

March 26, 2012

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary, Ontario Energy Board
P.O. Box 2319, 2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4
Fax: (416) 440-7656
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Motion for Interrogatory Response
EB-2011-0242 / 0283 – Enbridge/Union Gas – Renewable Natural Gas**

Please find enclosed Pollution Probe's motion for a full and adequate interrogatory response from Enbridge Gas Distribution Inc. and Union Gas Ltd.

Pollution Probe has no preference between an oral or written hearing, and asks that the most efficient, convenient, and cost-effective procedure be chosen.

If the Board decides to hear this motion in writing, we request the opportunity to make reply submissions, but we do not require an opportunity to make further initial moving submissions. We therefore would propose the following timetable for a written hearing:

- (1) Responding submissions from the Applicants (and any other interested parties) within 10 days of receipt of the Motion Record; and
- (2) Reply submissions from Pollution Probe within 3 days of receipt of responding submissions.

Yours truly,



Kent Elson

Encl.

cc: Applicants and Intervenors per Appendix "A" to *Procedural Order No. 5* by email

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B; and in particular section 36 (2) thereof;

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for an Order or Orders approving and setting the cost consequences associated with the purchase of Ontario biomethane by Enbridge Gas Distribution Inc.;

AND IN THE MATTER OF an application by Union Gas Limited for an Order or Orders approving and setting the cost consequences associated with the purchase of Ontario biomethane by Union Gas Limited.

MOTION RECORD

**(Pollution Probe Motion for Full
and Adequate Interrogatory Response)**

Date: March 26, 2012

KLIPPENSTEINS
Barristers & Solicitors
160 John Street, Suite 300
Toronto, Ontario M5V 2E5

Murray Klippenstein, LSUC No. 26950G
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Lawyers for Pollution Probe

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5	<i>Final Issues List</i> (marked copy) [13-14]
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**EB-2011-0242 EGDI
EB-2011-0283 Union**

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B; and in particular section 36 (2) thereof;

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for an Order or Orders approving and setting the cost consequences associated with the purchase of Ontario biomethane by Enbridge Gas Distribution Inc.;

AND IN THE MATTER OF an application by Union Gas Limited for an Order or Orders approving and setting the cost consequences associated with the purchase of Ontario biomethane by Union Gas Limited.

NOTICE OF MOTION (Pollution Probe Motion for Full and Adequate Interrogatory Response)

THE INTERVENOR, POLLUTION PROBE, will make a motion to the Board in writing or on a date and time to be set by the Board, at the Board's Hearing Room, 25th Floor, 2300 Yonge Street, Toronto, Ontario, M4P 1E4.

PROPOSED METHOD OF HEARING:

The motion is to be heard orally or in writing, at the Board's discretion.

THE MOTION IS FOR:

1. An Order that Enbridge Gas Distribution Inc. and Union Gas Ltd. (collectively, the "Utilities") provide a full and adequate response to Pollution Probe's Interrogatory, particularly on the "free rider" issue; and

2. Such further and other relief as counsel may request and that seems just to the Board.

THE GROUNDS FOR THE MOTION ARE:

1. In its interrogatory, Pollution Probe requested the estimated incremental cost of the greenhouse gas (“GHG”) reductions that will result from the proposed procurement programs for biomethane (per tonne of GHG reductions). Pollution Probe specifically requested the cost of reductions “net of free-riders” and specifically requested that input assumptions be stated and justified. The Utilities have not provided the requested information. Specifically, the Utilities have not stated or justified their estimates regarding free riders. That is the discrete, but important, information that Pollution Probe seeks.

Pollution Probe’s Interrogatory is Relevant and Important

2. Pollution Probe’s interrogatory is relevant and important. It is particularly relevant to issues 2.1 and 2.2, which ask whether the proposed costs from landfill and anaerobic digester sources are reasonable and appropriate. The reasonableness of the cost depends on the benefits resulting from the purchase of biomethane, including the amount of GHG reductions. The incremental cost per tonne of GHG reductions is therefore an essential factor in determining the reasonableness of the cost of biomethane.

