

November 8, 2022

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

Attention: Nancy Marconi

Dear Ms. Marconi:

**Re: Enbridge Gas Inc. Ontario Energy Board File: EB-2022-0157  
Panhandle Regional Expansion Project  
Request for Review of Decision on Confidentiality**

This letter is in response to the Ontario Energy Board's (OEB) November 1, 2022 Decision on Confidentiality in the above-referenced proceeding (the "Confidentiality Decision"), and is further to Enbridge Gas Inc.'s (EGI) November 4, 2022 letter advising of its intention to seek a review of the Confidentiality Decision.

In the Confidentiality Decision, the OEB denied EGI's requests for confidential treatment of redacted information contained in its technical conference undertakings JT1.21 and JT1.23. As contemplated by section 5.1.15 of the OEB's *Practice Direction on Confidential Filings*, EGI hereby requests, for the reasons set out below, that the OEB review and reverse its decision to deny confidential treatment to the redacted information in JT1.21 and JT1.23.

**Background**

In JT1.21, EGI undertook to make best efforts to restate a table filed in response to interrogatory ED-3, setting out the Panhandle System Design Day Demand Forecast, using cubic meters per hour. In JT1.23, EGI undertook to restate that same table from interrogatory ED-3 showing greenhouse customers broken out from the contract firm category. EGI's responses to both undertakings noted the need for confidential treatment of the redacted content in the tables to preserve the confidentiality of customer-specific commercially sensitive information, the disclosure of which could divulge the nature and timing of customer investment decisions.

In its October 19, 2022 cover letter for the undertaking responses, EGI further articulated the basis for these confidentiality requests, noting in each case that the redactions relate to information that is commercially sensitive, considered to be presumptively confidential, and that consists of financial and/or commercial material that EGI has consistently treated as confidential. Moreover, EGI noted that disclosure could prejudice competitive positions and/or interfere with ongoing negotiations. While parties were provided with an opportunity to make submissions on these confidentiality requests, no parties filed any such submissions.

The OEB denied these requests in the Confidentiality Decision on the basis that “(t)he 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.”

### **Reasons for Review**

EGI respectfully submits that the Confidentiality Decision is not correct in its findings that the information is aggregated and does not disclose commercially sensitive information about individual customers, and that the information does not match any of the categories of presumptively confidential information. EGI acknowledges that its requests in respect of JT1.21 and JT1.23 may not have explained the basis for the requests with sufficient clarity to enable the OEB to easily recognize the presence of individual customer information.

At p. 2 of the response to ED-3, EGI provided a table setting out the Panhandle System Design Day Demand Forecast. The table provides a breakdown of the forecast among (a) General Service Firm, (b) Contract Firm, and (c) Power Generators – Firm Contract Only. Undertaking JT1.23 required EGI to break out greenhouse customers from the “Contract Firm” category. That breaking out of greenhouse customers from the “Contract Firm” category is also reflected in Undertaking JT1.21. As can be seen in both of these undertaking responses, there are four categories, with Contract Firm having been split into “Greenhouse – Firm Contract Only” and “Large Commercial/Industrial – Firm Contract Only”.

The issue, which was regrettably not explicit in EGI’s initial request, is that while the information for Contract Firm customers was presented on an aggregated basis in ED-3, the requirement to disaggregate the greenhouse customers from non-greenhouse customers for purposes of responding to the undertakings results in the “Large Commercial/Industrial” category disclosing commercially sensitive information about an individual customer, NextStar Energy. As identified in the evidence, NextStar Energy is a joint venture that is developing an electric vehicle battery manufacturing facility in Windsor, Ontario (see Exhibit B-1-1, p. 7 of updated application). The “Large Commercial/Industrial” category reveals information about the timing and volume of incremental forecast demand attributable to NextStar.

Providing the redacted portions of the tables in JT1.21 and JT1.23 on the public record would disclose the timing and volume of incremental energy demand for that individual customer. The “Greenhouse” line must also be redacted so that forecast demand for NextStar Energy could not be calculated. In EGI’s view, the redacted information is presumptively confidential because it is information that would disclose load profile and energy usage information of a specific customer (consistent with item 3 of Appendix B in the Practice Direction).

EGI notified the impacted customer of the Confidentiality Decision. In response, NextStar Energy confirmed that it is concerned the Confidentiality Decision requires disclosure of the company’s confidential forecast demand information. NextStar advised EGI that public disclosure of this information would prejudice its competitive position as it pertains to its expected future energy use, noting that information about input materials, costs and amounts are highly confidential and closely guarded competitive secrets for manufacturing operations, and disclosure would give competitors in other jurisdictions an unfair advantage.

Based on the foregoing, EGI respectfully requests that the OEB reverse the relevant aspects of the Confidentiality Decision and approve EGI's requests for confidential treatment of the redacted information in JT1.21 and JT1.23.

Yours truly,

Charles Keizer