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Enbridge Gas Inc.
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November 3, 2021

VIA EMAIL and RESS

Christine Long
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Christine Long:

**Re: Enbridge Gas Inc. (“Enbridge Gas” or “the Company”)
Ontario Energy Board (“OEB”) File: EB-2021-0205
Greenstone Pipeline Project
Intervenor Requests and Submission on Confidential Treatment of Customer
Contract Information**

Enbridge Gas has reviewed the intervenor request letters for the above noted proceeding from Minodahmun Development L.P. (“MDLP”), Environmental Defence, and Pollution Probe. Included within Pollution Probe’s intervenor request letter filed November 1, 2021, is a submission to the OEB regarding Enbridge Gas’s request for confidential treatment of several components of the Application in accordance with the OEB’s Practice Direction on Confidential Filings, effective February 17, 2021 (“Practice Direction”). While Enbridge Gas does not object to the requests for intervenor status by MDLP, Environmental Defence, and Pollution Probe, the Company wishes to respond to Pollution Probe’s submission on confidentiality.

Confidentiality Submissions

Pollution Probe objects to Enbridge Gas’s request for confidential treatment of information within two sections of the Northern Gas Distribution Contract between Enbridge Gas and Greenstone Gold Mines LP (“Contract”). First, Pollution Probe opposes confidential treatment of a portion of the contract termination clause. Second, Pollution Probe opposes confidential treatment of information within Appendix A of the Contract, which stipulates a payment schedule for the customer’s Contribution in Aid of Construction (“CIAC”). Pollution Probe states that this information “is not typically considered confidential information by the OEB,” and that “confidential treatment for these elements has not [historically] been granted by the OEB.” While Pollution Probe generically states that this information is “directly related to the OEB’s assessment of the application,” they do not provide any specific support for this claim nor do they explain why disclosure of the information is required to assess the approvals sought by Enbridge Gas in this proceeding.

As outlined in Enbridge Gas’s application in Exhibit A, Tab 2, Schedule 1, the redacted portions of the Contract contain commercially sensitive contract information. Public disclosure of this information may provide insight into commercially sensitive contractual and financial obligations of Enbridge Gas’s customer, Greenstone Gold Mines LP (“GGM”),

which is not otherwise known to the public. Furthermore, GGM has requested that Enbridge Gas redact this information when filing the Contract as part of the Application. Section 5.3 of the OEB's *Gas Distribution Access Rule* requires that a gas distributor not disclose customer information to anyone other than the OEB, without the customer's written consent, unless specifically authorized by the OEB. Enbridge Gas does not have GGM's consent to disclose the redacted information and neither has the OEB specifically authorized its disclosure.

Contrary to Pollution Probe's submission, this type of customer contract information has consistently been treated as confidential in accordance with the Practice Direction. Examples of the OEB granting confidential treatment for similar information within customer contracts include, but are not limited to, the 2021 Sarnia Industrial Line Reinforcement Project¹, the Sudbury Expansion Project², and the 2015 Sarnia Expansion Project.³

Enbridge Gas submits that it has correctly applied the Practice Direction to produce a meaningful redacted version of the Contract so as to maximize the information that is on the public record to support the need for the Greenstone Pipeline Project while protecting the current and future interests of its customer by not disclosing commercially sensitive information that is not otherwise on the public record. For example, while Enbridge Gas requests confidential treatment of the payment schedule for customer CIAC, the total CIAC is disclosed within the application⁴. Enbridge Gas also notes that the OEB has been given access to the unredacted version of the Contract and that Pollution Probe may request access to this information if they wish by executing a Declaration and Undertaking, consistent with the process outlined in Section 5.1 of the Practice Direction.

Conclusion

Enbridge Gas submits that Pollution Probe's objection to the Company's confidentiality request is unsupported and should be disregarded. Enbridge Gas reiterates its request that all information outlined in Table 1 of Exhibit A, Tab 2, Schedule 1 be treated as confidential information pursuant to the Practice Direction.

If you have any questions, please contact the undersigned.

Yours truly,

Dave Janisse
Technical Manager, Leave to Construct Applications

¹ EB-2019-0218, Application and Evidence, October 7, 2019, Exhibit B, Tab 1, Schedule 2, Attachment 1

² EB-2015-0120, Updated response to Board Staff 5, July 8, 2015

³ EB-2014-0333, Application and Evidence, November 4, 2014, Schedule 3-1 and Schedule 3-2

⁴ EB-2021-0205, Exhibit B, Tab 1, Schedule 1, Attachment 1, p. 4 and Exhibit D, Tab 1, Schedule 1, pp. 1-3