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Enbridge Gas Inc.
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August 31, 2022

VIA EMAIL and RESS

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

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Ontario Energy Board (OEB) File: EB-2021-0002
Multi-Year Demand Side Management Plan (2022-2027) (“Application”)
Update on NRCan Agreement and Request for Confidential Treatment**

Enbridge Gas is writing to provide an update with regards to the outcomes from its negotiations with the Department of Natural Resources (NRCan).

During the Presentation Day, Enbridge Gas informed parties that it was in confidential negotiations with NRCan with an objective of jointly funding an Ontario wide program. At that time, Enbridge Gas did not expect any changes to the proposed DSM budgets, or scorecard structures and metrics, and noted there may be a possible change to the Residential target depending on the final forecast and attribution agreement.

On August 26, 2022 Enbridge Gas executed an Agreement with NRCan (the “Agreement” refers to both Attachments 1 and 2 identified below). The Agreement is consistent with the attribution principles as set out in the current (and proposed) DSM Framework.¹ Based on the Agreement, Enbridge Gas confirms that there are no changes required to the budget, scorecard or targets that Enbridge Gas proposed and therefore, there are no amendments required to the Application and proposed DSM Plan as filed on September 29, 2021.²

Enbridge Gas has attached the following to this cover letter:

1. Attachment 1 – Final Contribution Agreement (redacted public version)
2. Attachment 2 – Enbridge Gas and CGHG Final Program Details Proposal
3. Attachment 3 – Agreement Overview and Q&A
4. Attachment 4 – NRCan Letter Supporting Confidential Treatment

Enbridge Gas notes that although the Agreement does not necessitate any changes to the Application and the proposed DSM Plan, Enbridge Gas understands that parties

¹ The MOE has acknowledged the efforts made between Enbridge Gas and NRCan in keeping with the principle of not displace or duplicate provincial programs. Please see Attachment 5.

² Application and Evidence originally filed May 3, 2021. Updated Application and Evidence filed Sept 29, 2021 to remove reference to 2022 after receiving OEB Decision on 2022 DSM activities.

may be interested in understanding what the joint program offers Ontario residents. Enbridge Gas has taken the liberty to prepare a summary of the Agreement as well as a Q&A at Attachment 3 to help facilitate this understanding. However for the reasons set out below, certain portions of this attachment require confidential treatment over the short term.

In accordance with the OEB's revised Practice Direction on Confidential Filings effective December 17, 2021 (the "Practice Direction"), Enbridge Gas is requesting confidential treatment of the attachments listed below. While there are several grounds which support granting confidential treatment, the details of which are further described in the table below, it is appropriate to first provide some context.

As the joint operation of the program will not commence until later this year, NRCan has specifically requested, and Enbridge Gas has agreed, that the details of the joint program should not be revealed until the joint program is announced. To disclose this information early would likely negatively impact the current programs being offered by NRCan and Enbridge Gas and would create confusion in the marketplace. Enbridge Gas is of the view that the early release of this information would have a material negative impact on its 2022 DSM Plan residential program offerings. These are precisely the concerns that are identified in the Practice Direction at Appendix A (a) (i) - (iv). This request for temporary confidential treatment relates to the program details of the combined program including specific measures included, eligible participants, incentive amounts and other details which, if disclosed, might tend to encourage current potential DSM and Greener Homes participants to question their participation at this time resulting in the loss of participants in 2022. It should however be noted that this information will be made public contemporaneously with the announcement of the joint program and thus, the request for confidential treatment is only temporary.

In addition, not surprisingly, there are provisions in the Attachments for which confidential treatment is sought on a permanent basis. There are at a high level two grounds which support such treatment. First, releasing such information would result in the harms identified in the Practice Direction Appendix A (a) and/or because the information consists of some of the types and categories of information listed in the Practice Direction Appendix B.

The second justification for certain redactions is that in many instances, the information is irrelevant from the perspective of the Application currently before the OEB. The Agreement is a commercial document between two parties many of the terms of which have no application or impact on the DSM Plan filed by Enbridge Gas as part of the Application. However, in the interests of transparency, Enbridge Gas has erred on the side of disclosure and it does not seek confidential treatment in respect of all irrelevant provisions of the Attachments. Enbridge Gas takes the position that by not requesting confidential treatment in respect of some of the irrelevant provisions of the Attachments does not otherwise diminish its request for confidential treatment for the redacted provisions pursuant to section 11 of the Practice Direction.

