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December 28, 2018

Delivered by Email, RESS & Courier

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

Dear Ms. Walli:

**Re: Application by Enbridge Gas Distribution Inc. (“Enbridge”), Union Gas Limited (“Union”) and EPCOR Natural Gas Limited Partnership (“EPCOR”) for an Order or Orders approving the disposition of Cap and Trade-Related Deferral and Variance accounts for the period 2016-2018
Board File No. EB-2018-0331**

We are counsel to the Association of Power Producers of Ontario (“APPrO”) in the above-captioned matter.

We write in response to a letter delivered by counsel to Enbridge and Union (jointly, the “Utilities”) dated December 27, 2018 (the “Letter”) setting out the Utilities’ position that the Board should continue to treat certain information as “Strictly Confidential” despite the fact that the *Climate Change Mitigation and Low-Carbon Economy Act, 2016* and O.Reg. 144/16 have been repealed.

We respectfully disagree with the Utilities for the same reasons that we set out in our December 19, 2018 letter accompanying our notice of intervention. There is no longer a legislative basis for Strictly Confidential treatment of the information, and if confidential treatment is otherwise desired by the Utilities they can seek such treatment pursuant to the Board’s *Practice Direction on Confidential Filings*.

However, we are writing to raise a more fundamental issue. Numerous other parties, including LPMA, CCC, CME, BOMA, VECC, Kitchener, and OSEA, have each sought intervenor status in this proceeding, yet none have had an opportunity to make submissions on the issue raised by SEC, IGUA and APPrO or the Utilities’ response.

APPrO submits that the openness, transparency and accessibility of information in this proceeding are matters of fundamental importance, and prior to making a decision on the issue raised by APPrO, SEC and IGUA the Board should invite submissions from all parties involved so as to ensure it makes a fully informed decision.

Should you have any questions or require further information in this regard, please do not hesitate to contact me.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A. D. Vellone

John A.D. Vellone

cc: David Butters, APPrO
Andrew Mandyam, Enbridge Gas Distribution Inc.
Fred Cass, Aird & Berlis LLP
Vanessa Innis, Union Gas Limited
Crawford Smith, Torys LLP