



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

**EB-2021-0002**

**Enbridge Gas Inc.**

**Application for Multi-Year Natural Gas Demand Side  
Management Plan (2022 to 2027)**

**CONFIDENTIALITY DECISION AND  
PROCEDURAL ORDER NO.8  
November 11, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) for approval of a new natural gas demand side management (DSM) policy framework, effective January 1, 2022, as well as approval of a new multi-year DSM plan, inclusive of budgets, programs and targets from January 1, 2022 to December 31, 2027.

The Ontario Energy Board (OEB) will issue its decision on Enbridge Gas's application for approval of a multi-year natural gas DSM plan (DSM Decision) on Tuesday, November 15, 2022. For the reasons explained below, the DSM Decision will initially be provided to parties to the proceeding on a confidential basis. The DSM Decision will be released publicly on November 21, 2022, and parties to the proceeding will be directly notified accordingly.

In its Partial Decision on Confidentiality and Procedural Order No. 7 dated September 9, 2022, the OEB addressed Enbridge Gas's request for temporary confidential treatment of its agreement with Natural Resources Canada for delivery of a joint residential whole home program in Ontario (EGI-NRCan Agreement) pending the public announcement of the joint program. In making its request, Enbridge Gas explained that confidential treatment was sought to avoid public confusion between the current programs being delivered by Enbridge Gas and Natural Resources Canada and the new joint program that might compromise the efficiency of the start-up of the new joint program. The OEB accepted Enbridge Gas's request and also extended confidential treatment to submissions made by the parties on the implications of the EGI-NRCan Agreement. The OEB also noted that the EGI-NRCan Agreement "sets out certain program details that may necessitate change depending on the OEB's Decision on Enbridge Gas's application and its proposed Residential Whole Home offering." The DSM Decision references information in respect of which the OEB has granted temporary confidential treatment.

The OEB will require parties to the proceeding to sign a Declaration and Undertaking specifically designed for this unique circumstance in order to receive a copy of the DSM Decision prior to its public release on November 21, 2022. Parties that wish to

receive the DSM Decision prior to November 21, 2022, including those that have already signed the standard Declaration and Undertaking in this proceeding, will be required to return a signed copy of the new Declaration and Undertaking attached as Schedule A to this Procedural Order to the following e-mail address:

[registrar@oeb.ca](mailto:registrar@oeb.ca).

Party representatives who have signed and returned the new Declaration and Undertaking will receive a link to a view only copy of the DSM Decision.

Temporary confidential treatment for the DSM Decision, the EGI-NRCan Agreement and related submissions will expire at the time of the public release of the DSM Decision on November 21, 2022. By end of day on November 17, 2022, the OEB will confirm with the parties the time for the public release of the DSM Decision on November 21, 2022.

### THE ONTARIO ENERGY BOARD ORDERS:

1. Any party representative seeking access to the DSM Decision prior to its public release on November 21, 2022 must return a signed copy of the Declaration and Undertaking attached as Schedule A to this order to the following email address: [registrar@oeb.ca](mailto:registrar@oeb.ca).
2. No party representative gaining access to the DSM Decision prior to November 21, 2022 shall provide any other person with a copy of the DSM Decision without prior approval of the OEB.
3. The temporary confidential treatment for the EGI-NRCan Agreement and related submissions, and the obligations under the Declaration and Undertaking will expire at the time of the public release of the DSM Decision on November 21, 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-2021-0002** 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](mailto: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 at the address below 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, Josh Wasylyk at [Josh.Wasylyk@oeb.ca](mailto:Josh.Wasylyk@oeb.ca) and OEB staff counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, **November 11, 2022**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar

**Schedule A**  
**Confidentiality Decision and Procedural Order No. 8**  
**Declaration and Undertaking**

**Enbridge Gas Inc.**  
**2022-2027 Natural Gas Demand Side Management Plan and Framework**  
**EB-2021-0002**

**Ontario Energy Board  
Form of Declaration and Undertaking**

**EB-2021-0002**

**IN THE MATTER OF AND APPLICATION BY ENBRIDGE GAS INC. FOR A MULTI-  
YEAR NATURAL GAS DEMAND SIDE MANAGEMENT PLAN (2022 to 2027)**

**DECLARATION AND UNDERTAKING**

Dennis M. O'Leary

Aird & Berlis LLP

I, [NAME], am counsel of record, a consultant or a representative for [ORGANIZATION]

**DECLARATION**

I declare that:

1. I have read the Rules of Practice and Procedure of the Ontario Energy Board (the "OEB"), the Practice Direction on Confidential Filings, and the OEB's Procedural Order No. 8 dated November 11, 2022.
2. I understand that this Declaration and Undertaking applies to the OEB's Decision and Order in EB-2021-0002, to be issued November 15, 2022 (the "Decision").
3. I understand that execution of this Declaration and Undertaking is a condition of being granted access to the Decision, and that as a condition of an order the OEB may apply to the Superior Court of Justice to enforce it.

**UNDERTAKING**

I undertake that:

1. I will not, without the prior written approval of the OEB, divulge any information contained in the Decision, including but not limited to the information that is the subject of the OEB's Partial Decision on Confidentiality and Procedural Order No. 7 issued on September 9, 2022 in this proceeding, except to:
  - a) another person granted access to the Decision by the OEB; or
  - b) a representative of my instructing client for the limited purpose of obtaining instructions, provided that the disclosure is limited to that necessary for the purpose of obtaining instructions and that the person to whom the information is disclosed has agreed to be bound by the terms of this Declaration and Undertaking.

2. I will not reproduce, in any manner, the whole or any portion of the Decision without the prior written approval of the OEB. For this purpose, reproducing the Decision includes scanning paper copies of the Decision, copying the Decision onto a diskette or other machine-readable media and saving the Decision onto a computer system.
3. I will protect the information in the Decision from unauthorized access.
4. I acknowledge that I am responsible for compliance with all applicable obligations under securities laws.
5. The Decision will no longer be confidential, and this Declaration and Undertaking will cease to apply, when the Decision is posted on the OEB's website on November 21, 2022.
6. I will inform the Registrar immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Toronto this 11th day of November, 2022.

Signature: 

Name: Dennis M. O'Leary

Company/Firm: Aird & Berlis LLP

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