

Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

November 7, 2022

**EB-2022-0203 – Ridge Landfill RNG Leave to Construct
Pollution Probe Submission Related to Enbridge Confidential Request**

Dear Ms. Marconi:

Pollution Probe is in receipt of Procedural Order No. 1 for the above noted proceeding which outlined the OEB process for consideration of Enbridge's request that certain information in its public filing be treated as confidential. The OEB's general policy is that all records should be open for inspection by any person unless disclosure of the record is prohibited by law. This reflects the OEB's view that its proceedings should be open, transparent, and accessible. The OEB therefore generally places materials it receives in the course of the exercise of its authority under the Ontario Energy Board Act, 1998 and other legislation on the public record so that all interested parties can have equal access to those materials¹. Pollution Probe supports the OEB limiting confidential treatment except in absolute circumstances aligning with the OEB's Practice Direction.

Enbridge Gas has requested confidential treatment for personal information in the Environmental Report (Exhibit F/Tab 1/Schedule 1/Attachment 1) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/Attachment 4). Pollution Probe has no overall concern with treating personal information related to individual landowners as confidential. Of course, confidential treatment should only apply to individual landowners and not businesses or corporations that own land along the propose route, which would be considered business information and not personal information under the Freedom of Information and Protection of Privacy Act. Section 10 of the Practice Direction on Confidential Filings clearly indicates that "Personal information includes recorded information about an identifiable individual that is of a personal nature. Examples of information fitting within the definition of personal information are set out in section 2(1) of FIPPA. Section 2(3) of FIPPA states that the name, title, and contact information of a person acting in a business, professional, or official capacity is not personal information".

Pollution Probe understands that OEB Staff has access to the unredacted confidential documents (required to be filed by Enbridge in accordance with Section 5.1.5 of the Practice Direction on Confidential Filings) and therefore OEB Staff is in a position to review the full landowner list to ensure that only individual personal information has been redacted. Pollution Probe is not proposing to duplicate that review process.

¹ Section 1 of the Practice Direction on Confidential Filings

Enbridge Gas has also requested confidential treatment for certain information relating to load profiles, energy usage and billing in the Executed M13 Contract (Exhibit E/Tab 1/Schedule 1/Attachment 1), on the grounds that the information is categorized as presumptive confidential information. As indicated by the OEB, Pollution Probe previously submitted that this information is typical business information and is related directly to the principal purpose of the proposed pipeline and that the basis for confidentiality is unclear. There is no basis² for treating any of the information within the Executed M13 business contract as confidential and the full unredacted information should be placed on the public record. Furthermore, the information in the business contract is a core basis supporting Enbridge's Leave to Construct request. It is no secret that the proposed pipeline is a dedicated pipeline solely for the purpose of a single customer and that the full capacity of the proposed pipeline will serve this customer. Treating the business contract information as confidential will lead to a less open, transparent, and accessible proceeding and could result in procedural inefficiencies and additional costs related to review and consideration of information deemed confidential.

Respectfully submitted on behalf of Pollution Probe.



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² Including those contained in Appendix A or Appendix B of the Practice Direction on Confidential Filings.