in the disclosure of the information.

On hearing a motion under Rule 13, the Board may order the information in question be placed on the public record, order the document not be placed on the public record with such conditions on access imposed as the Board considers appropriate, order an abridged version of the document be placed on the public record, or make any other order the Board finds to be in the public interest.

Board Adjudication of Centra's March 8, March 22 and March 27, 2019 Motions for Confidentiality of Specific 2019/20 GRA Evidence:

A Panel of the Board consisting of the Natural Gas Panel Chair Larry Ring, Q.C., Vice Chair Marilyn Kapitany, and Board Member Carol Hainsworth heard Centra's March 8, March 22, and March 27, 2019 and First Round Information responses Rule 13 Motions seeking confidential treatment of specific evidence in its 2019/20 GRA.

Except as expressly indicated in this Letter Decision, the Board accepts Centra's submissions in its Rule 13 Confidentiality Motions respecting its 2019/20 GRA evidence and the Board has determined that the proposed redacted information will be held in confidence by the Board pursuant to Rule 13 (2) (a) and (b). Similar to the Board findings included in Order 16/19 and the Board's Letter Decision of February 26, 2019, holding this information in confidence outweighs the public interest in disclosure of this information.

As indicated by Centra, the Utility is open to providing confidential or commercially sensitive information to certain Interveners and their consultants if they do not provide advice to competing parties or commercial counterparties of Centra. Execution of solicitor's undertakings and non-disclosure agreements will be required to provide some protection to Centra in the event of any prohibited disclosure. To the extent access to confidential information is sought, Interveners need to first communicate with Centra to resolve the disclosure issues before bringing motions to the Board to resolve remaining disputes.

The following are the exceptions where the Board has determined that the requested redactions are not supported by Centra's Redaction Criteria and the Board's Rule 13 for confidential treatment. In these instances, Centra is to refile its public information within **10 days** of the issuance of this decision:

March 8, 2019 Motion:

Appendix 7.1:

Page 19 of 58: Only the proposed redaction for the Actual 2016/17 Average Customers (1st column on left) for "TOTAL" is to be lifted as Centra has provided this information on the public record.

Completeness Review (Tab 14) Attachment 9:

Page 19 of 58: Only the proposed redaction for the Actual 2015/16 Average Customers (1st column on left) for "TOTAL" is to be lifted as Centra has provided this information on the public record.

Page 37 of 58: Only the proposed redaction at the bottom of the table (yellow section) is to be lifted as the Board has determined it is not properly within the exceptions to public disclosure pursuant to Rule 13.

Page 41 of 58: Only the proposed redaction at the bottom of the table (yellow section) is to be lifted as the Board has determined it is not properly within the exceptions to public disclosure pursuant to Rule 13.

Page 44 of 58: Only the proposed redaction at the bottom of the table (yellow section) is to be lifted as the Board has determined it is not properly within the exceptions to public disclosure pursuant to Rule 13.

Tab 8:

Page 30 of 52: Only the proposed redaction on Line 18 is to be lifted. The Board's Letter Decision of February 26, 2019 had originally intended to have both of Centra's originally proposed redactions to Lines 17 and 18 of Tab 8 (November 30, 2018 version) lifted as the Board has determined that they are not properly within the exceptions to public disclosure pursuant to Rule 13.

March 22, 2019 Motion:

Appendix 7.6:

Page 19 of 56: Only the proposed redactions for the Actual 2017/18 Average Customers (1st column on left) for "PS", "SPEC", "PS-T", and "SPEC-T" are to be lifted as Centra has provided this information on the public record.

Page 30 of 56: Only the proposed redaction in the last paragraph is to be lifted as the Board has determined it is not properly within the exceptions to public disclosure pursuant to Rule 13.

Page 43 of 56: Only the proposed redaction for the 2019/20 Annual Average Use per Customer (2nd column from left) for "SRES-S" is to be lifted as Centra has provided this information on the public record.

Round One Information Responses Motion:

PUB/Centra I-54a-d: Only the proposed redactions of the numbers in the columns numbered (1) and (2) in the table on page 1 of 2 are to be lifted as Centra has provided this information on the public record.

PUB/Centra I-97a-b: Only the proposed redactions of the six columns (starting from the left) along with the axis titles in both graphs are to be lifted as Centra has provided this information on the public record.

PUB/Centra I-104a-c: Only the proposed redactions of the "PREAMBLE TO IR" are to be lifted as Centra has provided this information on the public record.

PUB/Centra I-126: Only the proposed redactions of the "PREAMBLE TO IR" and the "QUESTION" are to be lifted as the proposed redactions do not satisfy Rule 13 criteria for confidentiality.

PUB/Centra I-129: Only the proposed redactions of the "QUESTION" up to the parenthesis are to be lifted together with only the last six words in parenthesis as the proposed redactions do not satisfy Rule 13 criteria for confidentiality.

CAC/Centra I-3c: The proposed redactions in the table on page 41 of 123 of Attachment 2 are to be lifted as Centra has provided this information on the public record.

CAC/Centra I-3c: The proposed redactions in the tables on page 56 and 57 of 123 of Attachment 2 are to be lifted as Centra has provided this information on the public record.

CAC/Centra I-3c: Only the proposed redactions in the table on page 114 of 123 of Attachment 2 that relate to the years 2012/2013 and 2013/2014 and 2014/2015 and 2015/2016 are to be lifted as Centra has provided this information on the public record.

CAC/Centra I-33a-d: Only the proposed redactions of the "PREAMBLE TO IR" are to be lifted as Centra has provided this information on the public record.

CAC/Centra I-88: Only the proposed redactions of the "PREAMBLE TO IR" are to be lifted as Centra has provided this information on the public record.

CAC/Centra I-110 – is missing from Centra's filings and is to be filed by the Utility.

CAC/Centra I-118a: Only the proposed redactions of the "Question" and "RATIONALE FOR THE QUESTION" are to be lifted as the proposed redactions do not satisfy Rule 13 criteria for confidentiality.

IGU/Centra I-12-c: Only the first six redactions (starting from the left under 'Production' and 'Pipeline') in rows 4 and 23 are to be lifted as Centra has provided this information on the public record.

Conclusion:

Should any party have questions of clarification, please contact our office.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure ("Rules"). The Board's Rules may be viewed on the Board's website at <http://www.pubmanitoba.ca>.

Sincerely,



Rachel McMillin
Assistant Associate Secretary

RM/kl

cc: Paul Chard, Manitoba Hydro
Shannon Gregorashuk, Manitoba Hydro
Bob Peters/Dayna Steinfeld, Board Counsel
Brady Ryall/Roger Cathcart, Board Advisors