The Free Rider Issue is Relevant and Important

3. The free rider issue is also relevant and important. A free rider analysis is meant to ensure that decisions are based on the amount of actual GHG reductions resulting from the program in question. The estimated free rider rate accounts for the amount of GHG reductions that would likely occur even if the program were not undertaken. By taking this into account, one only counts the estimated GHG reductions that actually occur *as a result of the program*.

4. The Board has recognised the importance of the free rider effect by requiring, in the *Demand Side Management [“DSM”] Guidelines for Natural Gas Utilities*, that free ridership be fully accounted for and incorporated into DSM plans.
5. In the context of a biomethane procurement program, free ridership likely occurs where biomethane is already being captured and used for energy use, and is simply diverted for purchase by the Utilities. Where this is the case, the purchase of gas by the Utilities may result in little or no GHG reductions. This should be accounted for when comparing the costs and benefits of a biomethane procurement program. Again, this is important because it ensures that GHG reductions are only counted when they actually result from the program in question.

Specific Information Sought

6. Pollution Probe asks that the Utilities (a) explicitly state their estimated free rider rate and (b) provide information to justify the reasonableness of that estimate.

A Full and Adequate Response is Required

7. According the Board’s *Rules of Practice and Procedure*, a party is required to provide a “full and adequate response to each interrogatory.” This ensures fairness, reduces the time required for oral cross-examinations, and is an expedient and cost-effective fact-finding procedure.
8. The Utilities have not provided a full and adequate answer to an important (but discrete) interrogatory that is central to issues at stake in this hearing. Pollution Probe therefore requests an order as outlined above.
9. Pollution Probe particularly relies on Rules 28 and 29 of the Board’s *Rules of Practices and Procedure*.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. Pollution Probe's Interrogatory (marked copy) [Motion Record, Tab 2];
2. The Utilities' updated common response to Pollution Probe's Interrogatory [Motion Record, Tab 3];
3. *DSM Guidelines for Natural Gas Utilities* (marked excerpts) [Motion Record, Tab 4];
4. *Final Issues List* (marked copy) [Motion Record, Tab 5];
5. Email from counsel for Pollution Probe to counsel for the Utilities requesting a full and adequate interrogatory response [Motion Record, Tab 6];
6. Rules 28 and 29 of the Board's *Rules of Practice and Procedure* (marked copy) [Motion Record, Tab 7]; and
7. Such further materials as Pollution Probe may submit.

Date: March 26, 2012

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Lawyers for Pollution Probe

TO: APPLICANTS AND INTERVENORS
per *Procedural Order No. 5, Appendix A*

EB-2011-0242 & EB-2011-0283

Pollution Probe Interrogatory for Enbridge Gas Distribution and Union Gas

February 7, 2012

Issues 2.1 & 2.2: Are the proposed costs from landfill and anaerobic digester sources reasonable and appropriate?

1. Reference: Exhibit B, Tab 1, page 21

Preamble

One of the potential benefits of purchasing biomethane is a net reduction in Ontario's and Canada's greenhouse gas emissions. Pollution Probe wishes to know the incremental cost of achieving these greenhouse gas reductions (\$ per tonne of net greenhouse gas emission reduction). ||

The incremental cost will be a function of numerous factors including the price paid for biomethane, the price of the alternative supply option (natural gas) and the incremental greenhouse gas emission reductions (net of free-riders) if Enbridge and Union purchase biomethane instead of natural gas. ||

Interrogatory

Please provide your best estimates of the incremental greenhouse gas emission reduction costs (\$ per tonne) of your proposed procurement programs for biomethane from:

- a) landfill gas; and
- b) anaerobic digestion.

Please show your calculations and state and justify all of your input assumptions. ||

Please provide a sensitivity analysis using high and low estimates of the cost of natural gas.

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ENBRIDGE GAS DISTRIBUTION INC.
UNION GAS LIMITED
RESPONSE TO POLLUTION PROBE INTERROGATORY #1

Issues 2.1 & 2.2: Are the proposed costs from landfill and anaerobic digester sources reasonable and appropriate?

