

Robert B. Warren

E-mail rwarren@weirfoulds.com  
Direct Line 416-947-5075  
File 10606.00022

WeirFoulds<sup>LLP</sup>  
BARRISTERS & SOLICITORS

February 15, 2007

Board Secretary  
Ontario Energy Board  
Suite 2701  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Secretary:

**Re: EB-2006-0034/Prefiled Evidence of Mario Bauer**

We are counsel to the Consumers Council of Canada. On behalf of our client, and on behalf of the Industrial Gas Users' Association, the School Energy Coalition, and the Vulnerable Energy Consumers Coalition (collectively, the "Intervenors"), we have delivered the pre-filed evidence of Mario Bauer. We have asked that portions of that evidence be kept in confidence. What follows are the reasons for the confidentiality request, delivered to you pursuant to section 5.1.4 of the Ontario Energy Board's Practice Direction on Confidential Filings.

By way of background, Mr. Bauer's evidence reflects the work of two Consultatives, which were groups formed by Enbridge Gas Distribution Inc. (EGD) and the Intervenors. The purpose of the Consultatives was, among other things, to monitor the processes by which EGD proposed to acquire a new Customer Information System (CIS) and new customer care support services. Mr. Bauer was retained by the Intervenors to provide advice to them.

EGD proposed to acquire a new CIS and new customer care support services by means of open, public tenders. As part of Mr. Bauer's work for the Intervenors, he monitored many aspects of the acquisition processes and, in so doing, had access to the responses to the requests for proposal that formed the bases for the acquisition processes. Given that the acquisition processes were designed to be both open and fair, the information Mr. Bauer obtained about the various bids could not be disclosed publicly, lest that disclosure prejudice the selection processes.

During the course of his work for the Intervenors, Mr. Bauer prepared, for the Intervenors, reports on various aspects of the acquisition processes. A number of those reports have been attached as appendices to Mr. Bauer's evidence. Some of those reports, in turn, contain information which was delivered by those responding to requests for proposal. Since the processes commenced by the request for proposals are not yet complete, the disclosure of some of the information obtained in Mr. Bauer's evidence, and in the attached reports, would prejudice

The Exchange Tower, Suite 1600  
P.O. Box 480, 130 King Street West  
Toronto, Ontario, Canada M5X 1J5

Telephone 416-365-1110  
Facsimile 416-365-1876  
Website www.weirfoulds.com

the selection processes and, in so doing fundamentally undermine EGD's objective in a proceeding to acquire both a new CIS and new customer care support services by open and fair public tender processes.

Against that general background, and for the reasons set out above, we ask that the following portions of Mr. Bauer's evidence be kept in confidence:

1. In the pre-filed evidence itself, paragraphs 21, 27 and 28;
2. In Appendix 5, pages 10, 11, 16, 18, 19;
3. In Appendix 6, pages 11 – 19, inclusive;
4. In Appendix 7, pages 6, 8 and 9;
5. In Appendix 8, pages 1, 2 and 3;
6. In Appendix 15, pages 9, 12 and 14.

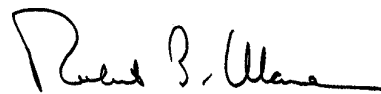
Since this request for confidentiality is, in part, an attempt to protect the interests of EGD and those with whom it is dealing in the tender processes, the contents of this letter have been reviewed by EGD. EGD supports the request for confidentiality and has identified the portions of the evidence it believes should be kept in confidence.

10 copies of non-confidential, redacted version of Mr. Bauer's evidence are attached hereto.

Not all of the parties have an interest in the Customer Care and CIS issues. Given that, and in an attempt to reduce the cost of photocopying, we are not delivering copies of the redacted evidence to all parties. We would be pleased to provide a copy to those parties who indicate a desire to receive it.

Yours very truly,

**WeirFoulds LLP**



Robert B. Warren

RBW/dh

cc: Enbridge Gas Distribution Inc.

Attention: Patrick Hoey  
cc: Aird & Berlis LLP  
Attention: Fred Cass  
cc: Peter Thompson  
cc: Michael Buonaguro  
cc: Jay Shepherd  
cc: All Parties  
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