

**Ontario Energy
Board**

P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto ON M4P 1E4
Telephone: 416-481-1967
Facsimile: 416-440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**

C.P. 2319
2300, rue Yonge
27^e étage
Toronto ON M4P 1E4
Téléphone: 416-481-1967
Télécopieur: 416-440-7656
Numéro sans frais: 1-888-632-6273



BY E-MAIL

April 27, 2018

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc./Union Gas Limited
MAADs Application/2019-2028 Rate-Setting Plan Application
Ontario Energy Board File Numbers EB-2017-0306/EB-2017-0307
Interrogatory Request Responses on the Expert Evidence of Pacific
Economics Group Research LLC and Confidentiality Request**

In accordance with Decision and Procedural Order No. 3 issued March 1, 2018, please find attached the responses to interrogatory requests filed by parties on the report prepared by Pacific Economics Group Research LLC (PEG) entitled *IRM Framework for the Proposed Merger of Enbridge and Union Gas* and filed as Exhibit M1 in the current proceeding.

These interrogatory request responses are marked as Exhibit L1.

There are numerous working paper and Excel spreadsheet attachments requested. Due to the size of these attachments (over 200 MB), they are not provided here but will be uploaded and made available through Webdrawer on the OEB's website under this case. The attachments will be provided in several Zipped files.

Request for Confidentiality

EGD/Union IR 1 asks for the working papers and source data for the calculations PEG performed in its report. PEG is prepared to provide this information. However, much of the underlying data for the US gas distributor productivity study was rented by PEG from a third party (SNL). Under the terms of PEG's agreement with SNL, it cannot publicly release the large quantity of these data that NERA requests.

OEB staff is therefore requesting, pursuant to the *Practice Direction on Confidential*

Filings , that this information be declared confidential. Any party that wishes to see the data could do so provided they signed the OEB's Declaration and Undertaking.

The working papers requested for the gas utility TFP study cannot readily be filed on the public record in redacted form, as the data in question runs throughout the papers. The reason for the request is that these working papers contain many raw data elements that have been paid for through a third party vendor that does not allow these data to be made publicly available. Public disclosure of the raw data would be contrary to PEG's obligations to this third party, and could expose PEG to liability.

This type of data has been granted confidential status by the OEB in previous proceedings. A virtually identical situation occurred in a recent Hydro One Networks proceeding (EB—2017-0049). In a decision issued April 12, 2018, the OEB granted the working papers confidential status.

OEB staff recognizes that the OEB is not bound by confidentiality agreements entered into between a consultant and a third party. However, consistent with previous practice OEB staff submits that the current situation warrants confidential treatment. In addition, the working papers containing the data are of no interest to a general audience, and have not been requested by any party other than NERA. Removing this data from the public record will in no way impact that ability of any other party (or the general public) from participating in or understanding the proceeding.

Enbridge Gas Distribution Inc., Union Gas Limited and all intervenors have been copied on this filing.

Yours truly,

Original signed by

Khalil Viraney
Project Advisor, Major Applications

Attachment

**cc: Enbridge Gas Distribution Inc.
Union Gas Limited
All registered intervenors to EB-2017-0306/EB-2017-0307**