Reference: Exhibit B, Tab 1, page 21

Preamble:

One of the potential benefits of purchasing biomethane is a net reduction in Ontario's and Canada's greenhouse gas emissions. Pollution Probe wishes to know the incremental cost of achieving these greenhouse gas reductions (\$ per tonne of net greenhouse gas emission reduction).

The incremental cost will be a function of numerous factors including the price paid for biomethane, the price of the alternative supply option (natural gas) and the incremental greenhouse gas emission reductions (net of free-riders) if Enbridge and Union purchase biomethane instead of natural gas.

Interrogatory:

Please provide your best estimates of the incremental greenhouse gas emission reduction costs (\$ per tonne) of your proposed procurement programs for biomethane from:

- a) landfill gas; and
- b) anaerobic digestion.

Please show your calculations and state and justify all of your input assumptions.

Please provide a sensitivity analysis using high and low estimates of the cost of natural gas.

Response:

Please see responses to GEC Interrogatory #1 to #4 (Exhibit I-9-1 to I-9-4) and CME Interrogatory #5 (Exhibit I-6-5).

"Implied GHG Reduction Values" are provided in the table and chart below. A number of assumptions were required to make these calculations, including:

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- A range of conventional natural gas market prices, per GJ, of \$4, \$8, \$12. Please see CME #5 d and e for NYMEX future prices (to 2024) and historical WACOG prices (1999 – 2011).
- CO₂ “emission values” have been included for “substitution” and “substitution and emission reduction” impacts based on the conversion factors included at Exhibit B, Tab 1, Appendix 1, page 48. This approach is consistent with the approach used in response to GEC #1 to calculate the requested range of “Relative Values of Carbon”. Please refer to GEC #1 for an explanation of the upper and lower ranges of GHG emissions which also apply to this response.

The requested “Implied GHG Reduction Values” have been calculated at each of the proposed upper and lower tiers for RNG prices as proposed in this application. As can be seen in the chart below, 24 different “Implied Values” are presented which are dependent on the following three sets of variables:

- The proposed price of RNG in the program (four different prices, based on high and low for AD and Landfill, \$17 - \$11, \$13 - \$6)
- A range of three different conventional natural gas market prices as stated above (\$4, \$8, \$12)
- GHG reduction (t CO₂/GJ) for “substitution only” and GHG reduction (t CO₂/GJ) for “substitution and emission reduction”

These calculations assume that all of the benefits of acquiring RNG as part of system supply are attributable to GHG reductions however, as noted in Pollution Probe’s Interrogatory #1, the reduction of greenhouse gas emissions is but one of the potential benefits of purchasing biomethane. The other benefits are outlined at Exhibit B, Tab 1, pages 8 to 10. The actual value of the GHG reductions resulting from the proposed Program would be some fraction of the values shown in the table and chart below.

