

City of Mississauga
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November 21, 2019

Sent by Courier (electronic copy sent via Web Portal)

Ms. Christine E. Long,
Board Secretary and Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Long:

Re: Imperial Oil Limited – Waterdown to Finch Project Application, OEB File No. 2019-0007 – Decision and Order on the City of Toronto Motion (November 14, 2019)

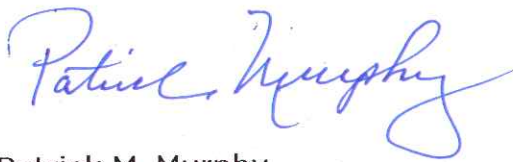
The Ontario Energy Board (“OEB”) in its Decision and Order dated November 14, 2019 (“Decision”) ordered that Imperial Oil Limited (“Imperial Oil”) file with the OEB the following documents:

- a) Imperial Oil’s Safety and Loss Management System Framework (“SLMS”), including how Imperial Oil meets the requirements of the SLMS through the application of the Operations Integrity Management System;
- b) 2018 TSSA Audit Report of Imperial Oil’s Sarnia Products Pipeline Integrity Management Program;
- c) Imperial Oil’s preliminary risk assessment for the Project; and
- d) The results of Imperial Oil’s final risk assessment for the Project, upon final submission to the TSSA (when available).

In accordance with Section 5.4. of the Decision (page 11), I hereby request access to the proposed confidential information. I also enclose a signed copy of the OEB’s Declaration and Understanding.

With respect to the filing of written final submissions with the OEB, the City of Mississauga will consider upon the receipt and review of the proposed confidential information whether or not to file any objections to the confidential treatment of the information specified in paragraph 1 of the Decision.

Yours truly,



Patrick M. Murphy
Legal Counsel, Environmental

cc: Richard King - Osler, Hoskin & Harcourt LLP (rking@osler.com)
Patrick G. Welsh - Osler, Hoskin & Harcourt LLP (pwelsh@osler.com)
Jessie Malone - Environmental and Regulatory Advisor, Imperial Oil Limited (jessie.m.malone@esso.ca)
Zahra Allidina - Imperial Oil (Zahra.allidina@esso.ca)
Zora Cronojacki - Case Manager, OEB (zora.cronojacki@oeb.ca)
Michael Millar - OEB Counsel (Michael.millar@oeb.ca)

Ontario Energy Board

Form of Declaration and Undertaking

EB-[2019-0007]

IN THE MATTER OF [Imperial Oil Limited -Leave to Construct Application]

DECLARATION AND UNDERTAKING

I, Patrick M. Murphy, am counsel of record or a consultant for the intervenor, the City of Mississauga.

DECLARATION

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

UNDERTAKING

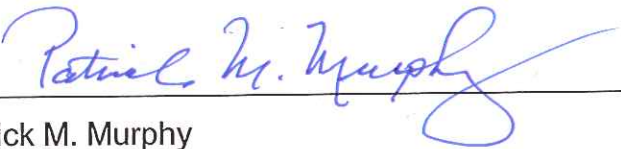
I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
 - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
 - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
 - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
 - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.
7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this

proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at City of Mississauga this 20th day of
November, 2019.

Signature: 

Name: Patrick M. Murphy

Company/Firm: City of Mississauga

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