

July 5, 2019

Mr. Brent Czarnecki  
Law Department  
Manitoba Hydro  
22<sup>nd</sup> Floor - 360 Portage Avenue  
Winnipeg, MB R3C 0G8

VIA EMAIL

- and -

Interveners of Records

Dear Parties:

**Re: Centra Gas Manitoba Inc.'s ("Centra" or "Utility") 2019/20 General Rate Application ("GRA"):  
Written Evidence of Brian C. Collins – Proposed Redactions**

---

**Background:**

This Letter Decision approves Koch Fertilizer Canada ULC's ("Koch") Motion to keep certain information in the June 21, 2019 written evidence of Brian C. Collins confidential and not place it on the public record.

**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](http://www.pubmanitoba.ca)), Koch, through its legal counsel Lewis Manning of Lawson Lundell LLP., has made requests of the Board to keep certain information in Brian C. Collins' written evidence confidential and not place it on the public record.

Koch's grounds for seeking specific information not be placed on the public record are that, this information pertains only to Koch and if such information was disclosed on the public record, Koch would suffer undue financial loss and its competitive position would be harmed. Furthermore, Koch submits that this customer specific information has

consistently been treated as confidential and that Koch's interest in confidentiality outweighs the public interest in disclosure of the information.

### **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, 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 Koch's Motion for Confidentiality of Portions of the Written Evidence of Brian C. Collins in the 2019/20 Centra Gas Manitoba Inc. GRA:**

A Panel of the Board consisting of the Natural Gas Panel Chair Larry Ring, Q.C. and Board Vice Chair Marilyn Kapitany heard Centra's Rule 13 Motions seeking confidential treatment of portions of the written evidence of Brian C. Collins.

The Board accepts Koch's submissions in its Rule 13 Confidentiality Motion respecting portions of the written evidence of Brian C. Collins 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). Additionally, the Board has determined that holding this information in confidence outweighs the public interest in disclosure of this information.

The Board notes that because counsel and certain consultants for the Consumers' Association of Canada (Manitoba) Inc. and the Industrial Gas Users have executed the required non-disclosure agreements and solicitor's undertakings, copies of the unredacted Collins' evidence has been provided to them. Both the Board and Centra have also received the unredacted versions of the Collins' evidence.

Only the approved redacted version of the Collins' evidence will be posted publicly.

**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/dv

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