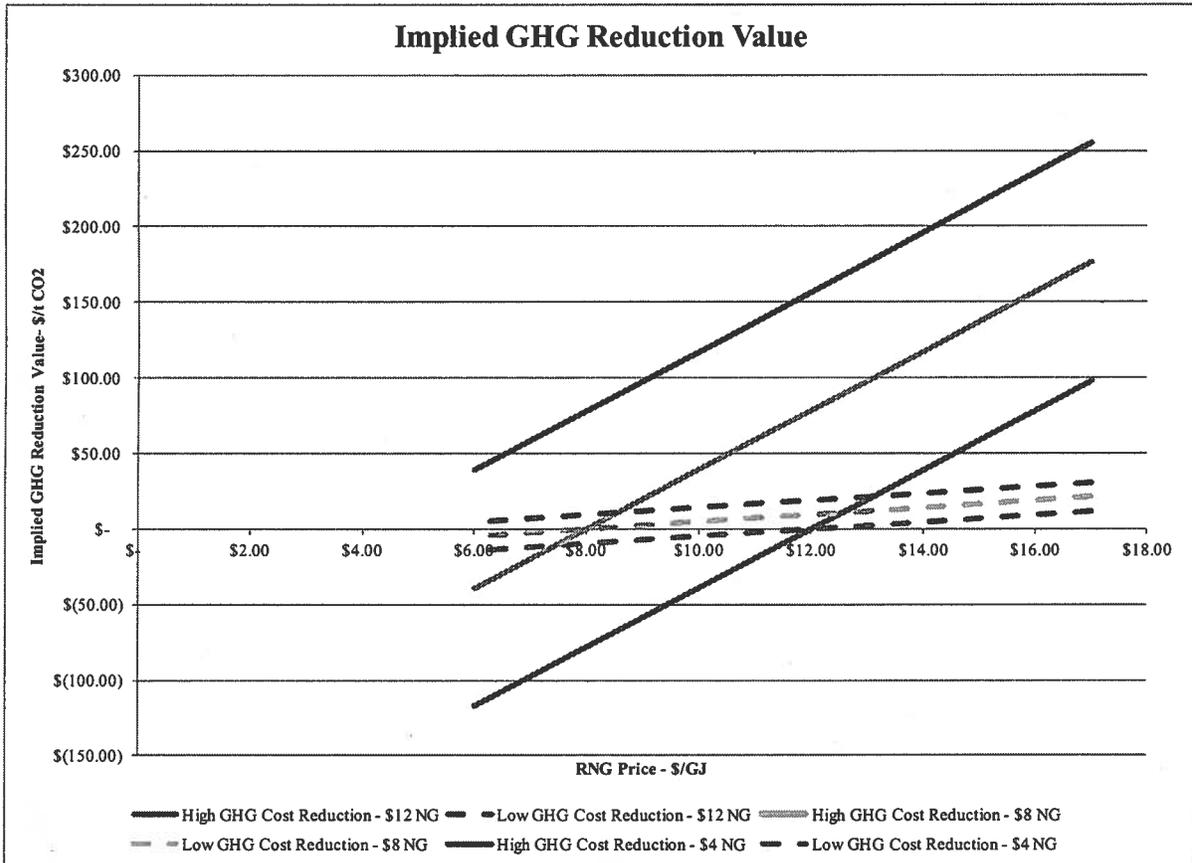
Table 1

Line No.	RNG Price (\$/GJ)	Natural Gas Price (\$/GJ)	Premium/ (Discount) (\$/GJ)	GHG Reduction		Implied GHG Reduction Value	
				Substitution Only ⁽¹⁾ (t CO ₂ /GJ)	Substitution and Emission Reduction ⁽²⁾ (t CO ₂ /GJ)	Substitution Only (\$/t CO ₂)	Substitution and Emission Reduction (\$/t CO ₂)
	(a)	(b)	(c) = (a) - (b)	(d)	(e)	(f) = (c) / (d)	(g) = (c) / (e)
1	\$ 17.00	\$ 12.00	\$ 5.00	0.051	0.428	\$ 98.04	\$ 11.68
2	\$ 13.00	\$ 12.00	\$ 1.00	0.051	0.428	\$ 19.61	\$ 2.34
3	\$ 11.00	\$ 12.00	\$ (1.00)	0.051	0.428	\$ (19.61)	\$ (2.34)
4	\$ 6.00	\$ 12.00	\$ (6.00)	0.051	0.428	\$ (117.65)	\$ (14.02)
5	\$ 17.00	\$ 8.00	\$ 9.00	0.051	0.428	\$ 176.47	\$ 21.03
6	\$ 13.00	\$ 8.00	\$ 5.00	0.051	0.428	\$ 98.04	\$ 11.68
7	\$ 11.00	\$ 8.00	\$ 3.00	0.051	0.428	\$ 58.82	\$ 7.01
8	\$ 6.00	\$ 8.00	\$ (2.00)	0.051	0.428	\$ (39.22)	\$ (4.67)
9	\$ 17.00	\$ 4.00	\$ 13.00	0.051	0.428	\$ 254.90	\$ 30.37
10	\$ 13.00	\$ 4.00	\$ 9.00	0.051	0.428	\$ 176.47	\$ 21.03
11	\$ 11.00	\$ 4.00	\$ 7.00	0.051	0.428	\$ 137.25	\$ 16.36
12	\$ 6.00	\$ 4.00	\$ 2.00	0.051	0.428	\$ 39.22	\$ 4.67

