



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipeline  
and associated facilities in the City of Ottawa**

**DECISION ON CONFIDENTIALITY REQUEST AND PROCEDURAL ORDER NO. 3  
December 17, 2021**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on March 2, 2021, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B), for an order granting leave to construct approximately 19.8 kilometres of natural gas pipeline and associated facilities in the City of Ottawa. The proposed natural gas pipeline will replace the existing St. Laurent Pipeline in two final phases of its multiple year project. Enbridge Gas also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of the project.

On November 8, 2021, the OEB issued Procedural Order No.1 which, among other things, set a November 22, 2021 deadline for the filing of interrogatories by the intervenors and OEB staff. Enbridge Gas was ordered to file its responses to the interrogatories by December 6, 2021. On December 1, 2021, Enbridge Gas requested that the OEB extend the deadline for interrogatory responses to December 13, 2021. By way of Procedural Order No. 2, dated December 3, 2021, the OEB granted the extension request. Enbridge Gas filed responses to the interrogatories on December 13, 2021, which included a request for confidential treatment of certain items.

This Procedural Order and Decision includes a decision on the confidentiality request, determines that the OEB will proceed by way of a written hearing, and sets the next procedural steps.

**Decision on Confidentiality Request**

On December 13, 2021, Enbridge Gas filed interrogatory responses and requested confidential treatment for certain information contained in responses to certain interrogatories. Specifically, Enbridge Gas requested that certain information in responses to the following interrogatories be treated as confidential:

1. Exhibit I.STAFF.19, Attachment 1 – Updated Indigenous Consultation Log

2. Exhibit I.FRPO.18a) vi) and vii) – Specific parameters in Enbridge Gas Contract for Gas Transportation and Sale with Gazifere Inc. (Contract)

Enbridge Gas provided the reasons for the confidentiality request and filed unredacted copies of the documents with the OEB.

### **1. Updated Indigenous Consultation Log**

#### *Enbridge Gas's Rationale*

Enbridge Gas explained that the redacted information relates to information about third parties that is considered “personal information” and is protected under the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

#### **Findings**

The OEB finds that the redacted names and contact information contained in the updated Indigenous Consultation Log is not personal information in accordance with FIPPA. Section 2(3) of FIPPA provides that the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity is not personal information. Additionally, the OEB notes that the redacted names and contact information are readily available in the public domain.

Enbridge Gas shall re-file this document with the OEB with this information unredacted.

2. **Specific parameters in Enbridge Gas Contract for Gas Transportation and Sale with Gazifere Inc. (Contract)**

#### *Enbridge Gas's Rationale*

Enbridge Gas stated that some of details included in the contract are commercially sensitive and that public disclosure could disadvantage Gazifere Inc. In Enbridge Gas's view, the redacted contract information is not necessary to respond to FRPO's request for a comparison of alternatives to the replacement of the segment of the existing 12-inch diameter pipeline with a 16-inch diameter pipeline at the outlet side of the St. Laurent Control Station. Enbridge Gas submitted that the harm of disclosure of the redacted information outweighs the probative value of providing contract demand for the comparative assessment of alternatives.

## ***Findings***

The OEB finds that the details relating to Enbridge Gas's contract with Gazifere Inc. is not commercially sensitive. The information does not contain pricing information which if made public would be prejudicial to Enbridge Gas. The information is also relevant to this proceeding for the purpose of comparing alternatives.

Enbridge Gas shall re-file this document with the OEB with this information unredacted.

## **Oral vs Written Hearing**

Enbridge Gas requested that the application be processed by way of a written hearing. The City of Ottawa, in a letter dated November 26, 2021, requested an oral hearing. Pollution Probe, in a letter dated December 16, 2021, supported the City of Ottawa's request for an oral hearing and indicated it would provide additional correspondence on this matter in the near future. Several parties noted that the OEB's determination of the type of hearing could be more appropriately made after interrogatory responses are filed by Enbridge Gas. Having considered the submissions of the parties on the form of hearing, the OEB has determined that it will proceed by way of a written hearing. However, the OEB has decided to provide for a technical conference as a forum for the parties to seek clarification on Enbridge Gas's responses to interrogatories.

## **Technical Conference**

The OEB will hold a transcribed technical conference for parties to ask clarification questions related to interrogatory responses filed by Enbridge Gas. Parties will be required to indicate in advance the topics they intend to address, and time needed at the technical conference. Parties are reminded that they are expected to work cooperatively to ensure the time reserved for the technical conference allows for all parties to ask questions without duplication.

The technical conference will be held virtually. Details and instructions regarding participation will be circulated in advance of the technical conference.

## **Next Steps**

The OEB has scheduled written submissions by parties and reply submission by Enbridge Gas. This will complete the record for the proceeding.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. A virtual, transcribed technical conference will be convened on **January 27, 2022** beginning at 9:30 a.m. The format for this event will be conducted by way of a virtual hearing. Further information on how to connect to the proceeding will be communicated to parties closer to the date.
2. Parties intending to participate in the technical conference are required to notify Enbridge Gas, and copy all parties, of the topic areas for questioning by **January 17, 2022**.
3. Enbridge Gas shall file with the OEB complete written responses to all undertakings from the technical conference and serve them on all intervenors by **February 3, 2022**.
4. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **February 17, 2022**.
5. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all parties by **February 22, 2022**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2020-0293** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at [Zora.Crnojacki@oeb.ca](mailto:Zora.Crnojacki@oeb.ca) and OEB Counsel, James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, December 17, 2021

**ONTARIO ENERGY BOARD**

**Christine E. Long**

*Original signed by*

Christine E. Long  
Registrar