

The Public Utilities Board

IN THE MATTER OF *The Public Utilities Board Act (Manitoba)* and an Application by  
Centra Gas Manitoba Inc. for an Order of the Public Utilities Board Approving Changes  
to Natural Gas Rates

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**Koch Fertilizer Canada, ULC**

**Motion for Information to be Considered Confidential in Connection with  
Centra Gas Manitoba Inc.'s 2019/2020 General Rate Application**

**June 21, 2019**

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## **I. OVERVIEW**

1. Koch Fertilizer Canada, ULC (**Koch**) applies to the Public Utilities Board (the **PUB**) for an Order allowing certain information it is filing to be considered confidential in the 2019\20 General Rate Application by Centra Gas Manitoba (**Centra**).

## **II. RELIEF REQUESTED**

2. Pursuant to Rule 13(2) of the *Public Utilities Board Rules of Practice and Procedure (Rule(s))*, Koch seeks an Order of the PUB confirming that it will receive those portions redacted in the written evidence of Brian Collins (Koch's consultant in the field of public utility regulation with Brubaker & Associates, Inc., in confidence.

## **III. RULE 13(2) TEST**

3. Koch is a large consumer of natural gas in Manitoba and is concerned that Centra's proposed rate change will significantly affect its competitive position in the marketplace.
4. Koch was granted intervenor status in this GRA in Order 24/19. Koch is filing its written evidence on June 21, 2019, pursuant to the 2019/20 GRA timetable set by the Board.
5. Koch recognizes that by standard protocol, documents filed with the Board are placed on the public record. Rule 13(2) provides that the Board may receive information in confidence on any terms it considers appropriate in the public interest.
6. 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 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;

- (ii) The information has been consistently treated as confidential by a person directly affected by the proceeding;
  - (iii) The Board considers that the person's interest in confidentiality outweighs the public interest in the disclosure of the information.
- 7. 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 to be placed on the public record with such condition 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.

#### **IV. ARGUMENT**

- 8. The information that Koch seeks to be considered confidential and has been redacted in the public version of Brian Collins' written evidence is:
  - (a) Koch's current or future costs associated with transport (under the current methodology) and
  - (b) Centra's cost to provide service individually to Koch (which would be the basis for Koch's costs if another method is later adopted).
- 9. Koch's information identified in (a) and (b) above is deserving of protection as it falls under Rule 13(2)(a)(i) and (ii) and 13(2)(b)(i).
- 10. The redacted information is Koch's cost of natural gas transport. It is not publically available and is sensitive business information. Without protection, the risk arises that a competitor could use this information to gain insight into Koch's cost structure and competitive business strategies, which could reasonably be expected to result in undue financial loss and significant competitive harm to Koch.
- 11. There is no prejudice to any other party in this proceeding from the non-disclosure of this information. We ask the Board to consider that Koch's interest in confidentiality outweighs the public interest in the disclosure of the information.

#### **V. CONCLUSION**

- 12. Koch's seeks an Order from the PUB confirming that it:
  - (a) will receive those portions redacted in the written evidence of Brian Collin in confidence; and

- (b) allow only the redacted version of Mr. Collins' written evidence to be made publically available.

All of which is respectfully submitted this 21st of June, 2019.

**Lawson Lundell LLP**

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Lewis Manning,  
Counsel for Koch Fertilizer Canada, ULC