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BY E-MAIL AND WEB POSTING

July 29, 2020

TO: All Participants in the Consultation on Guidelines for Potential Projects to Expand Access to Natural Gas All Other Interested Parties

**RE: Potential Projects to Expand Access to Natural Gas Distribution:
Confidentiality of Filings
Ontario Energy Board File No. EB-2019-0255**

The purpose of this letter is to invite comment on a request for confidential treatment received from Enbridge Gas Inc. (Enbridge) in respect of project information filed by proponents for inclusion in the Ontario Energy Board's (OEB) report to the Ministry of Energy, Northern Development and Mines (Ministry).

Background

The OEB has been asked to collect and analyze information about possible natural gas expansion projects, and to report back to the Ministry as an input to assist the government in making a determination on future expansion projects. On March 5, 2020, following a stakeholder consultation process, the OEB issued its [final Guidelines for Potential Projects to Expand Access to Natural Gas Distribution \(Guidelines\)](#) that identify the information to be filed by interested project proponents for inclusion in the OEB's report to the Ministry.

In its consultation on the development of the Guidelines, the OEB noted that it generally intended to post each proponent's project information on the OEB website after the deadline passed for filing project information. However, interested project proponents were invited to identify any information that they believed should be treated as confidential as per the OEB's *Rules of Practice and Procedure* and its *Practice Direction on Confidential Filings*.

The OEB received relatively few comments in response, and neither of the existing rate-regulated natural gas distributors provided comments related to confidentiality. In its March 5, 2020 letter accompanying the release of the Guidelines, the OEB confirmed its intention to post proponent project information on the OEB website following the deadline for filing project information.¹

Enbridge Request for Confidential Treatment and Invitation to Comment

On July 17, 2020, Enbridge filed a [letter](#) with the OEB requesting that all information related to projects proposed by it and by any other proponent be kept confidential and not be posted on the OEB's website as currently contemplated by the OEB or made available pursuant to declarations and undertakings. The letter identifies Enbridge's rationale for its confidentiality request, including that the disclosure of the project proposals would be prejudicial to the Ontario government's discretion in this process and futures processes, to proponents in the current process, to the privacy of potential natural gas customers, and to the safe operation of distribution systems. The letter also notes that, in Enbridge's view, the publication of project information is not required for the OEB to fulfill the object, scope and purpose of the Ministerial request for the OEB to analyze the proposed projects.

The OEB is inviting interested participants to comment on Enbridge's request for confidential treatment of project information. Comments are due on **August 6, 2020**. Project proponents will have the opportunity to reply to comments received by **August 13, 2020**. All comments and replies should be filed in accordance with the filing instructions below, and will be posted on the OEB's website.

Until such time as the OEB has made a determination on Enbridge's request for confidential treatment, the OEB will not be posting project information on its website or otherwise making that information available to third parties.

¹ However, the OEB confirmed that it would not include in its report any proposed project from a non-Certificate holder unless the Certificate holder does not bring forward a project for the same area, and that the OEB would not be posting project information for projects that are not included in the OEB's review.

Cost Awards

Cost awards will be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in respect of the provision of comments on Enbridge's request for confidential treatment, to a maximum of **2 hours**. For that purpose, the determinations made by the OEB in the context of the consultation on the development of the Guidelines, in respect of both eligibility for and liability to pay cost awards, will apply.

Filing Instructions

All materials filed with the OEB must quote the file number, **EB-2019-0255**, and be submitted in a searchable / unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available, parties may email their documents to boardsec@oeb.ca.

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.

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

Questions relating to this letter should be directed to rachele.levin@oeb.ca. The OEB's toll free number is 1-888-632-6273.

DATED at Toronto, July 29, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary