



**BARBADOS**

**No. FTC-01/2021-BL&P-RRA-CHDEC**

**IN THE MATTER** of the Fair Trading Commission Act, Cap.326B of the Laws of Barbados;

**AND IN THE MATTER** of the Utilities Regulation Act, Cap. 282 of the Laws of Barbados;

**AND IN THE MATTER** of the Utilities Regulation (Procedural) Rules, 2003 and the Utilities Regulation (Procedural) (Amendment) Rules, 2009;

**AND IN THE MATTER** of an Application by the Barbados Light and Power Company Limited for a Review of Electricity Rates pursuant to Section 16 of the Utilities Regulation Act, Cap. 282 of the Laws of Barbados

Applicant:

Barbados Light & Power Company Limited

Intervenors:

Barbados Renewable Energy Association;  
Business Development: The Ministry of Energy and Business Development  
Energy Division: The Ministry of Energy and Business Development;  
Ms. Tricia D. Watson & Mr. David Simpson  
Mr. Kenneth Went;

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**DECISION AND ORDER**

**on**

**The Barbados Light and Power Company Limited's  
Request for Confidentiality**

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## BACKGROUND

1. On October 4, 2021, the Barbados Light & Power Company Limited (the “**Applicant**”) submitted an application to the Fair Trading Commission (the “**Commission**”) for a review of electricity rates (the “**Rate Review Application**”). The Rate Review Application sets out proposed increased rates for electricity service that the Applicant is requesting become permanent.
2. In the Rate Review Application, the Applicant reserved the right to claim confidentiality of documents submitted in support of the same in accordance with the Fair Trading Commission Act Cap 326B of the Laws of Barbados (the “**FTCA**”) and Rule 13 of the Utilities Regulation (Procedural) Rules 2003, as amended by the Utilities Regulation (Procedural) (Amendment) Rules (URPR) 2009 (the “**URPR**”).
3. On October 4, 2021, the Applicant submitted a request for confidentiality to the Commission (the “**Request for Confidentiality**”). This request was made in respect of the following documents which were filed with the Commission by the Applicant:
  - a) the Applicant’s proposed Draft Operational Licenses, which include a Generation & Energy Storage Licence, a Transmission, Distribution and Sales Licence and a Dispatch Licence (the “**Draft Operational Licenses**”);
  - b) the System Expansion Plan; and
  - c) the Five-Year Investment Plan, (hereinafter collectively referred to as the “**Documents**”)
4. The Applicant requested that there be a confidentiality hearing pursuant to the provisions of the FTCA and Rule 13 of the URPR in order for the Commission to make a determination on the Applicant’s request for confidentiality.
5. The Request for Confidentiality was supported by an Affidavit dated September 30<sup>th</sup>, 2021 of Roger Blackman, the Managing Director of the

Applicant (the “**RB Affidavit**”). In that affidavit, Mr Blackman stated that the non-disclosure of the information contained in the Documents would not preclude the Commission nor the intervenors in the Rate Review Application from participating fully in the proceedings and discharging their responsibilities under the Utilities Regulation Act, Cap. 282 of the Laws of Barbados. Further, that non-disclosure would not be detrimental to the public interest.

6. By way of letters dated May 10, 2022 and May 11, 2022, the Applicant modified the Request for Confidentiality in three respects. First, the Applicant stated that it did not think that the Draft Operational Licences met the test for confidentiality set out in Rules 13 and 39 of the URPR. The Applicant added that it did not believe that the draft licenses, if disclosed, would result in harm to any party or result in the Applicant being at a competitive disadvantage. The Applicant reported that the Ministry of Energy and Business Development (the “**Ministry of Energy**”) had objected to the disclosure of the Draft Operational Licences.
7. Secondly, the Applicant indicated its willingness to disclose significant portions of the System Expansion Plan. Thirdly, the Applicant withdrew its request for confidentiality of the Five-Year Investment Plan.
8. On May 11, 2022, the Applicant disclosed the Five-Year Investment Plan as well as a modified redacted version of its System Expansion Plan to the Commission and the Intervenor. The Applicant submitted to the Commission a Table titled “CH-1”, which itemized the specific aspects of the System Expansion Plan over which confidentiality was claimed and the reasons for requesting the information on each page to be held in confidence together with the Five-Year Investment Plan and the redacted System Expansion Plan (the “**Amended Request for Confidentiality**”). Table CH-1 was also disclosed by the Applicant to all parties to the Rate Review Application, namely the Commission and the intervenors.

