

March 8, 2016

**VIA RESS and COURIER**

Ms. Kirsten Walli  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

**Ian A. Mondrow**  
Direct 416-369-4670  
ian.mondrow@gowlingwlg.com

Assistant: Cathy Galler  
Direct: 416-369-4570  
cathy.galler@gowlingwlg.com

File No. T1007912

Dear Ms. Walli:

**Re: EB-2015-0276 – Union Gas Limited (Union) Application for 2014 Demand Side Management Clearance of Variance Accounts.**

**(Additional) Declaration and Undertaking – Confidential Filings.**

By letter dated February 23, 2016, the writer submitted a Declaration and Undertaking as to confidentiality in this proceeding for each of the writer and my regulatory assistant, Cathy Galler, who manages our regulatory files. Our request referred in particular to Exhibit B, Tab 1, Appendix N - *Verification of Large Customer Projects* (the Diamond Report).

Union Gas promptly provided the writer with an electronic copy of the unredacted report.

By letter dated yesterday (March 7<sup>th</sup>) we submitted a set of interrogatories on the Diamond Report. As stated in our cover letter sent yesterday with the Diamond Report interrogatories, while we do not believe that any of the information contained in the interrogatories threatens the confidentiality of any of Union's customer's and thus merits confidential treatment, we filed those interrogatories in confidence, pending the Board's disposition of Union's confidentiality claim.

By letter dated March 7<sup>th</sup>, Union indicated that it intends to file a revised (and we understand less) redacted version of the Diamond Report on March 11<sup>th</sup>. Union has indicated that some information in the Diamond Report will remain redacted. IGUA's March 7<sup>th</sup> letter supported that principle, and included particular enumeration of those passages from the Diamond Report which IGUA endorsed for continuing confidential treatment.

Enclosed please find a Declaration and Undertaking for Dr. Shahrzad Rahbar. Pursuant to section 6.1.4 of the Board's *Practice Direction*, the attached Declaration has not been served on any other parties to this proceeding. The enclosed Declaration and Undertaking from Dr. Rahbar has been modified to reflect the fact that she is an employee of IGUA. The standard paragraph 2 of the Board's form of declaration has been struck out.

We note that Dr. Rahbar is an employee of IGUA (she is IGUA's President). The Board's *Practice Direction on Confidential Filings* indicates that while, as a general rule, the Board will not grant

access to confidential information to an employee of a party to the subject proceeding, the Board may, in appropriate cases, grant such access.<sup>1</sup> We also note that Dr. Rahbar, as President of IGUA, has been granted access to information filed with the OEB in confidence in a prior recent proceeding.<sup>2</sup>

We have reviewed with Dr. Rahbar the obligations assumed under the Board's confidentiality guidelines, and her execution of the enclosed form confirms her continued understanding and acceptance of those obligations. We ask that the Board accept Dr. Rahbar's *Declaration and Undertaking* so that we may be permitted to share with her the Diamond Report in its complete (unredacted) form, the interrogatories which we have filed thereon in confidence, and eventually Union's responses to the interrogatories. Sharing this material with Dr. Rahbar will enable us to obtain instructions in respect of any issues related to large volume customer project verification which IGUA might wish to pursue in its final submissions in this matter, while protecting any customer information included in the Diamond Report and ultimately reserved for confidential treatment.

Yours truly,



Ian Mondrow

- c. V. Innis (Union)
  - A. Smith (Torys LLP, Counsel for Union)
  - S. Rahbar (IGUA)
  - V. Mazzone (OEB Staff)
  - M. Millar (OEB Staff)

TOR\_LAW\ 8901409\1

---

<sup>1</sup> OEB *Practice Direction on Confidential Filings*, sections 6.1.2 and 6.1.3.

<sup>2</sup> EB-2012-0433/EB-2013-0074/EB-2012-0451.

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B) (the "Act");


**AND IN THE MATTER OF** an Application by Union Gas Limited for an order or orders clearing certain non-commodity related deferral accounts;

**DECLARATION AND UNDERTAKING**

I, Dr. Shahrzad Rahbar, am the President of INDUSTRIAL GAS USERS ASSOCIATION.

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. ~~I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.~~ 
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

## UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
  - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
  - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.

7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Ottawa, Ontario this 7<sup>th</sup> day of March, 2016.



Dr. Shahrzad Rahbar

Industrial Gas Users Association  
350 Sparks Street, Suite 502  
Ottawa, Ontario  
K1R 7S8  
Telephone: 613-236-8021  
E-Mail: srahbar@igua.ca

TOR\_LAW\ 8901044\1