(1) GHG reduction from fuel substitution calculated from pre-filed evidence Exhibit B, Tab 1, Appendix 1, Page 48
 = 2,677.7 kt CO₂ / (1,373 M m³ * 0.0379 GJ/m³)

(2) GHG reduction from fuel substitution and emission reduction calculated from pre-filed evidence Exhibit B, Tab 1, Appendix 1, Page 48
 = 2,677.7 kt CO₂ / (1,373 M m³ * 0.0379 GJ/m³) + 10,327.8 kt CO₂ / (723 M m³ * 0.0379 GJ/m³)

Figure 1





**DEMAND SIDE MANAGEMENT GUIDELINES
FOR NATURAL GAS UTILITIES**

EB-2008-0346

Date: June 30, 2011

Ontario Energy Board

their utility specific avoided costs. The natural gas utilities should also coordinate the timing for selecting commodity costs so that they are comparable.¹⁵

The estimation of natural gas avoided costs should consider whether different estimates are warranted for each customer class, sector (e.g., residential, commercial, and industrial), and/or the load characteristics (e.g., baseload versus weather sensitive).

In determining their utility specific avoided costs, the natural gas utilities should consider, among other information available, the avoided costs used by the OPA to assess the cost effectiveness of electricity CDM programs.¹⁶

6.2.1 Updating of Avoided Costs

The natural gas utilities should submit avoided costs for approval as part of their multi-year DSM plan, with the commodity costs to be updated annually (i.e., for natural gas and, if applicable, for other resources such as electricity, water, heating fuel oil and propane) but all other avoided costs (e.g., avoided distribution system costs such as pipes, storage, etc.) to remain fixed for the duration of the plan. As avoided costs should be based on long-term projections, it is expected that updating the remaining component of the avoided costs (i.e., other than the commodity costs) on a multi-year cycle should not cause benefits to be significantly under or overstated.

If an extension to the term of the plan is considered, as discussed in section 2, an updating of all the avoided costs should also be considered.

6.2.2 Discount Rate

For the purpose of the TRC test, the total avoided costs resulting over the life of the DSM measures need to be discounted to a present value. The natural gas utilities should continue using a discount rate that is equal to their Board approved weighted average cost of capital ("WACC").

7. ADJUSTMENT FACTORS FOR SCREENING AND RESULT EVALUATION

The assumptions described in section 6 enable the calculation of savings accruing from specific measures or programs. Adjustment to those results must be considered to take into account the extent to which the natural gas utilities contributed to their achievement and the extent to which the savings are expected to persist. This exercise is done through the use of adjustment factors.

¹⁵ Commodity costs include those for natural gas and, if applicable, for other resources such as electricity, water, heating fuel oil and propane.

¹⁶ The avoided cost assumptions currently used by the OPA are provided in the *OPA conservation and Demand Management Cost Effectiveness Guide*, dated October 15, 2010.

Ontario Energy Board

The four adjustment factors that are the topic of this section are free ridership, spillover effects, attribution and persistence.

As indicated in section 6.1.3, the natural gas utilities should design and screen DSM programs using the best available information known to them at the relevant time, including information on adjustment factors. The natural gas utilities should continuously monitor new information and determine whether the design, delivery and set of DSM programs offered need to be adjusted based on that information.

The evaluation of the achieved results for the purpose of determining the LRAM amounts and the incentive amounts should be based on the best available information which, in this case, refers to the updated adjustment factors resulting from the evaluation and audit process of the same program year. For example, the LRAM and incentive amounts for the 2012 program year should be based on the updated adjustment factors resulting from the evaluation and audit of the results of the 2012 program year.

7.1 Free Ridership and Spillover Effects

A free rider is a “program participant who would have installed a measure on his or her own initiative even without the program.”¹⁷ In contrast, spillover effects refer to customers that adopt energy efficiency measures because they are influenced by a utility’s program-related information and marketing efforts, but do not actually participate in the program.

