

November 10, 2022

Ms. Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.  
Application for Approval of Franchise Agreement – County of Essex  
Ontario Energy Board File No. EB-2022-0207**

Further to the questions submitted by Ontario Energy Board Staff related to the requested confidential treatment of a map that identifies Enbridge Gas' pipelines in the County of Essex, Enbridge Gas provides the following response.

**Reference:** EB-2022-0207, Enbridge Gas IR Responses, Exhibit B.Essex.1

**Preamble:**

Exhibit B. Essex.1 was filed with the interrogatory responses and consists of a map that identifies Enbridge Gas's pipelines in the County. Enbridge Gas has requested confidential treatment for the map, pursuant to the OEB's Practice Direction on Confidential Filings and cited the grounds for the confidential treatment of the exhibit being that the information contains sensitive information from public safety and system security perspectives.

While the OEB's general policy on requests for confidentiality (as stated in its Practice Direction on Confidential Filings) is that all evidence should be on the public record, the OEB has also recognized that some information may be of a confidential nature and should be protected. The onus is on the applicant requesting confidentiality to demonstrate why confidentiality is appropriate. The OEB requires further information about the confidentiality request for Exhibit B. Essex.1.

**Questions:**

- a) Is the mapping information contained in Exhibit B. Essex.1 available to, and/or accessible by, the public and under what circumstances?
- b) Has the mapping information in Exhibit B. Essex.1 or information of similar detail and resolution been disclosed on the public record in other Enbridge Gas proceedings?
- c) In the event that maps similar to Exhibit B. Essex.1 are publicly available, why is there a need for the OEB to grant confidentiality in this proceeding?

**Response:**

- a) In the Windsor Line LTC proceeding,<sup>1</sup> Enbridge Gas did file some detailed schematics of the proposed reinforcement pipeline<sup>2</sup> and provided a map in an IR response<sup>3</sup> showing maximum and minimum operating pressures and flow direction of pipeline within the County. In the Windsor Pipeline Replacement Section 101 Application,<sup>4</sup> Enbridge Gas filed a map showing the location of the proposed reinforcement pipeline only<sup>5</sup>. However, these maps and drawings were not at the detailed level as is provided in the current proceeding in the map attached to Exhibit B.Essex.1 for the whole County of Essex.

Enbridge Gas does not typically share maps that show specific locations of gas distribution and transmission facilities with third parties since this information is considered by Enbridge Gas to be confidential and proprietary information. If Enbridge Gas does share facilities-related information with third parties, it does so pursuant to a confidentiality undertaking or license to use the information for restricted purposes and to treat the information as confidential. For example, Enbridge Gas may share information regarding facilities locations with municipalities, Ontario One Call and operations service providers for limited purposes. Enbridge Gas notes that its distribution and transmission facilities maps are subject to change on a frequent basis and a static map may only be valid for a short period of time.

- b) Enbridge Gas is not aware of any circumstance where all the detailed information contained in the map attached to Exhibit B.Essex.1 has been disclosed on the public record in other Enbridge Gas proceedings.
- c) The public disclosure of specific locations of gas distribution and transmission facilities poses both a safety and a security risk. Public access to this kind of information may allow third parties to determine gas system configurations and points of sensitivity or vulnerability that may expose Enbridge Gas to security risks. Further, persons planning developments or excavation projects may attempt to use the facilities information obtained from other sources in substitution for required facilities locates, despite the fact that obtaining locates is required by law.

Details of the location of gas distribution and transmission facilities can reveal customer information and such information is normally protected from public disclosure by the OEB (pursuant to the Gas Distribution Access Rule and Affiliate Relationships Code for Gas Utilities) and privacy legislation. If Enbridge Gas has gas distribution or transmission facilities located in a particular right of way or area, a third party could assume that the majority of residents and businesses in that area receive gas service. This would be especially discernible in more isolated areas where there are few businesses or residents. Although Enbridge Gas would not be revealing customer names and addresses directly, such information could easily be compiled with reasonable accuracy when combined with other publicly available information from other sources.

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<sup>1</sup> EB-2019-0172

<sup>2</sup> EB-2019-0172 - Exhibit C, Tab 7, Schedule 1

<sup>3</sup> EB-2019-0172 - Exhibit I.FRPO.6

<sup>4</sup> EB-2020-0160

<sup>5</sup> EB-2020-0160 - Exhibit B, Tab 1, Schedule 1, Attachment 1

In its EB-2017-0107 Decision and Order dated September 7, 2017, the OEB determined that details of the locations of Union Gas' facilities were not required when making a determination on an application regarding the Cambridge Certificate of Public Convenience and Necessity:

*“Together with the application, Union Gas included a map identifying all of the existing Union Gas gas mains in the City of Cambridge (Gas Mains Map). Union requested confidential treatment for the map, pursuant to the OEB’s Practice Direction on Confidential Filings. The grounds for its confidential treatment included that the information contained therein is proprietary and subject to periodic change; and that it contains highly sensitive information from public safety, system security and customer personal information perspectives.*

*On August 31, 2017, Union Gas filed a revised map delineating Union Gas’ service area boundaries in the City of Cambridge, as well as the general location and density of customers served, but not containing confidential information.*

...

*I find that the map submitted by Union Gas on August 31, 2017 adequately serves the purpose of the information being sought by the OEB in this proceeding; namely, to accurately inform the OEB of the distributor’s service boundaries in the City of Cambridge, as well as the general location and density of customers served. Given the sufficiency of the revised map in meeting the OEB’s purposes for deciding the application, the Gas Mains Map will be withdrawn from the record of this proceeding.”*

In EB-2017-0159, relating to the approval of a franchise agreement with the Town of Collingwood, in response to a request to provide a map of the Town of Collingwood showing the density and location of customers served, Enbridge Gas submitted a map identifying all of Enbridge Gas’s existing gas mains in the municipality. Enbridge Gas requested confidential treatment for the submitted map on the basis that the information contained therein was proprietary and subject to periodic change and that it contained highly sensitive information from public safety, system security and customer personal information perspectives. As an alternative, Enbridge Gas proposed filing a Density Map to show areas with gas service and coloured indicators of relative population density. The OEB accepted the proposed Density Map to accurately delineate a distributor’s service boundaries, as well as the general location and density of customers served.<sup>6</sup>

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<sup>6</sup> EB-2017-0159 - Decision on Confidentiality and Procedural Order No. 2, July 4, 2017

Should you have any questions on this submission, please do not hesitate to contact me.

Yours truly,

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cc (by email):        David Sundin, County of Essex ([dsundin@countyofessex.ca](mailto:dsundin@countyofessex.ca))