



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Municipality of Chatham
Kent, Municipality of Lakeshore, Town of Kingsville and
Municipality of Leamington**

DECISION ON CONFIDENTIALITY

November 1, 2022

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 10, 2022, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 19 kilometres of natural gas pipeline from its Dover Transmission Station in the Municipality of Chatham Kent to its existing pipeline in the Municipality of Lakeshore, and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington (Project). The Project also involves valve site station work required to tie-in the proposed pipelines. Enbridge Gas 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 Project.

The OEB issued the Notice of Hearing on July 4, 2022, and Procedural Order No. 1 on August 12, 2022.

Procedural Order No. 1, issued on August 12, 2022, set the schedule for written discovery by interrogatories and for a transcribed technical conference.

On October 6, 2022 and October 7, 2022, the OEB held a two-day transcribed technical conference. Procedural Order No. 1 set an October 14, 2022 date for written responses to undertakings from the technical conference. On October 12, 2022, Enbridge Gas requested an extension to file its written responses to undertakings to October 19, 2022. On October 14, 2022 the OEB issued Procedural Order No. 2, which set the procedural schedule for the remainder of the written hearing including granting the extension to Enbridge Gas to file undertakings, filing of intervenor evidence and Enbridge Gas's reply evidence, written discovery on intervenor and Enbridge Gas's reply evidence, filing of the argument-in-chief, filing of intervenor written submission and filing of Enbridge

Gas's reply submission. In Procedural Order No. 2, the OEB also approved Enbridge Gas's request for confidential treatment of certain interrogatory responses.

Request for Confidential Treatment of Certain Technical Conference Undertakings

Enbridge Gas in its letter dated October 19, 2022 requested that the redacted information contained in its technical conference undertakings JT1.21, JT1.23, JT1.33 and JT2.1 be granted confidential treatment. Enbridge Gas stated that the information is commercially sensitive, considered to be presumptively confidential and consists of commercially sensitive information that Enbridge Gas has consistently treated as confidential and that its disclosure could prejudice competitive positions or interfere with ongoing negotiations.

Parties that wished to make submissions on the confidentiality requests were to follow the timelines and process in sections 5.1.6, 5.1.7 and 5.1.8 of the Practice Direction on Confidential Filings.

No parties filed submissions.

Findings

The OEB has considered the confidentiality requests in accordance with the Practice Direction on Confidential Filings.

The OEB finds that consistent with the confidentiality findings in Procedural Order No. 2 the information contained in JT1.33 and JT2.1 is commercially sensitive containing the names of firms with contract details and therefore approves the redaction and confidential treatment of the customer names in both documents.

Notwithstanding that parties did not object to Enbridge Gas's confidentiality requests, the OEB denies Enbridge Gas's request for confidential treatment of JT1.21 and JT1.23. The information is aggregated information and does not disclose commercially sensitive information about individual customers. The information in the two undertakings does not appear to match any of the categories of "presumptively confidential" information from the Practice Direction on Confidential Filings. Enbridge Gas has not explained how the disclosure of this information could prejudice competitive positions or interfere with ongoing negotiations.

THE ONTARIO ENERGY BOARD ORDERS:

1. Enbridge Gas's request for the confidential treatment of the customer names contained in its responses to technical conference undertakings JT1.33 and JT2.1 is granted. The redacted information in these exhibits shall only be provided to individuals that have signed and filed a Declaration and Undertaking.
2. Enbridge Gas's request for the confidential treatment of the information contained in its responses to technical conference undertakings JT1.21 and JT1.23 is denied.
3. Enbridge Gas shall file unredacted versions of undertakings JT1.21 and JT1.23 by November 7, 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-2022-0157** 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 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, Zora Crnojacki at Zora.Crnojacki@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, **November 1, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar