



Asha Patel
Technical Manager, Regulatory
Regulatory Affairs

Tel: 416-495-5642
Email: Asha.Patel@enbridge.com
EGIRegulatoryProceedings@enbridge.com

Enbridge Gas Inc.
500 Consumers Road
North York, Ontario
M2J 1P8

September 14, 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 for Request for Confidential Treatment**

In accordance with Procedural Order No. 7, Enbridge Gas is providing additional explanations on the information that was redacted for non-relevance in the August 31, 2022 submission. While additional explanations are set out in the table below, the following comments apply generally to the information redacted for non-relevance.

Procedural Order No. 7 refers to the December 17, 2021 Chief Commissioners Letter. Enbridge Gas notes that this letter also states at page 5: “...in the past, parties have sometimes made redactions for non-relevance which were reviewed and verified by the panel of OEB Commissioners adjudicating a given matter”. The letter goes on to state that while the OEB generally expects only relevant information to be filed in a proceeding “... in some circumstances, a party may need to file a document that contains some information that is relevant and other information that is not relevant to a particular proceeding. Recognizing this, the OEB has added a new Part 11 to the Practice Direction that addresses what a party should do if it seeks to redact non-relevant information from its filing and how the OEB will address such requests”.

In this instance, the information is contained in a negotiated agreement with a non regulated counter party which means that it was not possible to exclude irrelevant provisions from this agreement as many were included specifically for the benefit of the counter party. While Enbridge Gas views much of the Contribution Agreement as irrelevant, it did not propose to redact all of the non-relevant sections in the interests of transparency. It does however have concern where irrelevant provisions will be disclosed that might complicate or confuse matters in a future regulatory proceeding in that the information is not compatible (ex. different year ends and figures generated by a counter party for reasons internal to it, with some figures on a different basis than

seemingly comparable figures in the evidentiary filing¹) and/or because it could set a precedent and standard that will be demanded by other counter parties in future which Enbridge Gas may view as unwarranted. Enbridge Gas submits that there is no purpose served by the disclosure of the information for which confidential treatment for reasons of irrelevancy have been made.

Attachment	Description of Document	Basis for Confidentiality as filed August 31, 2022	Basis for Confidentiality – Additional Explanation
Attachment 1, Page 5 of 17, Section 7 – Method of Payment	Contribution Agreement between Enbridge Gas and NRCan	<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>	<p>This section details payment terms between Enbridge Gas and NRCan. These details are not relevant and have no impact to Enbridge Gas's DSM Plan.</p> <p>In addition, the method of payment is a specific negotiated term which could impede NRCan and/or Enbridge Gas's ability to negotiate payment terms in the future and thereby potentially cause a prejudice to its competitive position (Appendix A part a (i) and (iii))</p>

¹ Attachment 2, page 32 states in unredacted form, "Other Sources of funding: "***Estimate based on filed Residential Whole Home program offering budget for 2023-2027, **excluding budget for participants that are not the owner's primary residence funded by Enbridge Gas.** Amount may change based on the pending OEB decision for the proposed 2023-2027 DSM Plan" [**Emphasis added**]

<p>Attachment 1, Page 8 of 17, Section 13 – Reports</p>	<p>Contribution Agreement between Enbridge Gas and NRCan</p>	<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>	<p>This section details reporting obligations of Enbridge Gas to NRCan which are based on a fiscal period ending March 31. While Enbridge Gas does not take issue to disclosing its obligations of reporting to NRCan as detailed in Section 13 to parties to this proceeding, it does not want to give the impression that reports will then be made available to all parties and/or that such reports are relevant for regulatory purposes.</p> <p>Enbridge Gas does however have concern that the release of this information publicly might cause other counterparties in future to demand similarly comprehensive reporting requirements which Enbridge Gas may view as are overly burdensome and costly. Additionally, if other counter parties are aware of the potential requirement to disclose irrelevant information, it may inhibit Enbridge Gas from coming to appropriate agreement(s) in the future that would ultimately benefit ratepayers. For these reasons, Enbridge Gas believes that this information should remain confidential (Appendix A part a (i) and (iii)).</p> <p>Given that the fiscal period ends are different between both NRCan and Enbridge Gas (i.e. NRCan has a March 31 fiscal year end whereas Enbridge has a Dec 31 year end), any reporting to NRCan</p>
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			would not be relevant nor helpful to parties. In addition the reports may result in confusion amongst parties if parties start to compare these reports against Enbridge Gas's annual DSM and Financial Reports.
Attachment 1, Page 16 of 17, Schedule B – Section 1	Contribution Agreement between Enbridge Gas and NRCan	<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.</p> <p>Confidential treatment under section 11 of the Practice Direction is therefore sought for the above noted portions of this attachment.</p>	<p>This section of Schedule B sets out financial contributions of NRCan split out by "Tasks" based on a fiscal year ending March 31. This detail is not relevant as it is on a fiscal period end basis that is different than Enbridge Gas. The figures are budget forecasts prepared by NRCan which have been allocated based upon its internal determinations. What portion of a tasks forecast budget for the two fiscal years which overlap a calendar year is not known nor is it relevant. Disclosing this information may result in confusion amongst parties when compared to Enbridge Gas's financial contributions. Results will all be determined based on actual spending by both Enbridge Gas and NRCan during the applicable calendar year.</p>

Attachment 2, Page 30 and 31 of 42	Enbridge Gas and CGHG Final Program Details Proposal	<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 publicly 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</p>	As stated previously this financial information relates entirely to the forecast and breakdown of NRCan costs by categories chosen by the Government for internal purposes using NRCan's fiscal year end which is March 31. This information would not be relevant nor helpful to parties. In addition, the reports may result in confusion amongst parties if parties attempt to compare these reports against Enbridge Gas's annual DSM and Financial Reports.
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		by categories chosen by the Government 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 2, Page 33 of 42 Reconciliation/ Procedures and Interest	Enbridge Gas and CGHG Final Program Details Proposal		<p>This section details certain Funding Reconciliation and Interest terms between Enbridge Gas and NRCan. These details are not relevant and have no impact to Enbridge Gas's DSM Plan.</p> <p>In addition, these terms are specific negotiated terms which could impede NRCan and or Enbridge Gas's ability to negotiate in the future and thereby potentially cause a prejudice to its competitive position (Appendix A part a (i) and (iii)).</p>

In addition, as per OEB direction in Procedural Order No. 7, Enbridge Gas has unredacted the names, business titles and contact information of Enbridge Gas and NRCan employees.

Enbridge Gas has attached the following to this cover letter with updates as noted above:

1. Attachment 1 – Final Contribution Agreement
2. Attachment 2 – Enbridge Gas and CGHG Final Program Details Proposal

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 (already approved by the OEB in Procedural Order No. 7) and those provisions for which confidential

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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