

January 13, 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 and PUB/EM I-10**

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In a motion filed on December 23, 2019 in the Efficiency Manitoba 3-Year Energy Efficiency Plan Submission review proceeding (the "Review"), Efficiency Manitoba requested that the Public Utilities Board ("Board") accept as confidential certain information contained in Information Request responses PUB/EM I-1 and PUB/EM I-10.

By letter decision of January 7, 2020, filed as Exhibit PUB-15 in the Review, the Board did not accept the Motion and required further specific information from Efficiency Manitoba. That further information was filed on January 9, 2020 in the form of a public letter from Efficiency Manitoba's counsel, marked as Exhibit EM-22 in the Review, and an attachment that Efficiency Manitoba requests also be kept confidential.

The Board has considered the written submission from Efficiency Manitoba as well as the attachment to the submission, which contained an explanation from Manitoba Hydro as to how third parties could use the information in PUB/EM I-1 and PUB/EM I-10 to back calculate commercially sensitive marginal value information. In particular, the attachment shows how the levelized resource cost information could be used to perform such back calculations. Efficiency Manitoba states that it has been advised by Manitoba Hydro that this information could be used by third parties to obtain maximum leverage in negotiations with Manitoba Hydro on export sales.

Pursuant to Rule 13(2)(a)(ii) and Rule 13(b)(i) and (iii) of the Board's Rules of Practice and Procedure, the Board will accept as confidential the information contained in PUB/EM I-1 and PUB/EM I-10.

Rule 13 provides that the Board may receive information in confidence on any terms it considers appropriate in the public interest. The Board has determined that it is in the public interest for the Board and Board staff, advisors, and counsel to receive the confidential information. The Board also grants full access to the confidential information in PUB/EM I-1 and PUB/EM I-10 to the Independent Expert Consultant, pursuant to the terms of the Non-Disclosure Agreements entered into between the Independent Expert Consultant and Efficiency Manitoba. Finally, Interveners of record in the Review proceeding are granted access to the PACT ratio and TRC ratio columns only in the Information Request responses on condition that the Interveners and their consultants enter into Non-Disclosure Agreements with Efficiency Manitoba and Intervener counsel enter into Solicitors' Undertakings to keep the information confidential.

The Board's ruling on the information in PUB/EM I-1 and PUB/EM I-10 also applies to information contained in PUB/DAYMARK I-7b) and PUB/DAYMARK I-8. This information is received by the Board in confidence, with access to the Board and Board staff, advisors, and counsel. Interveners of record in the Review proceeding are granted access to the PACT ratio and TRC ratio columns only in the response to PUB/DAYMARK I-8 on condition that the Interveners and their consultants enter into Non-Disclosure Agreements with Efficiency Manitoba and Intervener counsel enter into Solicitors' Undertakings to keep the information confidential.

The Board's ruling in this proceeding is not a precedent for the treatment of this information in future filings, including Applications by Manitoba Hydro and Centra Gas Manitoba Inc. (the "Utilities"). The Utilities have chosen to not participate in the Review proceeding, so the Board is unable to further interrogate the request for confidential treatment. In future proceedings, the Utilities will be required to demonstrate to the Board that the information should be treated as confidential under Rule 13.

Finally, the Board accepts as confidential the attachment to the January 9, 2020 letter. The attachment contains marginal value information that the Board has accepted as confidential in the Review proceeding. The attachment will only be available to the Board, Board staff, counsel and advisors, and the Independent Expert Consultant.

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/cls

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