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May 23, 2012

VIA Electronic Filing

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Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto ON  
M4P 1E4

**Re: EB-2011-0210 - Union 2013 Rates Application**

Dear Ms. Walli:

Further to paragraph 1 of the Board's Procedural Order #6, I am writing on behalf of TransCanada PipeLines Limited ("TransCanada").

TransCanada has no objection to the manner in which the Board has decided to deal with TransCanada's request with respect to the redacted documents filed by Union, but wishes to comment on the operation of the Board's *Practice Direction on Confidential Filings* (the "Practice Direction") as they pertain to the redacted information.

The Practice Direction applies to interrogatory responses (5.3.1) and in the preliminary comments on the Practice Direction (p.2) the Board urges parties to object to the relevance of information where appropriate and provide reasons for their position, rather than to file the information in confidence. Union filed the documents in question without any objection as to relevance, but claimed confidentiality in respect of some information in the documents and sought to maintain this confidentiality through redactions. The Board has required Union to follow the procedures in the Practice Direction.

Perhaps because the Practice Direction was designed primarily to deal with situations in which a party intends to rely on information but wishes to file it in confidence with the Board, the Practice Direction allows the party to withdraw the information from the record if the Board determines that it is not appropriate to hold it in confidence. An exception to this is where the Board has ordered that the information be filed (5.1.13).

Accordingly, while the process established by the Board will achieve the required determination of whether or not the redacted information should be confidential, the result of a finding that the information is not confidential should not be that Union can elect to withdraw it. That would leave the record exactly as it now stands. Instead, it is respectfully submitted that the consequence of the finding that the information is not confidential should be that Union be ordered to file unredacted copies of the documents in question. In that manner, section 5.1.13 of the Practice Direction is invoked. This will be consistent with the conclusions that the information is (a) relevant and (b) not confidential.

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TransCanada has no further submissions to make concerning its motion at this time – TransCanada's submissions are contained in the appendix to the Notice of Motion.

Yours very truly,

*Gordon Cameron*

Gordon Cameron

c: -Chris Ripley – Union Gas Limited  
-Crawford Smith – Torys  
-Intervenors