

May 3, 2018

**Via Courier**

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File no. T1013951 and T1013950

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2700, P.O. Box 2319,  
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

**Re: EB-2017-0224 – Enbridge Gas Distribution Inc. (“Enbridge”)  
EB-2017-0255 – Union Gas Limited (“Union”)  
2018 Cap and Trade Compliance Plans**

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This letter is submitted on behalf of IGUA and in response to:

- i. Union’s letter of April 26, 2018, in which it seeks confidential treatment of JT1.1, the California Carbon Forecast, and JT1.12, the ICF Report;
- ii. Jill Tonus’s April 25, 2018 letter on behalf of California Carbon; and
- iii. James Green’s April 26 and 30, 2018 letters on behalf of ICF.

IGUA has no objection to the confidential filing of the California Carbon Forecast, including portions of this forecast replicated in JT1.12, given the reasons for California Carbon’s confidentiality request articulated in Ms. Tonus’ April 25, 2018 letter.

IGUA does, however, object to the remaining portions of the ICF report, JT1.12, being filed confidentially because it limits the openness, transparency and accessibility of these proceedings without sufficient justification. ICF’s request for confidentiality is premised on “the report [being] the product of significant skill, judgment, and effort expended by ICF’s experts”. However, information of this nature is not properly designated as confidential and has not historically been treated as such before the Board. Parties often file materials publicly which result from the application of skill, judgement, and effort by experts. Indeed, previous ICF-prepared reports of a similar nature have been filed publicly, and ICF had no objection to the public filing of five pages of the JT1.12 report, which report it now seeks to apply confidential treatment to in its entirety.

ICF’s blanket request offers no explanation as to how the remainder of the report is different from the five publicly filed sections of the report. As the party with the onus of demonstrating why confidential treatment of the entire report is warranted, one would have expected ICF or Union to state how the remainder of the report’s content differed from publicly filed information in order to justify the differential

treatment it proposes. Since they have not done so, one can only assume that the content of the remainder of the report is similar to that which has already been filed publicly. Such information is not confidential in nature, and should have been filed publicly, as it was. IGUA submits that the remainder of the report should be treated likewise.

For these reasons, IGUA submits that Union's request for confidential filing of the ICF report should be denied.

IGUA is content for this matter to be determined based on written submissions filed by the parties, instead of an oral hearing.

Sincerely,

Gowling WLG (Canada) LLP



Laura Van Soelen

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