## THE CONFIDENTIALITY HEARING

9. On June 29, 2022, the Commission convened a confidentiality hearing to consider the Applicant's Request for Confidentiality (the "**Confidentiality Hearing**"). The Confidentiality Hearing was held in the absence of the public pursuant to Rule 39 of the URPR.<sup>1</sup>
10. The following parties were present at the Confidentiality Hearing:
  - a. representatives of the Applicant together with the Applicant's legal counsel,
  - b. Representatives of BREAA;
  - c. Representatives of The Energy Division; and
  - d. Representatives of Business Development Division.
11. At the Confidentiality Hearing, the Applicant repeated that it was prepared to disclose significant portions of the System Expansion Plan to the Intervenors and the general public. The Applicant requested that the following pages of the System Expansion Study listed in a table identified as CH-1 be held in confidence: 388, 470, 483-486, 489,495,500, 501,502, 501-515, 515-519, 521,522, 527, 532-558, 559-630.

## MAIN STATUTORY PROVISIONS

### The FTCA

12. Confidential information is defined in Section 11(1) of the FTCA as follows:

*"In this section, "confidential information" means information of any kind and*

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1. <sup>1</sup> The Commission may hold an oral hearing or part of an oral hearing in the absence of the public where the Commission is of the opinion that:

- a) the circumstances so warrant;
- b) matters involving public security may be disclosed;
- c) or trade secrets or financial, commercial, scientific, technical or personal matters may be disclosed at the hearing, and that the desirability of avoiding disclosure in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

*in any form that relates to one or more persons and that is obtained by or on behalf of the Commission for the purpose of administering or enforcing this Act or any law that the Commission has jurisdiction to administer or enforce, or that is prepared from such information, but does not include information that does not directly or indirectly reveal the identity of the person to whom it relates.”*

13. Section 11(3) of the FTCA requires the Commission to safeguard confidential information where the disclosure “would be injurious to the interest of the person”. It provides as follows:

(3) *Where*

(a) *a person claims that confidential information*

(i) *made available, or to be made available by or on behalf of the person, whether in oral evidence or in a written statement, submission or other document, at the hearing; or*

(ii) *furnished, or contained in a document produced by the person is information the disclosure of which would be injurious to the interest of the person; and*

(b) *the Commission is satisfied that the claim is justified and is not of the opinion that disclosure of the confidential information is necessary in all the circumstances,*

*the Commission shall take all reasonable steps to ensure that the confidential information is not, without the consent of that person, disclosed in the proceedings or by the Commission to a person other than a member of the staff of the Commission who receives the relevant information in the course of his duties.”*

## **The URPR**

14. The provisions related to the making and determination of a request for confidentiality are contained in Rule 13 of the URPR. By Rule 13(1), a party to proceedings before the Commission may request that a document or part of a

document be held in confidence.<sup>2</sup>

15. Rule 13(2) of the URPR sets out the requirements that a request for confidentiality should contain as follows:

(2) *A request for confidentiality shall:*

(a) *include a summary of the nature of the information in the document;*

(b) *address:*

(i) *the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed, namely either party's information which, if made public would likely create a competitive disadvantage for the party;*

(ii) *measures that have been taken by the party, by the party and the party's customer or by the party's customer, to prevent dissemination of the information in the ordinary course of business;*

(iii) *any objection to placing an abridged version of the document on the public record and the reasons for such an objection;*

(c) *be filed with the Commission and served on the parties.*

16. The request for confidentiality is placed on the public record,<sup>3</sup> but the document to which the request for confidentiality relates is held in confidence until a hearing at which the Commission determines whether the said document is to be held in confidence or not.<sup>4</sup> The Commission may direct that the hearing be held in the absence of the public pursuant to Rule 39 of the URPR.<sup>5</sup> A person

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<sup>2</sup> Rule 13(1).

