



Corporation of the Town of Marathon

**Application for approval to construct
natural gas pipeline and associated facilities in
the Town of Marathon, the Township of Manitouwadge,
the Township of Schreiber, the Township of Terrace Bay
and the Municipality of Wawa**

DECISION ON CONFIDENTIALITY AND PROCEDURAL ORDER NO. 4

December 2, 2019

The Corporation of the Town of Marathon (Town of Marathon), Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and the Municipality of Wawa (the Municipalities) have resolved to form a new natural gas distribution company to distribute natural gas in their respective municipalities.

The Town of Marathon, on its own behalf and as a representative of the Municipalities listed above, applied to the Ontario Energy Board (OEB) on August 2, 2019 under section 90 of the *Ontario Energy Board Act*¹ for approval granting leave to construct approximately 116.5 kilometers of natural gas pipeline for the North Shore LNG Project. The Town of Marathon also applied to the Ontario Energy Board under sections 8 and 9 of the *Municipal Franchises Act*² for certificates of public convenience and necessity and for approval of a municipal franchise agreement for each Municipality. The Town of Marathon also applied for an order or orders for a gas supply plan to serve each Municipality, and for pre-approval, under section 36 of the *Ontario Energy Board Act*, of the cost consequences of a long-term liquefied natural gas supply contract with Nipigon LNG Limited Partnership. On August 15, 2019, the Town of Marathon updated its application and also applied to the OEB under section 97 of the *Ontario Energy Board Act* for approval of the forms of easement agreement.

Confidentiality Request

In accordance with Procedural Order No. 2, issued on October 30, 2019, OEB staff, Anwaatin Inc. (Anwaatin), Certarus Ltd. (Certarus), and School Energy Coalition (SEC) filed interrogatories on November 12, 2019. The Town of Marathon filed its responses to interrogatories on November 26, 2019.

¹ *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B)

² *Municipal Franchises Act R.S.O. 1990, c. M.55*

In its responses to interrogatories, the Town of Marathon, pursuant to the OEB's *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings*, requested confidential treatment for portions of the attachments to the responses to: (i) Anwaatin's interrogatory no. 4, part (a) (Anwaatin-4(a)); (ii) OEB staff's interrogatory no. 19, part (a) (OEB Staff-19(a)); and (iii) Certarus' interrogatory no. 4, part (c) (Certarus-4(c)).

The Town of Marathon is requesting confidentiality for the attachments related to Anwaatin-4(a) and OEB Staff-19(a) on the basis that they contain personal information, within the meaning of the *Freedom of Information and Protection of Privacy Act*, of another person who is not a party to the proceeding. The Town of Marathon also stated that the confidentiality request for the attachment related to Certarus-4(c) is made pursuant to Rule 10.01 of the OEB's *Rules of Practice and Procedure*, on the basis that it contains sensitive commercial and financial information of a third party, supplied in confidence, the disclosure of which would: (i) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of that third party and its affiliates, and (ii) result in undue loss or gain to that third party and its affiliates.

OEB Findings

The OEB grants the request for confidential treatment of Anwaatin-4(a), OEB Staff-19(a) and Certarus-4(c). The OEB finds that both Anwaatin-4(a) and OEB Staff-19(a) contain personal information that should not be put on the public record, and Certarus-4(c) contains contract prices, which is sensitive commercial and financial information.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Town of Marathon's request for confidential treatment of the attachments pertaining to the Town of Marathon's responses to (i) Anwaatin's interrogatory no. 4, part (a); (ii) OEB staff's interrogatory no. 19, part (a); and (iii) Certarus' interrogatory no. 4, part (c) is granted.

All materials filed with the OEB must quote the file number, EB-2018-0329, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Two paper copies must also be filed at the OEB's address provided below. 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 <http://www.oeb.ca/OEB/Industry>. If the web portal

is not available parties may email their documents to the address below. Those who do not have computer access are required to file seven paper copies.

All communications should be directed to the attention of the Board Secretary 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, Ritchie Murray at Ritchie.Murray@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

ADDRESS

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DATED at Toronto, **December 2, 2019**

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar and Board Secretary