

Imperial Oil Limited

**Application for leave to construct the Waterdown to Finch Project
in the City of Hamilton, the City of Burlington, the Town of Milton,
the Town of Oakville, the City of Mississauga and the City of Toronto.**

PROCEDURAL ORDER NO. 3

August 12, 2019

Imperial Oil Limited (Imperial Oil) applied to the Ontario Energy Board (OEB) under sections 90(1) and 97 of the *Ontario Energy Board Act, 1998* for leave to construct approximately 63 kilometres of pipeline and associated infrastructure to transport refined oil products from its facility in the City of Hamilton to its facility in the City of Toronto and approval of the forms of easement agreement related to the construction of the proposed pipeline.

The OEB issued a Notice of Hearing on April 11, 2019 and directed Imperial Oil to serve the Notice of Hearing on affected parties. In order to give Imperial Oil adequate time to complete service, the OEB held the application in abeyance until service was completed. On May 24, 2019, Imperial Oil filed an affidavit with the OEB confirming service of the Notice of Hearing. The OEB started processing the application on that date.

The list of parties in this proceeding is attached to Schedule A to this procedural order.

On June 11, 2019, the OEB set the procedural schedule for a written hearing in Procedural Order No. 2. In accordance with the procedural schedule, Imperial Oil filed responses to interrogatories on August 6, 2019.

In providing its responses to interrogatories, Imperial Oil requested that the following information be treated as confidential:

- Coordinates of valve locations.
 - City of Mississauga Interrogatory 2.1(f), page 13 of 168, Table 10-1
 - City of Toronto Interrogatory 1.5(a), page 43 of 168, Table 27-1
 - Halton Region Interrogatory 4.23(a), page 164 of 168, Table 94-1
- Coordinates of the pipeline alignment.
 - City of Toronto Interrogatory 4.1(b), page 61 of 168, Table 32-1
- Private landowner names and addresses.
 - Halton Region Interrogatory 2(a), Appendix 17, Updated Land Line List Table 6-1, Page 1 of 81.

In accordance with the OEB's *Practice Direction on Confidential Filings*, Imperial Oil has filed with the OEB un-redacted versions of the proposed confidential information.

In the letter dated August 8, 2019 Imperial Oil provided explanation and reasons why the specific information should be treated as confidential. Imperial Oil stated that the information on coordinates of valve locations and pipeline alignment was filed in confidence to protect the security of valve sites and pipeline and that private landowner names and addresses were filed in confidence to protect the privacy of the landowners. Imperial Oil further indicated that the approximate kilometer posts for valve locations and pipeline alignment were kept public.

The OEB has reviewed Imperial Oil's explanation for the confidentiality request and the proposed confidential information. The OEB will be inviting submissions from any party who objects to Imperial Oil's request for confidentiality. The OEB will also provide an opportunity to Imperial Oil to respond to any objections to its confidentiality request. The OEB will issue a decision on the confidential status of the proposed confidential information once it has considered any submissions. In the interim, the information subject to the confidentiality request will be treated as confidential.

The OEB's *Practice Direction on Confidential Filings* provides that where a party requires access to the confidential version of the document in order to submit its objection, the party may request that the OEB allow access to the proposed confidential information, other than third party personal information, for that purpose under suitable arrangements as to confidentiality. Should counsel and/or consultants for intervenors require access to the proposed confidential information in order to submit an objection, that party can make a written request to the OEB for access in accordance with the steps described below.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Should counsel and/or consultants for intervenors require access to the proposed confidential information in order to submit their objection, the party shall make a written request to the OEB, copying Imperial Oil, and provide a signed copy of the OEB's [Declaration and Undertaking](#) by **August 15, 2019**. In the event that Imperial Oil objects to sharing the proposed confidential information with any party representative that has signed the Declaration and Undertaking, it must file its objections with the OEB and copy the relevant party by **August 19, 2019**. If the party to whom the objection is directed wishes to respond to the objection, it must file its reply by **August 21, 2019**.
2. OEB staff and intervenors may file any written objections to the confidential treatment of the proposed confidential information on or before **August 28, 2019**.
3. In response to any submissions made under paragraph 2, Imperial Oil may file a reply submission on or before **September 3, 2019**.
4. The dates for the final submissions in this proceeding, previously outlined in Procedural Order No. 2, are cancelled. The OEB will confirm the dates for final submissions following the outcome of this process.

All filings to the Board must quote the file number, EB-2019-0007 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a USB flash drive in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Registrar at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca

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DATED at Toronto, August 12, 2019

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

SCHEDULE A

LIST OF APPLICANT AND INTERVENORS

IMPERIAL OIL LIMITED

EB-2019-0007

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Imperial Oil Limited

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APPLICANT & LIST OF INTERVENORS

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APPLICANT

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APPLICANT & LIST OF INTERVENORS

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APPLICANT & LIST OF INTERVENORS

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APPLICANT & LIST OF INTERVENORS

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