<sup>3</sup> Rule 13(3).

<sup>4</sup> Rule 13(4). Rule 39(1) provides for oral hearings in the absence of the public and the matters which the Commission is to consider when deciding whether to hear an application or request in the absence of the public.

<sup>5</sup> Rule 13(5).

may object to the request for confidentiality.<sup>6</sup> An objection to a request for confidentiality must satisfy the requirements of Rule 13(7) of the URPR which provides as follows:

- (7) *an objection shall address the reasons:*
  - (a) *why the party requires public disclosure of the document; and*
  - (b) *why public disclosure would be in the public interest.*

17. On hearing a request for confidentiality, the Commission has the following powers contained in Rule 13(8) of the URPR, which are as follows:

- “(8) After giving the party claiming confidentiality an opportunity to reply to an objection, if any, the Commission may:*
  - (a), *Order that the document*
    - (i) *be placed on the public record;*
    - (ii) *be held in confidence by the Commission; or*
    - (iii) *need not be disclosed to the Commission;*
  - (b) *Order that an abridged version of the document be placed on the public record; or*
  - (c) *Make any order the Commission may deem to be in the public interest.”*

18. The burden of satisfying the Commission that a document should be confidential is on the person claiming confidentiality.<sup>7</sup> Rules 13(10), 13(11) and 13(12) of the URPR outline the manner in which the Commission is to manage information which has been deemed confidential:

- “(10) Information that has been determined by the Commission to be confidential shall be treated as follows:*
  - (a) *an original and 7 copies of the information shall be provided for use by the Commission and staff; and*

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<sup>6</sup> Rule 13(6).

<sup>7</sup> Rule 13(9).



*(b) the copies referred to in paragraph (1) shall be stamped confidential and held within the Commission offices in secure locations.*

*(11) Where the staff or any party desires to place some or all of the information which has been determined to be confidential into record during a Commission proceeding, whether by exhibit, pleadings, testimony, direct cross-examination, oral argument, or brief, then such party or staff shall notify all parties and the Commission in advance that such confidential information is proposed to be introduced and request that it be placed by the Commission in a sealed record.*

*(12) Where any of the information which has been determined to be confidential in accordance with paragraph (11) is therefore released or made public by unauthorized disclosure by anyone other than the party who sought its protection, the protection shall remain in full."*

19. In determining a request for confidentiality, the Commission must balance the interests of the public to have access to the information and any potential harm which may result from the disclosure of the information to the party disclosing the same.
20. One of the factors for the Commission in determining whether a document should be held in confidence is the relevance of the document to the substantive Rate Review Application. Where the document or information is not to be used or relied upon in that hearing, it follows that its disclosure cannot be justified in the public interest, and should be held in confidence.

#### **THE APPLICANT'S REQUEST FOR CONFIDENTIALITY**

21. The Applicant placed its requests for confidentiality into two broad categories:
  - i) confidential information which relates to the security of the national grid; and
  - ii) confidential information which relates to the cost of renewable energy and battery storage projects, which it will have to bid for in the future.

22. In relation to the second ground on which confidentiality was claimed, the Applicant stated that the information is not needed for setting the rate in the substantive hearing of the Rate Review Application.
23. In response to various clarifications sought by Commission, the Applicant stated that in addition to such measures as restricting access to the confidential information and confidentiality provisions in its employees' contracts of employment, confidential documents are password protected. The Applicant explained that information which is described as commercially sensitive relates to the cost of future renewable energy and battery storage projects for which it will have to submit a bid and compete against other entrants in the energy market. The Applicant contended that disclosure would result in its cost information being made available to its future competitors who will likely be bidding against the Applicant for the same projects and hence the commercially sensitive nature of the information.
24. The Applicant conceded that the information on investment in the synchronous condenser (SCO) Table 6.1 in the System Expansion Plan, which was redacted, is included in the rate base. The Applicant explained that investment in renewable energy assets were not included in the rate base.