All adjustment factors considered, including free ridership and spillover effects, should be assessed for reasonableness prior to the implementation of the multi-year plan and annually thereafter, as part of each natural gas utility’s ongoing program evaluation and audit process. The natural gas utilities should always provide information on free ridership for all their applicable programs. In contrast, the natural gas utilities have the option to request the inclusion of spillover effects for any of their programs.

Any request for the Board to consider the spillover effects, needs to be supported by comprehensive and convincing empirical evidence, which clearly quantify the spillover effects that of a specific program has had on program savings and the natural gas utilities’ revenue.

For their custom projects, the natural gas utilities should propose common free ridership rates and spillover effects, if applicable, that are differentiated appropriately by market segment and technologies.

¹⁷ Violette, Daniel M. (1995) *Evaluation, Verification, and Performance Measurement of Energy Efficiency Programs*. Report prepared for the International Energy Agency.

Appendix B

of

Procedural Order No. 3 and

Decision on Issues

Enbridge Gas Distribution Inc. (EB-2011-0242)

Union Gas Limited (EB-2011-0283)

FINAL ISSUES LIST

**ENBRIDGE GAS DISTRIBUTION INC. (EB-2011-0242)
UNION GAS LIMITED (EB-2011-0283)**

FINAL ISSUES LIST

1.0: Role of the Utilities

1.1 Do the applications fit with the Objectives for natural gas under the OEB Act?

1.2 Is the proposed role of both Enbridge and Union in developing and implementing a biomethane program reasonable and appropriate?

2.0: Cost Consequences

2.1 Are the proposed costs from landfill sources reasonable and appropriate?

2.2 Are the proposed costs from anaerobic digester sources reasonable and appropriate?

2.3 Is the proposed maximum term length for biomethane contracts (20 years) reasonable and appropriate?

2.4 Is the proposed 5-year contract acceptance window following Board approval for biomethane supply reasonable and appropriate?

2.5 Are the proposed maximum volume caps reasonable and appropriate?

2.6 Is the proposed system for treating any and all environmental impacts and attributes reasonable and appropriate?

3.0: Impacts on the Distribution System

3.1 Are the proposed connection procedures, including capital contributions, reasonable and appropriate?

3.2 Is the proposed capacity allocation process to access the utilities' distribution and transmission systems reasonable and appropriate?

3.3 Has gas quality been adequately assured?

4.0: Cost Allocation

4.1 If approved, is the proposed assignment/recovery of the incremental costs of biomethane reasonable and appropriate?

Subject: Re: EB-2011-0242/0283 – Enbridge Gas Distribution/Union Gas – Renewable Natural Gas Proceedings
From: Kent Elson <Kent.Elson@klippensteins.ca>
Date: 3/14/2012 11:37 AM
To: fcass@airdberlis.com, asmith@torys.com
CC: Jack Gibbons <jack@cleanairalliance.org>

Mr. Smith and Mr. Cass,

Thank you for the updated interrogatory response in the biomethane proceedings. Pollution Probe is satisfied with the adequacy of the response except on the issue of free riders, and therefore requests further information on that discrete point.

In these circumstances, a free rider effect occurs where biomethane is already being captured and used for energy use, and is simply diverted for purchase by Enbridge or Union. Again, Pollution Probe is looking for the estimated incremental cost of achieving greenhouse gas reductions through the purchase of biomethane. Therefore, the key consideration is the amount of greenhouse gas reductions that directly result from Union and Enbridge's purchases of biomethane. This in turn is a function of the additional biomethane that would be captured and used for energy production as a result of the program, as opposed to being vented or lost to the environment. Incorporating a free rider rate estimate is important because it helps ensure that the calculations are based on the estimated greenhouse gas reductions that will result from the proposed procurement programs.

It appears that Union and Enbridge have either assumed a free rider rate of zero, or have not specifically incorporated a free rider estimate in their calculations. Pollution Probe asks that Union and Enbridge provide a free rider rate estimate in relation to greenhouse gas reductions (or confirm that their estimated rate is zero) and justify these estimates.

Thank you again for the updated response, and we hope to hear from you soon.

