



Sun-Canadian Pipe Line Company Limited

Application for leave to construct the NPS 12 East Sixteen Mile Creek Pipeline Replacement Project in the Town of Milton, Ontario

**PROCEDURAL ORDER NO. 5
May 27, 2022**

Sun-Canadian Pipe Line Company Limited (Sun-Canadian) applied to the Ontario Energy Board (OEB) on January 17, 2022, under sections 90(1) and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 480 meters of 12-inch pipeline in the vicinity of the East Sixteen Mile Creek crossing, in the Town of Milton, Ontario (the Project). Sun-Canadian has 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 proposed pipeline.

The OEB issued its public notice for this proceeding on February 10, 2022, with a letter of direction to Sun-Canadian setting out the requirements for service.

The Haudenosaunee Development Institute (HDI) filed its request for intervenor status on March 7, 2022. The request for intervenor status included a request to file evidence.

On March 22, 2022, the OEB issued Procedural Order No. 1 confirming that HDI is approved as an intervenor and is eligible to apply for an award of costs under the OEB's Practice Direction on Cost Awards. The OEB in subsequent procedural orders granted HDI's request to file evidence (and set out the timeline for such evidence to be filed).

On May 13, 2022, HDI filed its evidence. Sun-Canadian and OEB staff filed interrogatories on HDI's evidence on May 20, 2022.

Some of Sun-Canadian's interrogatories to HDI are related to HDI's form of Engagement Agreement which Sun-Canadian provided as part of its interrogatories. Sun-Canadian simultaneously filed a confidentiality request with respect to Interrogatories 3-SCPL-1 (b) (c) (d) (e) and (f) and the HDI form of Engagement Agreement. Sun-Canadian stated that the confidential information meets the OEB's test for confidential treatment under the OEB's *Practice Direction on Confidential Filings*, due to the potential harm that could result from the disclosure of such information. Sun-

Canadian stated that disclosure of HDI's form of Engagement Agreement and interrogatories relating to the agreement may interfere with HDI's past, present and future negotiations and have therefore been redacted pursuant to Rule 10.01 of the OEB's *Rules of Practice and Procedure*.

The OEB is considering Sun-Canadian's request and asks HDI to advise whether it agrees with Sun-Canadian's proposed redactions or whether it consents to the public disclosure of its form of Engagement Agreement and Sun-Canadian's interrogatories about it. Accordingly, the OEB is making provision for HDI's response to this matter, as set out below. All other procedural dates, as set out in Procedural Order No. 4, remain unchanged.

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. As part of HDI's responses to interrogatories to be filed by **June 1, 2022**, HDI shall advise whether it agrees with Sun-Canadian's proposed redactions or whether it consents to the public disclosure of its form of Engagement Agreement and Sun-Canadian's interrogatories about it.

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-2022-0012** 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 [File documents online 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 for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received no later than 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, Judith Fernandes at judith.fernandes@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, May 27, 2022
ONTARIO ENERGY BOARD

Nancy Marconi
Registrar