#### **WRITTEN OBJECTIONS TO THE APPLICANT'S REQUEST**

25. The Commission, upon receipt of the Request for Confidentiality, invited Intervenors to file written objections to the Request for Confidentiality pursuant to Rule 13 (6) of the URPR. Written objections to the Request for Confidentiality were filed by five (5) Intervenors in the Rate Review Application, whose objections we review as following.

#### **BREA**

26. BREA did not object to the Draft Operational Licences being held in confidence. However, it contended that the Applicant used a five-year forecast to support the contention that, even with the rate increase proposed, it will not be able to

achieve the rate of return applied for. It stated that the System Expansion Plan (and the now disclosed Five-Year Investment Plan) were critical to the Intervenors to determine whether or not the Applicant's proposed rates for electricity are reasonable. BREa further argued that the System Expansion Plan and Five-Year Investment Plan are necessary for it to determine whether they are consistent with the Integrated Resource Resilience Plan.

27. BREa was of the opinion that the Applicant had not made a case that disclosure of the information would prejudice the Applicant's interest or cause irreparable harm since the Applicant will be the sole holder of licences for fossil generation, dispatch, transmission and distribution, and sales.

### **The Energy Division**

28. The Energy Division asserted that the Draft Operational Licences should continue to be held in confidence for the following reasons:
  - (i) negotiations between itself and the Applicant are still ongoing,
  - (ii) the final form of the Draft Operational Licences may be subject to change; and
  - (iii) disclosure of the Draft Operational Licences to the public may be misleading.
29. Additionally, the Energy Division emphasized that the Draft Operational Licences would not add any value to the issue at hand.
30. The Energy Division further contended that access to the pertinent information is the prerequisite by which the Commission can make an informed decision and Intervenors present well-grounded submissions.

### **The Business Development Division**

31. The Business Development Division contended that Intervenors could only make meaningful and well-grounded submissions after having access to the

System Expansion Plan and the Five-Year Investment Plan and the information contained therein. The Business Development Division was of the view that the System Expansion Plan and the Five-Year Investment Plan were needed to enable the Intervenor to analyse and assess the Rate Review Application. It stated that disclosure was in the interest of the public.

### **Kenneth C. Went**

32. Mr. Went was of the opinion that the Documents subject to the Request for Confidentiality should be made accessible to Intervenor as this information can inform on the Applicant's expected operations under the new licence regime, assess its performance and hold the Applicant accountable for the investment decisions made.

### **The Team of Tricia D. Watson and David Simpson**

33. The team of Ms Tricia D Watson and Mr David Simpson objected to the Commission convening a confidentiality hearing in the absence of the public and the Documents being held in confidence. They opined that to treat the information contained in the Documents as confidential would be to deny the Intervenor the minimum information required to understand and assess the issues to be raised at the hearing of the Rate Review Application. They noted that the information was central to justifying the revenue requirement and must be analysed by the parties to the Rate Review Application. They were of the view that Intervenor cannot participate fully in the hearing of the Rate Review Application without the information. Additionally, the team opined that the Applicant's approach of redacting entire documents and/or evidence in the Application does not permit the Commission or intervenors to examine whether confidentiality claims are reasonable and proportional.

## **SUMMARY OF APPLICANT'S RESPONSE TO THE WRITTEN OBJECTIONS**

34. By way of an Affidavit of Roger Blackman filed on June 1, 2022, the Applicant objected to the affidavit of Mrs. Francine Blackman, filed on behalf of the Business Development Division and the written objection filed by Ms. Tricia Watson, on the basis that they were filed out of time. Mr. Blackman stated that the affidavit of Mrs. Francine Blackman failed to establish with specificity the reason why the Intervenors require public disclosure of the Documents.
35. Mr. Blackman also contended that Ms. Watson failed to demonstrate how the Draft Operational Licences, the System Expansion Plan and the Five-Year Investment Plan will be centrally relied upon to determine rates and that they do not go to the root of determining a rate. Mr. Blackman submitted that the Intervenor team of Ms. Watson and Mr. Simpson and the Business Development Division failed to establish the matters required by Rule 13(7) of URPR.
36. The Applicant by letter dated June 7<sup>th</sup>, 2022 advised that it would not be exercising its right of reply to the objections raised by the other Intervenors.

