



Enbridge Gas Inc.

**Application for Multi-Year Natural Gas Demand Side
Management Plan (2022 to 2027)**

**PARTIAL DECISION ON CONFIDENTIALITY AND
PROCEDURAL ORDER NO. 7
September 9, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) for approval of a new natural gas demand side management (DSM) policy framework, effective January 1, 2022, as well as approval of a new multi-year DSM plan, inclusive of budgets, programs and targets from January 1, 2022 to December 31, 2027.

Enbridge Gas's Agreement with Natural Resources Canada

On September 1, 2022, Enbridge Gas filed an update regarding the outcome from its negotiations with Natural Resources Canada regarding the joint delivery of the federal Green Homes Grant Program and Enbridge Gas's Residential Whole Home program. Enbridge Gas has provided a copy of the agreement documentation (EGI-NRCan Agreement). Enbridge Gas has also requested confidential treatment of various aspects of that documentation. The OEB has reviewed the new evidence and as explained further below, has decided on part of Enbridge Gas's request for confidential treatment, and is also providing an opportunity for parties to make submissions on (i) the balance of Enbridge Gas's request for confidentiality and (ii) the implications of the EGI-NRCan Agreement for the proposed DSM plan. The OEB will consider these submissions from the parties before releasing its decision on the DSM application.

The OEB is mindful that the EGI-NRCan Agreement sets out certain program details that may necessitate change depending on the OEB's Decision on Enbridge Gas's application and its proposed Residential Whole Home offering. Enbridge Gas has advised that an EGI-NRCan Agreement announcement is planned for "late fall 2022". The OEB is providing for a tight schedule for submissions and is working to release its decision as soon as possible.

Confidentiality Request

Enbridge Gas requested confidential treatment for certain information contained in the following documents:

1. Attachment 1 - Contribution Agreement between Enbridge Gas and NRCan
2. Attachment 2 - Enbridge Gas and the CGHG Final Program Details Proposal
3. Attachment 3 - Agreement Overview and Question & Answer

In accordance with the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction), Enbridge Gas filed redacted copies of the documents. Copies of the un-redacted documents were filed separately in confidence.

Findings

Redactions requested for reasons of privacy

Enbridge Gas proposed to redact the names, business titles and contact information of employees of either Enbridge Gas or NRCan for "reasons of privacy". The OEB notes that this information fits within the business identity information exclusion from the definition of personal information in section 2(3) of the [Freedom of Information and Protection of Privacy Act](#) and does not require redaction.

Confidentiality request pending public announcement

Enbridge Gas has also requested temporary confidential treatment of the EGI-NRCan Agreement pending a public announcement to avoid public confusion between the current programs being delivered by Enbridge Gas and NRCan and the joint program that might compromise the efficiency of the start-up of the program. The OEB approves this request. The OEB is also making provision for submissions on the implications of the EGI-NRCan Agreement for the proposed DSM plan. Those submissions, including the reply from Enbridge Gas, will also be treated as confidential on a provisional basis. Parties will file their submissions on a confidential basis and shall only provide copies to intervenor representatives that have signed a Declaration and Undertaking to the OEB.

Redactions requested based on relevance

Having reviewed the information provided in support of its confidentiality requests, the OEB directs Enbridge Gas to file a further table that specifically sets out the basis for each of the remaining redactions, consistent with section 5.1.4(b) of the Practice

Direction.¹ Enbridge Gas shall also provide a confidential unredacted version of the documents to intervenors that have signed the OEB's standard declaration and undertaking.

The OEB further seeks additional explanation on the information that has been redacted for non-relevance. While redactions for irrelevance are contemplated under Part 11 of the Practice Direction, the OEB notes that such requests are to be the exception and not the rule. In the Chief Commissioner's December 17, 2021 letter attaching revisions to the Practice Direction, she stated: "There is, however, no requirement to redact out non-relevant information from a document that also contains relevant information and generally the OEB would not expect parties to do so absent a particular concern about the non-relevant information being made public."² The OEB asks that Enbridge Gas review its proposed redactions for irrelevance with this in mind and provide further explanation of the specific concern that arises from the public disclosure of the information it seeks to redact for irrelevance.

After Enbridge Gas files the required additional information, the OEB is making provision for parties and OEB staff to file any objections they may have to the outstanding confidentiality claims of Enbridge Gas. Enbridge Gas will then have a right to reply to any such objections.

THE ONTARIO ENERGY BOARD ORDERS:

1. Enbridge Gas shall provide a confidential unredacted version of the documents to intervenor representatives that have signed the OEB's standard declaration and undertaking.
2. Enbridge Gas shall file further information in support of its confidentiality requests with the OEB and copy all parties by **September 14, 2022**.
3. Intervenors and OEB staff who wish to file an objection to Enbridge Gas's request for confidentiality, shall file it with the OEB and copy all parties by **September 19, 2022**.

¹ Section 5.1.4(b) requires a person requesting confidentiality to file "a table which sets out for each piece of information for which confidential treatment is requested: (i) the specific page(s) that are redacted; (ii) whether the redacted information fits within a presumptively confidential category included in Appendix B, if applicable; and (iii) where (ii) does not apply, the basis for the confidentiality claim, including references to Appendix A, if applicable, and the reasons why public disclosure of that information would be detrimental".

² [Letter re: Adoption of Amendments to the Practice Direction on Confidential Filings and related revisions to the Rules of Practice and Procedure, Rules of Practice and Procedure for Enforcement Proceedings, and the Standard Declaration and Undertaking Form](#), December 17, 2021, page 5.

4. Intervenor and OEB Staff who wish to make submissions on the implications of the agreement with NRCan shall file them with the OEB and provide a copy to Enbridge Gas and intervenor representatives who have signed the OEB's Declaration and Undertaking by **September 19, 2022**.
5. Enbridge Gas shall file its reply submission concerning its confidentiality requests and the implications of the agreement with NRCan with the OEB and provide a copy to intervenor representatives who have signed the OEB's Declaration and Undertaking **September 23, 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-2021-0002** 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 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, Josh Wasylyk at Josh.Wasylyk@oeb.ca and OEB staff counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, September 9, 2022
ONTARIO ENERGY BOARD

Nancy Marconi
Registrar