

AIRD BERLIS

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BY EMAIL AND RESS

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"): Response to Kitchener Utilities

The Applicants have reviewed the submissions filed by Kitchener Utilities ("KU") raising an objection to being denied access to the Strategic Plan in Undertaking JT1.2 (the "Strategic Plan"). KU states that, while it does not oppose the confidential treatment of the Strategic Plan, it should not be denied access to the document based on the assertion that it is neither a current nor a potential future competitor of the Applicants.

The Strategic Plan is a multi-year view of Amalco's current and future business activities. KU's thrust of argument is that the historical examples in its submission demonstrate that it has not pursued competition with EGD or Union. In the Applicants' view, the reasons cited by KU are not reflective of any potential future state or potential interests of its management. These examples, as well as the assurance of non-expansion provided in KU's submissions, cannot be viewed as a binding or enforceable commitment, nor can they be viewed as a multi-year commitment that supports KU's premise of not being a potential competitor to the Applicants.

Given the multi-year nature of the Strategic Plan and the non-binding nature of KU's submission, the Applicants respectively request that KU not be permitted to have access to the Strategic Plan.

Yours very truly,

AIRD & BERLIS LLP



David Stevens

cc. All parties in EB-2017-0306/EB-2017-0307