

Elson Advocacy

August 6, 2020

BY EMAIL AND RESS

Ms. Christine Long

Board Secretary

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Long:

Re: EB-2019-0255 – Gas Grid Expansion – Confidentiality Issue

I am writing on behalf of Environmental Defence further to the Board's letter of July 29, 2020 seeking comments on Enbridge's request that its gas grid expansion project information be kept fully confidential and not even released to parties who have signed the standard undertaking.

We have had the opportunity to read the comments of other parties, which unanimously oppose Enbridge's request, many in quite strong terms. Environmental Defence also opposes Enbridge's request. We believe the reasons to reject this request have been adequately canvassed by other parties.

In addition, note that Enbridge has refused to file aggregate and project-specific gas grid expansion data sought by Environmental Defence in Enbridge's gas expansion surcharge case (EB-2020-0094) on the basis of the confidentiality issue in EB-2019-0255.¹ However, Enbridge did not submit a request for confidential treatment in accordance with the OEB's *Practice Direction on Confidential Filings* and declined to do so when specifically asked by Environmental Defence (correspondence attached). It is extremely unusual for a party to decline to follow the standard processes and decline to provide information to those who have signed the standard undertaking. Although the issues overlap to a large degree, we assume the appropriate step is for Environmental Defence to make a motion or seek directions in EB-2020-0094. However, we are also bringing this to the attention of the members deciding the matter in EB-2019-0255 so that you are aware of this related issue.

Yours truly,



Kent Elson

¹ EB-2020-0094, Exhibit I.ED.2 (a);

RE: [External] Re: EB-2020-0094 - Enbridge Gas Inc. - Harmonized System Expansion Surcharge, Temporary Connection Surcharge and Hourly Allocation Factor - Interrogatory Responses

1 message

Tania Persad <Tania.Persad@enbridge.com>

31 July 2020 at 16:13

To: Kent Elson <kent@elsonadvocacy.ca>

Cc: "BoardSec (BoardSec@oeb.ca)" <BoardSec@oeb.ca>, Azalyn Manzano <Azalyn.Manzano@oeb.ca>, "michael.millar@oeb.ca" <michael.millar@oeb.ca>, Rakesh Torul <Rakesh.Torul@enbridge.com>, "tbrett@foglers.com" <tbrett@foglers.com>, "aengel@foglers.com" <aengel@foglers.com>, "marion.fraser@rogers.com" <marion.fraser@rogers.com>, "spollock@blg.com" <spollock@blg.com>, "alex.greco@cme-mec.ca" <alex.greco@cme-mec.ca>, "eblanchard@blg.com" <eblanchard@blg.com>, "nathaliestpierre@propane.ca" <nathaliestpierre@propane.ca>, "allanmurphy@propane.ca" <allanmurphy@propane.ca>, "mike.richmond@mcmillan.ca" <mike.richmond@mcmillan.ca>, "jgirvan@uniserve.com" <jgirvan@uniserve.com>, "tom.ladanyi@rogers.com" <tom.ladanyi@rogers.com>, "spainc@rogers.com" <spainc@rogers.com>, "jack@cleanairalliance.org" <jack@cleanairalliance.org>, "docallaghan@epcor.com" <docallaghan@epcor.com>, "bbrandell@epcor.com" <bbrandell@epcor.com>, "THesselink@epcor.com" <THesselink@epcor.com>, "SRobinson@epcor.com" <SRobinson@epcor.com>, "drquinn@rogers.com" <drquinn@rogers.com>, "ian.mondrow@gowlingwlg.com" <ian.mondrow@gowlingwlg.com>, "srahbar@igua.ca" <srahbar@igua.ca>, "randy.aiken@sympatico.ca" <randy.aiken@sympatico.ca>, "mrb@mrblaw.com" <mrb@mrblaw.com>, "f.arab@ontariogreenhouse.com" <f.arab@ontariogreenhouse.com>, "sroodvoets@domtech.net" <sroodvoets@domtech.net>, "mdmcl@kos.net" <mdmcl@kos.net>, "jay@shepherdrubenstein.com" <jay@shepherdrubenstein.com>, "mark@shepherdrubenstein.com" <mark@shepherdrubenstein.com>, "wayne.mcnally@oesc-cseo.org" <wayne.mcnally@oesc-cseo.org>, "jaya.chatterjee@kitchener.ca" <jaya.chatterjee@kitchener.ca>, "les.jones@kitchener.ca" <les.jones@kitchener.ca>, "markgarner@rogers.com" <markgarner@rogers.com>, "jlawford@piac.ca" <jlawford@piac.ca>, Stephanie Allman <Stephanie.Allman@enbridge.com>