Best,

Kent

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 Klippensteins, Barristers and Solicitors
 160 John St., Suite 300
 Toronto ON M5V 2E5
 tel.: 416-598-0288
 fax: 416-598-9520

On 3/5/2012 5:27 PM, Kent Elson wrote:

Dear Mr. Cass and Mr. Smith,

I am writing on behalf of Pollution Probe to request that Enbridge Gas Distribution and Union Gas provide a full and adequate response to Pollution Probe's interrogatory in the above matters.

Generally speaking, Pollution Probe asked for the estimated incremental cost of achieving greenhouse gas reductions through the use of biomethane (i.e. the dollar cost per tonne of net greenhouse gas emission reductions). See the attached interrogatory, dated February 7, 2012, for full details. The common response referred Pollution Probe to the responses to GEC interrogatories 1 through 4. Unfortunately, those responses do not appear to address the question posed by Pollution Probe.

Therefore, Pollution Probe respectfully asks that Enbridge and Union provide a full and adequate response to its interrogatory. Although we do not anticipate requiring a motion, we would appreciate hearing back from you shortly so that we will have time to make a motion if necessary.

Please do not hesitate to contact me if you would like to discuss any of the above.

Best Regards,

ONTARIO ENERGY BOARD

Rules of Practice and Procedure

(Revised November 16, 2006, July 14, 2008, October 13, 2011 and January 9, 2012)

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ONTARIO ENERGY BOARD

Rules of Practice and Procedure

(Revised November 16, 2006, July 14, 2008, October 13, 2011 and January 9, 2012)

27.01 The Board may direct the parties to participate in technical conferences for the purposes of reviewing and clarifying an application, an intervention, a reply, the evidence of a party, or matters connected with interrogatories.

27.02 The technical conferences may be transcribed, and the transcription, if any, shall be filed and form part of the record of the proceedings.

28. Interrogatories

28.01 In any proceeding, the Board may establish an interrogatory procedure to:

- (a) clarify evidence filed by a party;
- (b) simplify the issues;
- (c) permit a full and satisfactory understanding of the matters to be considered; or
- (d) expedite the proceeding.

28.02 Interrogatories shall:

- (a) be directed to the party from whom the response is sought;
- (b) be numbered consecutively, or as otherwise directed by the Board, in respect of each item of information requested, and should contain a specific reference to the evidence;
- (c) be grouped together according to the issues to which they relate;
- (d) contain specific requests for clarification of a party's evidence, documents or other information in the possession of the party and relevant to the proceeding;
- (e) be filed and served as directed by the Board; and
- (f) set out the date on which they are filed and served.

29. Responses to Interrogatories

ONTARIO ENERGY BOARD

Rules of Practice and Procedure

(Revised November 16, 2006, July 14, 2008, October 13, 2011 and January 9, 2012)

- 29.01 Subject to **Rule 29.02**, where interrogatories have been directed and served on a party, that party shall:
- (a) provide a full and adequate response to each interrogatory;
 - (b) group the responses together according to the issue to which they relate;
 - (c) repeat the question at the beginning of its response;
 - (d) respond to each interrogatory on a separate page or pages;
 - (e) number each response to correspond with each item of information requested or with the relevant exhibit or evidence;
 - (f) specify the intended witness, witnesses or witness panel who prepared the response, if applicable;
 - (g) file and serve the response as directed by the Board; and
 - (h) set out the date on which the response is filed and served.

29.02 A party who is unable or unwilling to provide a full and adequate response to an interrogatory shall file and serve a response:

- (a) where the party contends that the interrogatory is not relevant, setting out specific reasons in support of that contention;
- (b) where the party contends that the information necessary to provide an answer is not available or cannot be provided with reasonable effort, setting out the reasons for the unavailability of such information, as well as any alternative available information in support of the response; or
- (c) otherwise explaining why such a response cannot be given.

A party may request that all or any part of a response to an interrogatory be held in confidence by the Board in accordance with **Rule 10**.

29.03 Where a party is not satisfied with the response provided, the party may bring a motion seeking direction from the Board.