## **COMMISSION'S ANALYSIS/CONSIDERATION**

37. The Amended Request for Confidentiality will be addressed in the same order as contained in Table CH-1. Except for Request No 1., which concerns the Draft Operational Licences, the information for which confidentiality is claimed is contained in the System Expansion Plan. References to page numbers refer to pages in the Rate Review Application.

### **Request No. 1: Vol.1 Pages 87 – 216**

39. The Applicant initially requested that the Draft Operational Licences be deemed confidential by the Commission. The Applicant subsequently wrote the Commission withdrawing, among other things, its claim for the Draft Operational Licences to be held in confidence by the Commission. The

Applicant stated that it applied the tests prescribed in Rules 13 and 39 of the URPR and concluded that the Draft Operational Licences, if released, would not harm any party or result in the Applicant being at a competitive disadvantage. At the Confidentiality Hearing, the Applicant restated the withdrawal of its request for the Draft Operational Licences to be held in confidence, repeating the position outlined in its letter dated May 10, 2021 to the Commission.

40. Mr Bryan Haynes, on behalf of the Energy Division, by affidavit dated May 6<sup>th</sup>, 2022, objected to the disclosure of the Draft Operational Licences on the grounds that the same were not in final form and as such had not been executed by either party to them. Mr. Haynes further stated that, the Energy Division and the Applicant are currently engaged in other discussions which may impact the final versions of the Draft Operational Licences and that to disclose the Draft Operational Licences to the public “would be to furnish it with information that is subject to change, which may be construed as misleading”. During the Confidentiality Hearing, no further arguments or submissions, legal or otherwise, concerning its objection to the disclosure of the Draft Operational Licences were advanced by the representatives of the Energy Division of the Ministry of Energy.
41. As the Applicant withdrew its request that the Draft Operational Licences be held in confidence pursuant to Rule 13 of the URPR, there is no request for confidentiality of the Draft Operational Licences for the Commission to determine. The Energy Division has not made a request under Rule 13 of the URPR or otherwise for the Draft Operational Licences to be held in confidence. The Commission therefore concludes that there is no request before the Commission for the Draft Operational Licences to be held in confidence.
42. We have considered the statements contained in the affidavit of Mr Bryan Haynes dated May 6<sup>th</sup>, 2022 and are of the opinion that they do not constitute a request to the Commission to hold the Draft Operational Licences in

confidence, in accordance with the requirements of Section 11 of the FTCA and Rule 13(2) of the URPR.

43. The Applicant states that the Draft Operational Licences do not go to the root of determining a rate and that the proposed rates are primarily based on the Applicant's current operating environment which is demonstrated in the Test Year it has selected. In the Rate Review Application, the Applicant has alluded that the Draft Operational Licences were not relied upon in determining the proposed rates. It appears from the affidavit of Mr Bryan Haynes, that the Energy Division is also of the view that Draft Operational Licences are not relevant to the determination of the rate in the Rate Review Application.
44. The Commission is of the view that the Draft Operational Licences are neither necessary for, nor relevant to, the determination of any new rate which may be implemented after the completion of the hearing of the Rate Review Application.
45. Rule 13(8) of the URPR provides the Commission with a range of orders to meet the justice of the request or application before it, including making any order that the Commission may deem just in the public interest.<sup>8</sup> Having reviewed all of the submissions, both oral and written, in relation to the confidentiality of the Draft Operational Licences, the Commission is of the view that the Applicant should amend the Rate Review Application to remove all references to the Draft Operational Licences as they are not relevant nor necessary to determine a rate.

