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October 3, 2017

[CB-CDA 2017-104]

ORDER OF THE BOARD

On April 26, 2017, the Board issued Order 2017-032 (the “Disclosure Order”), requiring that an entity (the “Disclosing Entity”) file certain agreements with the Board and external counsel of the Parties by May 5, 2017. The Board subsequently issued Ruling 2017-096, along with a Supplementary Confidentiality Order 2017-097, in which it ordered the Disclosing Entity to provide the Board and external counsel of Parties who have executed the Supplementary Confidentiality Order with the agreements subject to the Disclosure Order forthwith.

On September 15, 2017, the Disclosing Entity wrote to the Board stating that it was preparing copies of the agreements to be filed with the Board. However, it seeks a modification to Ruling 2017-096, which provides that names of all counter-parties to the agreements be redacted. The Disclosing Entity submitted that other information in those agreements would permit the identification of the parties, and that such information should be redacted as well.

The Board is of the view that the safeguards provided by Order 2017-097 and the various counsel’s professional and legal obligations are sufficient in relation to the information to be disclosed. The Board presumes that counsel appearing before it acts in good faith and in compliance with all their professional and legal obligations; additional safeguards are rarely necessary in such circumstances. As such, the inclusion of the requirement in Ruling 2017-096 and Order 2017-097 that names of counter-parties be redacted was based on the Objectors’ own proposal that this be done – but was not necessary. For the same reason, the additional redactions requested by the Disclosing Entity are not necessary.

The Disclosing Entity shall, forthwith, comply with Ruling 2017-096, including filing with the Board the agreements subject to the Disclosure Order, and providing to the external counsel of the Parties to these proceedings the same.