Dear Mr. Elson:

Enbridge Gas Inc. (Enbridge Gas) filed its confidentiality request related to these projects with the Board on July 17, 2020 as part of the Board's process (EB-2019-0255) to invite proposals for potential projects to expand access to natural gas distribution pursuant to the Ontario government's Natural Gas Expansion Program (NGEP). Please refer to that correspondence and the Board's July 29, 2020 invitation for comments.

Enbridge Gas declines to provide as part of this proceeding the information requested in Exhibit I.ED.2a) for "all community expansion projects that are currently under consideration that would involve a surcharge (for 2030)". As explained in the correspondence referenced above, Enbridge Gas considers this prospective project information to be confidential. Further, of the potentially hundreds of project proposals that may be submitted for the NGEP, only a small number of those projects may be selected by the Ontario government to proceed given the limited amount of available funding. Therefore, Enbridge Gas cannot predict what projects it may be given approval to pursue as part of the NGEP.

Sincerely,

Tania

Tania Persad B.Comm./LLB

Senior Legal Counsel

ENBRIDGE GAS INC.

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From: Kent Elson <kent@elsonadvocacy.ca>

Sent: Friday, July 31, 2020 10:31 AM

To: Tania Persad <Tania.Persad@enbridge.com>

Cc: BoardSec (BoardSec@oeb.ca) <BoardSec@oeb.ca>; Azalyn Manzano <Azalyn.Manzano@oeb.ca>; michael.millar@oeb.ca; Rakesh Torul <Rakesh.Torul@enbridge.com>; tbrett@foglers.com; aengel@foglers.com; marion.fraser@rogers.com; spollock@blg.com; alex.greco@cme-mec.ca; eblanchard@blg.com; nathaliestpierre@propane.ca; allanmurphy@propane.ca; mike.richmond@mcmillan.ca; jgirvan@uniserve.com; tom.ladanyi@rogers.com; spainc@rogers.com; jack@cleanairalliance.org; docallaghan@epcor.com; bbrandell@epcor.com; THesselink@epcor.com; SRobinson@epcor.com; drquinn@rogers.com; ian.mondrow@gowlingwlg.com; srahbar@igua.ca; randy.aiken@sympatico.ca; mrb@mrblaw.com; f.arab@ontariogreenhouse.com; sroodvoets@domtech.net; mdmcl@kos.net; jay@shepherdrubenstein.com; mark@shepherdrubenstein.com; wayne.mcnally@oesc-cseo.org; jaya.chatterjee@kitchener.ca; les.jones@kitchener.ca; markgarner@rogers.com; jlawford@piac.ca; Stephanie Allman <Stephanie.Allman@enbridge.com>

Subject: [External] Re: EB-2020-0094 - Enbridge Gas Inc. - Harmonized System Expansion Surcharge, Temporary Connection Surcharge and Hourly Allocation Factor - Interrogatory Responses

EXTERNAL: PLEASE PROCEED WITH CAUTION.

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Good Morning Ms. Persad,

I am following up regarding Enbridge's interrogatory responses. In I.ED.2, we asked some questions that would shed light on the magnitude of the different types of projects that would be impacted by the relief sought by Enbridge, including a project-by-project breakdown. Enbridge declined to respond on the basis of confidentiality (see I.ED.2 (a)). Could Enbridge please file the interrogatory response and a request for confidential treatment in accordance with the OEB's *Practice Direction on Confidential Filings*?

Thank you.

Kent

Kent Elson, LL.B.
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