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**BY EMAIL**

October 26, 2015

Ontario Energy Board  
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[Kirsten.Walli@ontarioenergyboard.ca](mailto:Kirsten.Walli@ontarioenergyboard.ca)

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: OEB STAFF SUBMISSION**

**APPLICATION FOR AN EXEMPTION FROM SECTION 2.2.2 OF THE  
AFFILIATE RELATIONSHIPS CODE FOR GAS UTILITIES.**

**EB-2015-0233**

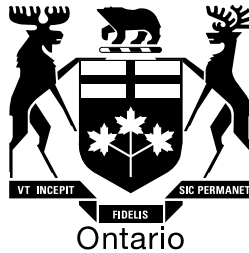
In accordance with Procedural Order No. 2, please find attached OEB Staff's Submission with respect to the above referenced application.

Yours truly,

*Original Signed By*

Ronak Mozayyan  
Project Advisor, Facilities and Infrastructure

cc: Parties to EB-2015-0233



# **ONTARIO ENERGY BOARD**

## **OEB Staff Submission**

**Application by Enbridge Gas Distribution Inc. (EGDI) for an Exemption from  
Section 2.2.2 of the Affiliate Relationships Code for Gas Utilities.**

**Confidentiality Filings**

**EB-2015-0233**

**October 26, 2015**

## BACKGROUND

Enbridge Gas Distribution Inc. (EGDI) filed an application with the Ontario Energy Board on August 6, 2015 under section 19 and 44 of the *Ontario Energy Board Act, 1998*, seeking an exemption from section 2.2.2 of the *Affiliate Relationships Code for Gas Utilities* (ARC). If granted, the exemption would enable EGDI to share Information Technology (IT) services on a consolidated basis with its corporate parent Enbridge Inc.

On August 11, 2015, in support of its application EGDI filed un-redacted confidential reports by Gartner Consulting, titled “IT Cost Optimization Support” and Accenture, titled “ISS Market Relative Assessment” (collectively, Reports), accompanied by a letter requesting confidential treatment pursuant to Rule 10 of the OEB’s *Practice Direction on Confidential Filings* (Practice Direction).

In its letter, EGDI stated that the Reports contain commercially-sensitive information, which includes the internal cost of Enbridge Inc. providing certain IT services to its affiliates. EGDI also stated that the Reports contain the costs that a third party might charge to provide certain IT services. A brief description of the Reports are as follows:

- The IT Cost Optimization Support report is a benchmarking study that was prepared by Gartner Consulting for Enbridge Inc. in order to illustrate Enbridge Inc. and EGDI’s cost position for IT infrastructure shared services (ITSS) relative to its peers.
- The ISS Market Relative Assessment report is a benchmarking study prepared by Accenture Inc. that illustrates third party pricing for IT infrastructure shared services relative to EGDI cost for providing ITSS.

Accordingly, EGDI has requested that the OEB treat the Reports in confidence, in their entirety, pursuant to Rule 10 of the OEB’s Practice Direction.

On October 14, 2015, the OEB issued Procedural Order No. 2 in which it set out a process for parties to make submissions on EGDI’s requests for confidential treatment of the Reports. The OEB also allowed Intervenor that want to review the Reports to do so after signing a copy of the OEB’s Declaration and Undertaking with respect to confidential documents.

## **SUBMISSION**

### **Proposed Confidential Treatment of the Reports**

OEB Staff has reviewed the Reports submitted by EGDI. OEB Staff submits that the Reports contain commercially-sensitive information that could prejudice a party's competitive position if released publicly, and should be considered confidential in accordance with the Practice Direction.

Pursuant to the Practice Direction, it is the expectation of the OEB that an applicant will make every effort to limit the scope of its requests for confidentiality to an extent commensurate with the commercial sensitivity of the information at issue or with any legislative obligations of confidentiality or non-disclosure, and to prepare meaningful redacted documents or summaries so as to maximize the information that is available on the public record. This provides parties with a fair opportunity to present their cases and permit the OEB to provide meaningful and well-documented reasons for its decisions.

The Practice Direction requires that parties seeking confidential treatment for a document file either: a) a redacted version of the document for the public record or, b) where the request relates to the entire document, a summary of the document for the public record. EGDI has requested confidential treatment for the entire documents, and has filed a short summary. OEB Staff submits that extensive redactions would be required to place the documents on the public record, and EGDI's proposal to file only a summary is reasonable.

OEB staff further observes that given the limited scope of this proceeding, the Reports may not have any bearing on the OEB's decision to exempt EGDI from section 2.2.2 of the ARC.

OEB Staff submits that the Reports should be granted confidential treatment, in their entirety, pursuant to the Practice Direction and as proposed by EGDI in its letter and as directed by the OEB in Procedural Order No.2.

All of which is respectfully submitted