



Enbridge Gas Inc.

**Application for approval of a Municipal Franchise
Agreement with the County of Essex**

DECISION ON CONFIDENTIALITY

November 23 2022

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on July 13, 2022, seeking orders under sections 9(4) and 10 of the *Municipal Franchises Act* for approval of a natural gas franchise agreement with the County of Essex (County). Enbridge Gas filed interrogatory responses on October 4, 2022, in accordance with Procedural Order No.1.

Confidentiality Request

Enbridge Gas filed “Exhibit B. Essex.1” with the interrogatory responses and is a map that identifies Enbridge Gas’s pipelines in the County. Enbridge Gas requested confidential treatment for the exhibit pursuant to the OEB’s [Practice Direction on Confidential Filings](#) (Practice Direction) 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.

The Practice Direction provides guidance on the general process for confidential filings and parties that wish to make submissions on the confidentiality request are to follow the timelines and process in sections 5.1.6, 5.1.7 and 5.1.8 of the guidelines. No other parties filed submissions on the confidentiality request.

Appendix A of the [Practice Direction](#) lists several considerations by which the OEB may factor when determining requests for confidentiality. The onus is on the applicant requesting confidentiality to demonstrate why confidentiality is appropriate.

In respect of the confidentiality request, the OEB issued a letter to Enbridge Gas on November 4, 2022, requesting additional information. In particular, the OEB sought further information in regards to the accessibility of “Exhibit B. Essex.1” to the public, whether “Exhibit B. Essex.1” or similar mapping information has been disclosed in other proceedings, and reasons that “Exhibit B. Essex.1” should be held confidential in the event that similar maps are publicly available.

By its letter dated November 15, 2022, Enbridge Gas submitted that distribution and transmission facilities can reveal customer information and cited the protection of customer information from public disclosure pursuant to the Gas Distribution Access Rule, Affiliate Relationships Code for Gas Utilities, and privacy legislation. Enbridge Gas provided that it is not aware of any circumstance where a map similar to “Exhibit B. Essex.1” has been disclosed on the public record and stated that a map showing reinforcement pipelines was filed in the proceeding for the Windsor Pipeline Replacement but that “Exhibit B. Essex.1” is far more detailed than the map filed in that proceeding. Enbridge Gas also submitted that if information related to specific locations of gas and transmission facilities is shared with third parties such as Ontario One Call, municipalities, or operation service providers, the information is for restricted purposes pursuant to a confidentiality undertaking or license to use the information.

Findings

The OEB has considered the information provided by Enbridge Gas and orders that “Exhibit B. Essex.1”, the map featuring a high-level outline of Enbridge Gas’s asset base in Essex Country, be excluded from the public record in this specific circumstance. In the result, the OEB will not, for the purposes of this application, decide on the issue of pipeline map confidentiality.

However, the OEB would find it helpful for Enbridge Gas to provide evidence in future applications to support confidential treatment of such maps when high- resolution, interactive maps of underground pipeline systems, including those of Enbridge Gas Inc are on the websites of other energy regulators, such as the Canadian Energy Regulator (CER). In particular, any necessity for confidentiality and security enforcement for Enbridge Gas assets posted on such websites should be addressed.

The OEB notes that maps featuring the pipeline assets over a geographical area can be a helpful resource to advancing the understanding of an application for both the regulator and the general public.

IT IS THEREFORE ORDERED THAT:

1. “Exhibit B. Essex.1” shall be excluded from the public record of this proceeding.

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-2022-0207** 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, Natalya Plummer at Natalya.Plummer@oeb.ca and OEB Counsel, Richard Lanni at Richard.Lanni@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **November 23 2022**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar