



**Enbridge Gas Inc.**

**Application for review of 2020 Utility Earnings and  
Disposition of Deferral and Variance Account Balances**

**DECISION ON CONFIDENTIALITY**

**August 16, 2021**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on June 4, 2021 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order approving the disposition of balances in certain deferral and variance accounts and the sharing of earnings, if any, pursuant to a previously approved<sup>1</sup> earnings sharing mechanism.

As part of its pre-filed evidence, Enbridge Gas requested confidential treatment of certain information under the OEB's *Practice Direction on Confidential Filings* (Practice Direction). Enbridge Gas noted that similar information was treated as confidential in the 2019 Deferral and Variance Account (DVA) proceeding.<sup>2</sup>

Enbridge Gas purchases market-based storage services on behalf of customers in the Enbridge Gas Distribution rate zone through a competitive blind storage Request for Proposal (RFP) process. The RFP process was conducted by Deloitte Consulting, an independent third-party in accordance with the recommendations of OEB staff and intervenors in Enbridge Gas's five-year gas supply plan review.<sup>3</sup> The RFP responses were received by Enbridge Gas in August 2019 with conforming offers from five different counterparties. Bids received and those that were selected were filed confidentially with the OEB. Information regarding the bids is the subject of this confidentiality request. The information was filed as confidential in Exhibit D, Tab 1, Schedule 5.

Two intervenors and OEB staff filed submissions regarding the confidentiality request. The Canadian Manufacturers and Exporters and OEB staff supported Enbridge Gas's request for confidentiality. OEB staff noted that as part of the 2019 DVA settlement proposal, parties (Enbridge Gas and intervenors) agreed that it would be appropriate to

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<sup>1</sup> EB-2017-0306 / 0307 Decision and Order August 30, 2018, application by Enbridge Gas Distribution Inc. and Union Gas Limited to amalgamate under the OEB's policy on mergers, acquisition, amalgamation and divestiture (MAADs Decision).

<sup>2</sup> EB-2020-0134

<sup>3</sup> EB-2019-0137, Final OEB Staff Report to the Ontario Energy Board, March 26, 2020.

treat the RFP bid information as confidential.<sup>4</sup> Considering that Enbridge Gas provided similar information for 2020 in the current proceeding, OEB staff submitted that it would be appropriate to treat the information as confidential.

The Federation of Rental-housing Providers of Ontario (FRPO) submitted that Enbridge Gas should provide a rationale for its request under section 5.1.4 of the Practice Direction.<sup>5</sup> FRPO accepted that some of the information may be considered confidential and market sensitive, but it expressed concerns regarding the lack of transparency in the storage market. FRPO requested Enbridge Gas to provide a rationale to support its confidentiality request.

In reply, Enbridge Gas clarified that similar information was filed in the 2019 DVA proceeding. The OEB in its decision on the settlement proposal approved the confidentiality request as the information was commercially sensitive with respect to future storage procurement and related negotiations.<sup>6</sup> Enbridge Gas noted that all parties that have signed and filed the OEB's form of Declaration and Undertaking have been granted full access to the unredacted documents.

## Findings

The OEB approves the confidential treatment of the redacted information related to RFP responses received for provision of market-based storage services. The information at issue is comparable to the confidentiality request in the 2019 DVA proceeding for which the OEB approved confidential treatment. In that proceeding, the OEB found that the information was "*commercially sensitive with respect to future storage procurements and related negotiations*".<sup>7</sup>

The Practice Direction provides that one of the factors that the OEB may consider in addressing confidentiality include whether the type of information in question was previously held confidential by the OEB.<sup>8</sup> The OEB finds that the information for which Enbridge Gas seeks confidential treatment in this proceeding is very similar to the information for which confidential treatment was granted in the previous proceeding. The OEB further reiterates that this information is commercially sensitive with respect to future storage procurements and related negotiations.

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<sup>4</sup> EB-2020-0134, Exhibit N1, Tab 1, Schedule 1, Cover Letter, January 5, 2021, pp. 2-3.

<sup>5</sup> Practice Direction on Confidential Filings, Ontario Energy Board, February 17, 2021.

<sup>6</sup> EB-2020-0134 OEB Decision on Settlement Proposal, January 25, 2021, p. 9.

<sup>7</sup> *ibid*

<sup>8</sup> Practice Direction on Confidential Filings, February 17, 2021, Appendix A, p. 1.

**THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:**

1. Enbridge Gas's request for confidential treatment is granted. Enbridge Gas shall provide individuals that have signed and filed a Declaration and Undertaking with the non-redacted, confidential versions of the documents described above for which confidential treatment has been granted,

**DATED** at Toronto, **August 16, 2021**

**ONTARIO ENERGY BOARD**

*Original signed by*

Christine E. Long  
Registrar