

June 15, 2017

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

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc.
Franchise Agreement with Town of Collingwood
Board File No. EB-2017-0159**

In its application for an order approving its proposed franchise agreement with the Town of Collingwood, Enbridge Gas Distribution requested confidential treatment of the maps filed in the application which identify Enbridge's gas mains within the municipality.

Union Gas agrees that any document submitted to the OEB related to franchise agreements and Certificates of Public Convenience and Necessity that identifies the location of existing gas transmission and distribution facilities should be treated as confidential and for the sole use of the Ontario Energy Board without disclosure for any circumstance, including the provision of an undertaking, for the following reasons:

1. Maps and other documents identifying specific locations of gas distribution and transmission facilities are confidential and proprietary information. From Union's perspective, in the event that facilities-related information is shared with third parties (e.g., municipalities, Ontario One Call, etc.), it does so pursuant to a confidentiality undertaking or license to use the information for restricted purposes and to treat the information as confidential.
2. Given the OEB's determination that gas distribution service to unserved areas should be open to a more competitive process, Union believes that maps and other documents identifying specific locations of existing facilities is commercially sensitive information that would not be relevant to any party other than the OEB and should not be shared with participants in a competitive marketplace.¹ The test as to what documents are required to be produced is simply relevance. The principle for determining what information properly relates to the matters at issue is that it must be deemed to contain information which may directly or indirectly enable the party requiring production to advance his own case or to damage the case of his adversary, or which might fairly lead him to a train of inquiry that could have either of these consequences.

¹ EB-2016-0004 - Generic Proceeding on Community Expansion - Decision With Reasons, November 17, 2016, page 27

Providing commercially sensitive information such as the location of facilities undermines the utility's competitive position in the market in the future. The provision of materials showing the specific location of facilities provides no incremental value to other parties that are already provided maps illustrating the general location of service areas.

3. Maps and other documents identifying distribution and transmission facilities are subject to change on a frequent basis and a static map may only be valid for a short period of time. Parties planning developments or excavation projects may attempt to use the facilities information obtained from other sources (e.g., the OEB web site) in substitution for required facilities locates, despite the fact that obtaining locates is required by law.
4. The public disclosure of specific locations of gas distribution and transmission facilities poses both a safety and a security risk. Public access to this kind of information may allow third parties to determine gas system configurations and points of sensitivity or vulnerability that may expose the utility to security risks. The obligation by utilities like Enbridge Gas Distribution and Union Gas to provide safe and reliable service to its customers is potentially compromised by the security risk.
5. Details of the location of gas distribution and transmission facilities can reveal customer information and such information is normally protected from public disclosure by the Board (pursuant to the Gas Distribution Access Rule and Affiliate Relationships Code for Gas Utilities) and privacy legislation. If a gas utility, like Enbridge, has gas distribution or transmission facilities located in a particular right of way or area, a third party could assume that the majority of residents and businesses in that area receive gas service. This would be especially discernable in more isolated areas where there are few businesses or residents. Although customer names and addresses would not be revealed directly, such information could easily be compiled with reasonable accuracy when combined with other publicly available information from other sources.
6. Details of the specific location of existing facilities are only relevant to the OEB for purposes of deliberating on the public interest being served by approving a franchise agreement or Certificate.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

[Original signed by]

Patrick McMahon
Manager, Regulatory Research and Records
pmcmahon@uniongas.com
(519) 436-5325

c.c. (email only): Guri Pannu, Enbridge Gas Distribution
Mark Wilson, Enbridge Gas Distribution
Sara Almas, Town of Collingwood
Brian Lippold, Natural Resource Gas Limited
Sander Duncanson, Osler Hoskin & Harcourt LLP
Bruce Brandell, EPCOR Utilities Inc.
Britt Tan, EPCOR Utilities Inc.