



**Enbridge Gas Inc.**

**Application for review of 2021 Utility Earnings and  
Disposition of Deferral and Variance Account Balances**

**DECISION ON CONFIDENTIALITY**

**July 29, 2022**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on May 31, 2022 (updated June 17, 2022), 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 prior deferral and variance account (DVA) proceedings.<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 Guidehouse Inc., 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 January 2021 with conforming offers from three different counterparties. Bids received and those that were selected were filed confidentially in Exhibit D, Tab 1, Schedule 6. Information regarding the bids is the subject of this confidentiality request.

Only OEB staff filed a submission regarding the confidentiality request. OEB staff noted that as part of the 2019 DVA settlement proposal, parties (Enbridge Gas and intervenors) agreed that it would be appropriate to treat the RFP bid information as confidential.<sup>4</sup> Considering that the OEB had granted the confidentiality request for

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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 and EB-2021-0149.

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

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

similar information in the 2019 and 2020 DVA proceedings<sup>5</sup>, OEB staff submitted that it would be appropriate to treat similar information as confidential in the current proceeding (2021 DVA proceeding).

Enbridge Gas did not file a reply.

## 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 information filed in the 2019 and 2020 DVA proceedings for which the OEB approved confidential treatment. In those proceedings, the OEB found that the information was “*commercially sensitive with respect to future storage procurements and related negotiations*”.<sup>6</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>7</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 previous proceedings. The OEB further reiterates that this information is commercially sensitive with respect to future storage procurements and related negotiations.

## 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.

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](#).

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<sup>5</sup> EB-2020-0134 and EB-2021-0149

<sup>6</sup> *ibid*

<sup>7</sup> Practice Direction on Confidential Filings, February 17, 2021, Appendix A, p. 1.

Please quote file number, **EB-2022-0110** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

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

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

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

**DATED** at Toronto, **July 29, 2022**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar