August 4, 2020

Christine E. Long

Registrar and Board Secretary

Ontario Energy Board

P.O. Box 2319

2300 Yonge Street

Toronto ON

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Dear Ms. Long,

RE:EB-2020-0255 Potential Projects to Expand Access to Natural Gas Distribution: Confidentiality of Filings - Energy Probe Comments

In its letter of July 29, 2020, the OEB invited interested parties to submit comments by August 6, 2020, 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). The purpose of this letter is to submit comments by Energy Probe Research Foundation (Energy Probe).

Energy Probe believes that Enbridge Gas should not seeking “Blanket Confidentiality” at this point in the EB-2019-0255 Process. Enbridge had an opportunity to express its position during the Board’s Stakeholder Consultation Process and apparently did not do so, or if it did so, has not provided a copy of its earlier concerns to other stakeholders, nor cited those concerns in its current correspondence.[[1]](#footnote-1)

The OEB Section 35 Gas Expansion Guidelines were issued On March 5th, 2020 and the process was closed, except for the project solicitation stage. To file its letter one month from the August 31, 2020 deadline for the Board’s Report is inappropriate and a mockery of the Boards Process.

It is totally inappropriate at this point in time for Enbridge Gas to raise a litany of issues starting with the Board’s mandate under The Minister’s Section 35 letter and progressing to security of the natural gas system in Ontario.

Energy Probe will not attempt to address all of the content of the letter, but hopes the Board will respond with a process allowing parties to do so. Energy Probe will address only one aspect that relates to potential competitive concerns between Project Proponents

The Board’s Decision on the Guidelines[[2]](#footnote-2) indicates that:

As a result, the OEB will 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 the OEB will not be posting project information for projects that are not included in the OEB’s review.*

We suggest that this indicates that the Board recognizes that projects submitted by Certificate Holders will receive priority review, over non-certificate holders “for the same area” This should ameliorate one of Enbridge’s concerns about competitors having access to its project information.

The issue of proprietary information and other project information is a matter that the Board deals with on a routine basis and it will determine information that should not be put on the public record and accessible only under its requirements for a Declaration and Undertaking regarding confidential information.

Respectfully submitted,

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Roger Higgin

Sustainable Planning Associates Inc.

Consultant to Energy Probe

CC. Patricia Adams (Energy Probe)

Tom Ladanyi (TL Energy Regulatory Consultants Inc.)

1. **Comments on the Confidentiality of Information**

   The OEB received relatively few comments regarding information that interested parties believe should be treated as confidential as per the OEB’s *Rules of Practice and Procedure* and its *Practice Direction on Confidential Filings*. *Neither of the existing rate-regulated natural gas distributors provided comments related to confidentiality*. [Page 15 Decision 2020-03-05] [↑](#footnote-ref-1)
2. Decision Page 15 [↑](#footnote-ref-2)