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<sup>8</sup> Rule 14 of URPR provides: *"The Commission may, upon such terms as it may determine, allow, or order an amendment to any document that in the opinion of the Commission may tend to prejudice, embarrass any person or delay the fair hearing of the case upon its merits or where, in the opinion of the Commission, such an amendment is necessary for the purpose of hearing and determining the real question in issue in the proceeding."*

**Request No. 2: Vol.2 Page 388**

46. At the Confidentiality Hearing, the Applicant stated that the redacted information in the second row and third column of the table is cost information relating to renewable energy and battery storage projects. It stated that the cost information is commercially sensitive, and if disclosed could result in the Applicant being disadvantaged as such projects will be subject to competitive procurement. The Applicant also stated that the information is not contained in the calculation of the rate base nor is it needed for the Rate Review Application.
47. During examination by its legal counsel, the Applicant's witness confirmed that public disclosure of this information may competitively disadvantage the Applicant. It was the Applicant's view that this information would not assist in the assessment of the Rate Review Application.
48. The Commission concurs with the assessment of the Applicant that the information contained in the second row and third column of Table 3.2 is confidential and is not necessary to determine the rate at the hearing of the Rate Review Application. Disclosure of this aforementioned information could create a competitive disadvantage for the Applicant. Accordingly, the Commission has determined that the information should be held in confidence by the Commission.

**Request No. 3: Vol.2 Page 470**

49. At the Confidentiality Hearing, the Applicant identified the redacted information as a single line drawing of the Applicant's grid system relating to the design and layout of the grid and identified as Figure 5.1 in the Rate Review Application. It stated that the drawing is of critical grid infrastructure, which is not and has never been in the public domain. The Applicant stated that the disclosure of the information would create a security risk and could present a risk to national security.



50. The Commission agrees that the Figure 5.1 is confidential and that disclosure of the same could be detrimental to the security of the grid and national security. Therefore, the Commission has determined that Figure 5.1 should be held in confidence.

**Request No. 4: Vol. 2 Pages 483 – 486, 489, 495 and 500**

51. The Applicant stated that the information on these pages, which it is seeking to have designated as confidential, contains confidential and sensitive information about the operations of the power system, including contingency scenarios on the Applicant's plans to respond to certain scenarios. The Applicant states that public disclosure could compromise the security of the network, making it susceptible to an element of harm by someone with that intent, having gained knowledge by the disclosure.
52. The Commission accepts that the information contained at the aforementioned page is confidential and raises an issue of grid security. Further, disclosure of the same could be detrimental to the security of the grid and national security. Therefore, the Commission has determined that the information should be held in confidence

**Request No. 5: Vol. 2 2 Page 501 – 519**

53. The Applicant commented that the redacted information contained in these pages for which confidentiality is sought pertains to sensitive information that is unique to the security of the grid. Keeping this information confidential seeks to preclude potential breaches to grid security by the public as this information is not accessible by the public.
54. This involves information on a transmission stability study for generator trip and faulted bus for generation trips, which is not in the public domain. The information could be used to cause harm or interruption to the grid. The Applicant added that disclosure of this information would create a grid security risk.

55. The Commission agrees with the submissions of the Applicant that the information is confidential and raises an issue of grid security. Further, that the disclosure of the same could be detrimental to the security of the grid and national security. Therefore, the Commission has determined that the information should be held in confidence.

**Request No. 6: Vol. 2 Pages 521 & 522**

56. The Applicant stated that the information for which confidentiality on these pages is claimed contains plans for the grid and technical details of the grid. The Applicant states that confidentiality is necessary in the interest of grid security.

57. The Commission agrees with the submissions of the Applicant that the information is confidential and raises an issue of grid security. Further, the disclosure of the information could be detrimental to the security of the grid and national security. Therefore, the Commission has determined that the information should be held in confidence.

