

Ms. Christine Long
Registrar & Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

August 27, 2020

Re: EB-2020-0094 Harmonized System Expansion Surcharge, Temporary Connection Surcharge and Hourly Allocation Factor - Pollution Probe Submission on Environmental Defence Motion

Dear Ms. Long:

Pollution Probe is in receipt of Procedural Order No. 3 dated August 20, 2020 for the above-noted proceeding which indicates that parties should file written submissions on the merits of the Environmental Defence (ED) motion with the OEB and serve them on all parties by August 27, 2020.

Pollution Probe supports the basis for the ED Motion and recommends that the Board require a full and adequate responses (on a best effort basis) to interrogatories I.ED.2 and I.ED.3. Additional details are outlined below.

Enbridge has applied to the Board pursuant to Section 36 of the Act for an order or orders granting:

- (i) Approval of the SES for future Community Expansion Projects;
- (ii) Approval of the TCS for Small Main Extension and Customer Attachment Projects; and
- (iii) Approval of amendments to Rider I of the Rate Handbook for the EGD rate zone and Rate Schedules for Rates 01, 10, M1 and M2 for the Union rate zones to implement the SES and TCS.

Furthermore, Enbridge has also requesting approval of the following:

- (i) An HAF to be applied in the economic feasibility calculation of future Development Projects consistent with the E.B.O. 188 Guidelines; and
- (ii) Amendments to the Company's feasibility policies to implement the HAF, SES and TCS.

I.ED.2 and I.ED.3 request information on current and future projects which are directly related to the approvals requested from the OEB. The approvals sought are not simplistic in the context of the broader EBO 188 requirements which can be very complex and interdependent. Enbridge provided a theoretical project example¹ during the Technical Conference held on August 20th and many questions still remain in relation to how the changes requested would work and impact current and future customers.

Enbridge indicated that there may be an issue providing a list of completed projects related to the approvals sought in this application since they were treated in a different manner under the current EBO 188 requirements. Pollution Probe acknowledges that challenge (for historical information only) and the Board could direct Enbridge to provide information on a best effort basis. Current and future projects which the proposed changes would apply to is a different story. Provision of the requested information for future projects which Enbridge is currently conducting planning work are directly relevant and would

¹ EB-2020-0094 KT1.1

provide a better understanding if these approvals are needed at this time and how they would work on real projects being planned.

Changes impacting the EBO 188 requirements can have wide-ranging impact and full transparency through the public record in this proceeding is important. OEB Staff had previously suggested that, to the extent project proposals include personal information within the meaning of the Freedom of Information and Protection of Privacy Act (FIPPA), the personal information generally cannot form part of the public record and must be redacted. None of information requested includes personal information under FIPPA. Projects typically are less than full attachment of potential customers and recent projects are far below a 50% attachment rate². If the Board orders that a fulsome response be provided to I.ED.2 and I.ED.3, no personal information under FIPPA is relevant or required.

ED's Motion correctly indicates that Enbridge did not follow the Board's prescribed procedure for confidential treatment or provide an adequate or acceptable rationale that would meet the acceptance for confidential treatment. Board requirements, in part, are meant to protect against monopolistic behaviors and ensure fair and transparent review and oversight. The Board's process includes a significant (and justified) bar set on confidential treatment and had Enbridge followed the Board process, Pollution Probe believes it would be abundantly evident that none of the information to respond to these interrogatories meets the threshold for confidential treatment.

Pollution Probe recommends that the Board order that the information requested in interrogatories I.ED.2 and I.ED.3 be provided on a best effort basis (i.e. not decline on the basis of confidentiality, but only if portions of the project information are not able to be compiled for a clear and specific reason).

Respectfully submitted on behalf of Pollution Probe.



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cc: All Parties (via email)
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² The recent EB-2019-0188 project had an attachment rate of approximately 33%