

January 7, 2020

Mr. Kevin Williams  
Legal Counsel  
Efficiency Manitoba  
2200-201 Portage Avenue  
Winnipeg, MB R3B 3L3

-and-

Approved Interveners  
(per attached list)

**Re: Efficiency Manitoba's proposed redactions to Information Requests  
PUB/EM I-1, PUB/EM I-10, and PUB/EM I-31**

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**Summary:**

By this letter, the Board approves in part Efficiency Manitoba's December 23, 2019 Motion and accepts as confidential the information sought to be kept confidential in the response to PUB/EM I-31. Access to the confidential information will be provided only to the Independent Expert Consultant, Daymark Energy Advisors, and the Board, Board staff, Board Advisors, and Board counsel. The Board does not accept and requires further specific information from Efficiency Manitoba, for responses to PUB/EM I-1 and PUB/EM I-10, to allow the Board to further consider aspects of Efficiency Manitoba's December 23, 2019 Motion.

**Efficiency Manitoba's Rule 13 Motion for Confidentiality of Specific Information  
Response Information**

On December 23, 2019, 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)), Efficiency Manitoba, through its legal counsel requested that the Board keep certain information in Efficiency Manitoba's responses to three Information Requests confidential and not place that information on the public record.

Efficiency Manitoba's grounds for seeking Rule 13 confidentiality are that:

- for the responses to Information Requests PUB/EM I-1 and PUB/EM I-10, the specific information if publicly disclosed could allow a direct calculation of program specific measures' marginal values. Efficiency Manitoba states further that the marginal values for identifiable products could be directly compared to Manitoba Hydro's export products which could result in undue financial loss to Manitoba Hydro and harm significantly Manitoba Hydro's competitive position. Efficiency Manitoba advises that, subsequent to previous proceedings before the Board, "Manitoba Hydro has increased its efforts to keep such information confidential"; and
- for the response to Information Request PUB/EM I-31, Efficiency Manitoba states that the information is customer specific such that public disclosure could reasonable be expected to result in undue financial loss to the identified customers and to harm significantly the competitive position of those customers.

**Board Adjudication of Efficiency Manitoba's December 23, 2019 Motion for Confidentiality of Portions of the Responses to Information Requests PUB/EM I-1, PUB/EM I-10, and PUB/EM I-31**

The Board accepts Efficiency Manitoba's submissions in its December 23, 2019 Rule 13 Confidentiality Motion respecting portions of the response to Information Request PUB/EM I-31 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. Customer information, including contract-specific information, such as that contained in the response to PUB/EMI-31 has been consistently treated as confidential by the Board in prior proceedings.

Only the redacted response to Information Request PUB/EM I-31 will be posted on the Board's public website. The Board, its staff, advisors, and legal counsel and the Independent Expert Consultant will have access to the unredacted version of this Information Request response.

However, with respect to Efficiency Manitoba's confidentiality requests respecting portions of the response to Information Requests PUB/EM I-1 and PUB/EM I-10, the Board directs that further information is required. The Board finds that this type of information for which confidentiality is now sought has previously been placed on the public record. Efficiency Manitoba's confidentiality requests require supporting evidence as to why such information should now be treated as confidential. The indication that Manitoba Hydro wants to now treat such information differently than it has previously is not sufficient to demonstrate the Rule 13 criteria for confidentiality are met. Additionally, the redaction codes used by Efficiency Manitoba in the public redacted responses to the Information Requests are not explained and without further information do not support the Rule 13 criteria for confidentiality.

The Board is prepared to further consider Efficiency Manitoba's December 23, 2019 Motion for confidential treatment of certain information in response to Information Requests PUB/EM I-1 and PUB/EM I-10 if Efficiency Manitoba files additional evidence to demonstrate it meets Rule 13 criteria, within three days of the date of this letter.

If additional evidence in support of Efficiency Manitoba's Motion as above requested is not provided, the unredacted responses to Information Requests PUB/EM I-1 and PUB/EM I-10 will be publicly posted on the Board's website. Alternatively, Efficiency Manitoba may request under Rule 13(5) that the information be withdrawn and the Board will grant this request.

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>.

Yours truly,

*"Original Signed By:"*

Darren Christle, PhD, CCLP, P.Log., MCIT  
Secretary/ Executive Director

DC/kl

cc: Nicole Merrick, Efficiency Manitoba Counsel  
Jessica Schofield, Efficiency Manitoba Counsel  
Dayna Steinfeld, Board Counsel  
Kate Hart, Board Counsel  
Brady Ryall, Board Advisor  
John Todd, Board Advisor