**Request No. 7: Vol. 2 Page 527**

58. The Applicant seeks confidentiality of the section of Table 6.1 which contains information relating to investment and costs associated with renewable energy and storage assets which are particularly identified in the sixth and ninth columns, on the basis that the information is commercially sensitive. The Applicant clarified that the cost of item SCO10, which refers to synchronous condenser, is included in Volume 3 page 798 of the Rate Review Application, but the other project costs which will be subject to a competitive procurement process, are not. The Applicant pointed out that, except for SCO10, the redacted information is not part of the Rate Review Application.

59. The Commission accepts that, except for SCO10, the information relates to renewable energy and storage projects. Disclosure of this information with the exclusion of SCO10, could create a competitive disadvantage for the Applicant.

Accordingly, the Commission has determined that the information, except that relating to SCO10, should be held in confidence.

**Request No. 8: Vol. 2 Pages 532 – 558**

60. The Applicant states that the information for which confidentiality is claimed on these pages details the results of intermittent studies relative to the grid and is proprietary in nature. Further, the aforementioned pages contain sensitive information on the future deployment of the grid and examines the response under contingency scenarios. The Applicant advised that the information is not in the public domain, and that disclosure could present a systems security risk and expose the grid to possible harm of the critical energy infrastructure. The Applicant further stated that the information has no bearing on the substantive Rate Review Application before the Commission.
61. The Commission agrees with the submissions of the Applicant that the information is confidential and raises an issue of grid security. Further, the disclosure of the information could be detrimental to the security of the grid and national security. Therefore, the Commission has determined that the information should be held in confidence.

**Request No. 9: Volume 2 Pages 559 – 630**

62. The Applicant commented that the contents of the pages for which confidentiality is claimed pertain to the security of the grid and is sensitive in nature. Further, such information is not publicly available and therefore if disclosed could present a security risk to the grid.
63. The Commission agrees with the submissions of the Applicant that the information is confidential and raises an issue of grid security. Further, that the disclosure of the same could be detrimental to the security of the grid and national security. Therefore, the Commission has determined that the information should be held in confidence.

## CONCLUSION

64. In each case, the Commission has balanced the public interest for and against disclosure of the information which the Applicant requested be held in confidence. Where the Commission has determined that the information should be held in confidence, the Commission was not persuaded that the public interest in disclosure outweighed the reasons which underscored the request for confidentiality. Further, the Commission is of the view that holding the information in confidence would not cause an injustice or otherwise create a disadvantage to the Intervenors in the prosecution of their cases in the substantive rate hearing.

## DETERMINATION

65. The Commission hereby orders as follows:
- i. **The Applicant shall amend the Rate Review Application by removing or deleting the Draft Operational Licences.**
  - ii. **The specific pages: 388, 470, 483-486, 489,495,500, 501,502, 501-515, 515-519, 521,522, 527, 532-558, 559-630 of the System Expansion Plan for which the Applicant has requested confidentiality shall be redacted and held in confidence by the Commission.**
  - iii. **The Applicant shall amend Table 6.1: Five-Year Investment Plan for Generation and Transmission based on PLEXOS Scenario 3 on page 527of Volume 2 of the Rate Review Application to reflect the investment cost of the specific items for each year and redact only the cost information not included in the rate base calculation. Volume 3, page 798 shows the total cost of investment intended for SCOs for the years 2021 to 2023.**
  - iv. **All other pages for which confidentiality was not requested for the System Expansion Plan should be released to the public.**

- v. **The Applicant shall file its amendments to the Rate Review Application, in accordance with the Commission’s aforementioned orders, on or before the 5<sup>th</sup> day of August, 2022.**

66. The Commission thanks the Applicant and the Intervenors for their participation in the Confidentiality Hearing.

Dated this 29<sup>th</sup> day of July, 2022

*Original Signed by*  
.....  
Donley Carrington  
Deputy Chairman

*Original Signed by*  
.....  
John Griffith  
Commissioner

*Original signed by*  
.....  
Ruan Martinez  
Commissioner

*Original signed by*  
.....  
Simon Naitram  
Commissioner

*Original signed by*  
.....  
Samuel Wallerson  
Commissioner