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August 6, 2020

**Sent by EMAIL, RESS e-filing**

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

Dear Ms. Long:

**Re: EB-2019-0255 - Potential Projects to Expand Access to Natural Gas Distribution:  
Confidentiality of Filings**

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**Background:**

On July 29, 2020, EPCOR Natural Gas Limited Partnership (EPCOR) received the Ontario Energy Board's (OEB or Board) letter inviting comments on Enbridge Gas Inc.'s (Enbridge) request for confidential treatment in respect of project information filed by proponents for inclusion in the OEB report to the Ministry of Energy, Northern Development and Mines (Ministry). The purpose of this letter is to reply to Enbridge's request.

**Position:**

EPCOR does not support this request for confidentiality and respectfully requests that the Board disallow Enbridge's request. EPCOR believes it is in the public interest that all participants remain transparent about their proposals to access and leverage portions of the \$130 million natural gas expansion program. EPCOR will be pleased to make any and all of its contributed proposals public following the deadline for final proposals stated by the OEB. Customers, including those currently contributing to the expansion program and those who may benefit from an expansion project, deserve no less.

## Rationale for Position:

1. Process: The Board has already provided proponents with ample opportunity to raise concerns regarding the confidentiality of project information. Notably, the Board's December 19, 2019 letter expressly stated that:

. . . the OEB intends to post each proponent's project information on the OEB's website . . . Interested project proponents should identify, in their comments on the Draft Guidelines, any information that they believe should be treated as confidential as per the OEB's *Rules of Practice and Procedure* and its *Practice Direction on Confidential Filings*. The final Guidelines will reflect the OEB's determination on which, if any, information will be treated as confidential.<sup>1</sup>

Following this letter, no concerns were raised by Enbridge with respect to confidentiality.<sup>2</sup> On March 5, 2020, the Board decided the matter by issuing a decision letter and Final Guidelines, which reflected that project information would be posted and made no reservations of any kind on the issue. In this letter, the Board stated that: "The OEB received relatively few comments regarding information that interest parties believe should be treated as confidential . . . Neither of the existing rate-regulated natural gas distributors provided comments related to confidentiality."<sup>3</sup> Given that the procedural process in EB-2019-0255 has already solicited input from proponents on this matter and the Board came to a decision on the matter, this matter has been decided. As such, it is procedurally improper for Enbridge to request the Board to reconsider the confidentiality issue at this time.

2. Board Practice: As set out in the Board's Practice Direction on Confidential Filings: "The Board's general policy is that all records should be open for inspection by any person unless disclosure of the record is prohibited by law. This reflects the Board's view that its proceedings should be open, transparent and accessible."<sup>4</sup> While EPCOR will not address each point brought up by Enbridge, it is noteworthy that in general, any project that is proposed through a LTC faces the same issues regarding privacy and disclosure of facilities location. EPCOR is therefore of the view that Enbridge has not sufficiently demonstrated that on the whole, confidential treatment is warranted for the entirety of the project information it intends to file.

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<sup>1</sup> EB-2019-0255, Ontario Energy Board letter re Potential Projects to Expand Access to Natural Gas Distribution dated December 19, 2019 at page 5.

<sup>2</sup> EB-2019-0255, Ontario Energy Board letter re Potential Projects to Expand Access to natural Gas Distribution dated March 5, 2020 at page 14.

<sup>3</sup> *Ibid* at page 14.

<sup>4</sup> Ontario Energy Board Practice Direction on Confidential Filings dated October 28, 2016 at page 2.

3. Customer Privacy Concerns: The concerns that Enbridge has raised regarding the privacy of its potential or current customers can easily be mitigated by redactions of the specific personal information. Accordingly, it is not necessary to make the entire contents of the submission unavailable to the public/ratepayers that are funding the projects.
4. Transparency: The natural gas expansion program is being funded and made possible via the direct monthly contributions of Ontario ratepayers. Without these contributions, the program would not exist. Ratepayers deserve to understand and appreciate how project proponents are planning to utilize their funds – ensuring prudent and responsible system expansion at the lowest possible cost.
5. Previous Decisions: There have been several large rural and northern gas expansion proposals or projects before the OEB in recent years<sup>5</sup>. Total confidentiality has not been applied to those proceedings or initiatives nor was it requested to be as such. As other prospective gas expansion proponents have not been granted confidentiality when advancing such proposals, this transparency needs to continue. Otherwise, Enbridge's request has the potential to set a negative precedent for future oversight and transparency at the OEB.

All of which is respectfully submitted.

Yours truly,

A handwritten signature in blue ink, appearing to read 'T. Hesselink', with a stylized flourish at the end.

Tim Hesselink  
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EPCOR Natural Gas Limited Partnership  
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<sup>5</sup> EB-2018-0329 - Leave to Construct - North Shore project