

AIRD BERLIS

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BY EMAIL AND COURIER

COURIER VERSION INCLUDES DOCUMENT THAT IS NOT TO BE FILED ON THE PUBLIC RECORD

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: EB-2017-0306/EB-2017-0307, Enbridge Gas Distribution and Union Gas (the
“Applicants”): Confidentiality request related to Undertaking JT1.2**

In accordance with Procedural Order No. 4, the Applicants have now filed responses to undertakings from the Technical Conference. These were filed under cover of a separate letter.

Pursuant to the OEB's *Practice Direction on Confidential Filings* (Revised October 28, 2016), the Applicants hereby request of the attachment to Undertaking JT1.2 be treated as confidential information. Specifically, the Applicants requests that the content of the document titled “2017 Strategic Plan, Board of Directors Planning Session” (referred to in this letter as the “Confidential Document”) be treated as confidential, and made available only to those parties who sign the OEB's Declaration and Undertaking. Enbridge further requests that the Confidential Document not be made available to City of Kitchener, National Grid Gas Delivery Companies, Rover Pipeline LLP, Six Nations Natural Gas Company Limited and TransCanada PipeLines Limited.

Throughout this proceeding, the Applicants have cooperated in providing documentation around management's consideration of MAADs policy and the proposed amalgamation transaction (including recent responses to interrogatories and undertakings). The Confidential Document goes beyond those topics, and does not focus on the Applicants' decision-making in relation to the current application. The Confidential Document was prepared in expectation that it would not be made publically available – indeed, each page is marked as “CONFIDENTIAL”. The Confidential Document addresses the Applicants' potential future activities and plans in the Ontario natural gas market. Importantly, the Ontario natural gas market is now open to competition in a number of ways, including distribution service to new communities, storage services and transportation services to and within Ontario. Publication of the Confidential Document would provide competitors and potential future competitors with valuable information about the Applicants' plans. This could harm the Applicants, where competitors and others would receive valuable information about the Applicants' future plans in business areas where such competitors do or can participate. Moreover, requiring public disclosure of documents of this type will impair the Applicants' future options to undertake and document strategic planning in the competitive Ontario natural gas market.

The Applicants are particularly concerned with providing any access to the Confidential Document to any of its potential and actual competitors. That concern is only partly addressed by ensuring that the Confidential Document is not filed on the public record. The Applicants are concerned that where representatives of competitors sign the OEB's Declaration and Undertaking, and then review and become aware of the contents of the Confidential Document, it will be very difficult for such persons to later be uninfluenced or uninformed by what they have read. The Applicants therefore request that representatives of its competitors not be permitted access to the Confidential Document. The intervenors in this case who are actual or potential competitors to the Applicants are City of Kitchener, National Grid Gas Delivery Companies, Rover Pipeline LLP and Six Nations Natural Gas Company Limited and TransCanada PipeLines Limited.

In accordance with the OEB's *Practice Direction on Confidential Filings*, Section 5.1.4, the Applicants are providing the OEB confidential, un-redacted versions of the Confidential Document. The Confidential Document is not to be filed on the public record. The Applicants' publically filed response to Undertaking JT1.2 includes a redacted version of the Confidential Document that can be posted on the OEB's webdrawer.

Yours very truly,

AIRD & BERLIS LLP



David Stevens

Encl.

cc. All parties in EB-2017-0306/EB-2017-0307 (without attached unredacted document)

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