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Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Ms. K. Walli,
Board Secretary

Dear Ms. Walli:

EB-2017-0306/EB-2017-0307
Amalgamation of Enbridge Gas Distribution Inc. and Union Gas Limited
Response to Confidentiality Request Related to Undertaking JT1.2

This letter sets out the submission of the City of Kitchener (“**Kitchener Utilities**”) with respect to the confidentiality request related to Undertaking JT1.2 of Enbridge Gas Distribution Inc. (“**EGD**”) and Union Gas Limited (“**Union**”), collectively referred to herein as the “**Applicant**”, in EB-2017-0307 for the approval of its rate setting mechanism.

Undertaking JT1.2 and the confidentiality request relate to a document titled “2017 Strategic Plan, Board of Directors Session” (the “**Strategic Plan**”). The Applicant contends that the Strategic Plan should be treated as confidential and that certain entities, including Kitchener Utilities, should be completely denied access to this document because it relates to future activities and plans of the Applicant that they do not want disclosed to competitors.

Kitchener Utilities is not opposed to the Strategic Plan being treated as confidential, however, Kitchener Utilities submits that it should be able to access the Strategic Plan if it executes the OEB’s Declaration and Undertaking.

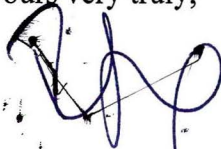
As noted above, the Applicant states that Kitchener Utilities should be denied access to the Strategic Plan on the basis that Kitchener Utilities is a potential competitor. There is no basis for denying Kitchener Utilities access to the Strategic Plan, and it strains credulity to consider Kitchener Utilities as an actual or potential competitor to EGD or Union. Kitchener Utilities has never had an agenda for expanding to serve customers outside of its municipality – the history of Kitchener Utilities as a gas distributor has been on serving its local residents in the same way that it provides other essential services to its citizens.

In addition to never having sought to expand beyond the municipal boundaries of the City of Kitchener:

- Kitchener Utilities has not indicated any interest in competing to serve the handful of new expansion areas that have recently been opened to competition by the Board, (e.g., South Bruce, Scugog, etc.) and Kitchener has no future competitions.
- Kitchener Utilities' existing gas distribution function are not regulated by the OEB, based on the municipal oversight of Kitchener Utilities' rates, and those rates being charged only to Kitchener citizens. Kitchener Utilities has not, and is not, interested in operating outside this structure.
- Kitchener has not even been expansionist or exclusionary within its municipal boundaries. Over time, Kitchener's boundaries have changed, and Union has served part of Kitchener since 1959, in an area where it makes more economic sense for Union to serve Kitchener citizens. Indeed, the City of Kitchener recently granted Union a franchise to serve this portion of the City of Kitchener. This is hardly the behaviour of a competitor to Union.

Based on the very brief description of the document in the Applicant's request for confidential treatment, it is difficult to assess whether the Strategic Plan would assist Kitchener Utilities in this proceeding. The fact is that Kitchener Utilities will not know if the Strategic Plan is of assistance until it is able to view the document. What is clear is that Kitchener Utilities should not be denied access to the document (and therefore be on an unequal footing with the Applicant and other intervenors when it comes to the evidentiary record) based on a false assertion that Kitchener Utilities is a current or potential competitor to Applicant.

Yours very truly,



Richard J. King

c: Enbridge Gas Distribution Inc.
Union Gas Limited
All Intervenors in EB-2017-0306 and EB-2017-0307