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May 31, 2012

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2011-0210
Union Gas Limited – Confidentiality Request**

We are counsel to Union Gas Limited ("Union") and are writing pursuant to Procedural Order #6 to address the confidentiality of the following:

- (a) Benchmarking studies referred to in Exhibit J.O-4-1-11(a);
- (b) The Third Party Services Contract referred to in Exhibit J.H-12-2-1(d); and
- (c) The redactions in the documents filed by Union in Attachments 1 and 2 to Exhibit J.B-1-7-8.

The Benchmarking Studies

At issue are studies conducted by the American Gas Association ("AGA"), the Canadian Gas Association ("CGA") and Public Service Electric and Gas ("PSEG"). Importantly, in each case, only the names of the various participants have been redacted; Union's name and its ranking in each category, have not. Union seeks confidential status in respect of the studies as a result of agreements it was obliged to enter into as a condition of its participation in the studies. These agreements require Union to take reasonable steps to safeguard the information relating to the benchmarking study participants. Respecting these agreements is, it is submitted, in the public interest. Practically, participants will be less inclined to participate if their identities are not protected.

The Third Party Services Contract

The confidentiality of this agreement has been addressed by the Board before. We agree with CME's submission to the effect that the Board should be consistent in its treatment of this agreement. For this reason, and having regard to the commercially sensitive nature of the agreement, Union submits that the agreement should again be treated as confidential.

The Redactions to the Presentations in Attachments 1 and 2

TCPL and CME oppose the confidentiality of the redactions made to these two presentations. They have, however, received unredacted copies, having signed confidentiality agreements. (TCPL's counsel complains at some length in his letter about the timing of receipt of the unredacted presentations. The timing problem, to the extent there is one, is entirely of TCPL's own making, counsel electing to wait several days before executing the requisite undertaking after the Board issued its Procedural Order.) Board Staff agrees with Union's request. As recognized by Board Staff, the redactions relate to information that is considered confidential in accordance with Appendix A of the Practice Direction; that is, commercial information which has been considered confidential by Enbridge and which was provided to Union under a confidentiality agreement.

Yours truly,

[original signed by]

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CS/tm
Enclosure

cc: All EB-2011-0210 Intervenors
Michael Millar, Board Staff