The details of the specific information for which confidential treatment is sought are set out below:

Attachment	Description of Document	Brief Description	Basis for Confidentiality Claim
Attachment 1	Contribution Agreement between Enbridge Gas and NRCan	Contains financial contributions of NRCan, methods of payment, associated terms and conditions	<p>This document contains the identity of individuals and their contact information. This information has been redacted for reasons of privacy. The agreement also contains numerous commercial terms that are not relevant to the Application. While not all irrelevant terms have been redacted for reasons stated above, section 7, which deals with the method of payment by the Government and section 13, which deals with the obligations of Enbridge Gas to report to the Government are matters wholly between the parties and of no relevance to the Application. As well, that portion of Schedule B which consists of the breakdown of its forecast costs for NRCan is also not relevant. Confidential treatment under section 11 of the Practice Direction is therefore sought for the above noted portions of this attachment.</p>

Attachment 2	Enbridge Gas and CGHG Final Program Details Proposal	Contains program details of the jointly funded Ontario-wide program	<p>Program details of the joint program have not yet been publicly announced. If these are made publicly available before such an announcement, it may impact Enbridge Gas's ongoing partnership with service providers and the results of the current 2022 DSM Plan. It will also likely negatively affect the operation of NRCan's Greener Homes program until the announcement of the joint program is made. Confidential treatment of these provisions is therefore sought under the Practice Direction Appendix A (a) (i) thru (iv) given that the harms identified at these subsections are likely to materialize if disclosure is made before the joint program announcement. Enbridge Gas further notes that this information is of the type and category of information listed in Appendix B of the Practice Direction.</p> <p>Enbridge Gas will make this Attachment publically available at the time there is a joint announcement by Enbridge Gas and NRCan which is anticipated to be late fall 2022.</p> <p>The redactions also include certain financial information at the tables towards the end of the attachment. These financials relate entirely to the forecast and breakdown of NRCan costs by categories chosen by the Government</p>
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			for internal purposes using NRCan's fiscal year end which is March 31. As these are Government forecasts in respect of its spending by its fiscal year which is a different time period than used by Enbridge Gas for the purposes of the Application, they are not relevant.
Attachment 3	Agreement Overview and Q&A	Contains program details of the jointly funded Ontario-wide program	Program details of the joint program have not yet been publicly announced. If these are made publicly available before such an announcement, it may impact Enbridge Gas's ongoing partnership with service providers and the results of the current 2022 DSM Plan. It will also likely negatively affect the operation of NRCan's Greener Homes program until the announcement of the joint program is made. This attachment contains joint program information at a level even more granular than Attachment 2 making this information even more likely damaging if disclosed. Confidential treatment of these provisions is therefore sought under the Practice Direction Appendix A (a) (i) thru (iv) given that the harms identified at these subsections are likely to materialize if disclosure is made before the joint program announcement. Enbridge Gas further notes that this information is of the type and category of

			<p>information listed in Appendix B of the Practice Direction.</p> <p>Enbridge Gas will make this Attachment publically available at the time there is a joint announcement by Enbridge Gas and NRCan which is anticipated to be late fall 2022.</p>
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Enbridge Gas also attaches a Letter from NRCan indicating it's support for the request for confidential treatment of program details until such time parties make a formal announcement. The Letter is attached as Attachment 4.

The information that is the subject of the above requests for confidential treatment has been redacted in the version of each of the above attachments which has been made publicly available. In accordance with the Practice Direction, Enbridge Gas has filed with the OEB an unredacted clean version of each together with a version which identifies those provisions for which confidential treatment is sought temporarily (until the joint program is announced later this year) and those provisions for which confidential treatment is sought permanently given that the provisions are either or both irrelevant and/or because they are of such a nature that confidential treatment is warranted.

Please contact the undersigned if you have any questions.

Yours truly,

Asha Patel
Technical Manager Regulatory Applications

cc: D. O'Leary, Aird & Berlis – Via email
EB-2021-0002 Intervenors – Via email