



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Municipality of Chatham
Kent, Municipality of Lakeshore, Town of Kingsville and
Municipality of Leamington**

DECISION ON CONFIDENTIALITY

January 27, 2023

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 10, 2022, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 19 kilometres of natural gas pipeline from its Dover Transmission Station in the Municipality of Chatham Kent to its existing pipeline in the Municipality of Lakeshore, and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington (Project). The Project also involves valve site station work required to tie in the proposed pipelines. Enbridge Gas also applied to the OEB for approval of the form of land-use agreements it has or will offer to landowners on the route of the Project.

Supplementary Questions by Three Fires Group

On November 1, 2022, Three Fires Group wrote requesting that Enbridge Gas provide answers to supplementary questions arising out of responses Enbridge Gas provided to undertakings made in the technical conference.

The OEB, in Procedural Order No. 3, ordered that Enbridge Gas file responses to the supplementary questions from Three Fires Group by November 28, 2022.

Request for Confidential Treatment of Certain Responses to Supplementary Questions by Three Fires Group

Enbridge Gas, in its letter dated November 28, 2022, requested that the redacted information contained in its supplementary responses to the questions submitted by Three Fires Group on November 1, 2022 be granted confidential treatment. Specifically,

Enbridge Gas requested confidential treatment of certain third party contractor work pricing/volume information in the following exhibits:

- Exhibit JT1.11 Supplementary Attachment 1, pages 2, 5, 14, 17, 20-22, and 29
- Exhibit JT1.11 Supplementary Attachment 3, pages 18 and 20
- Exhibit JT1.11 Supplementary Attachment 4, page 1

Enbridge Gas stated that the information is commercially sensitive, presumptively confidential and its disclosure could prejudice competitive positions and/or interfere with ongoing or future negotiations. Enbridge Gas filed unredacted and redacted versions of the supplementary responses in Exhibit JT1.11.

Parties that wished to make submissions on the confidentiality requests were to follow the timelines and process in sections 5.1.6, 5.1.7 and 5.1.8 of the [Practice Direction on Confidential Filings](#). No parties filed submissions.

Findings

The OEB has considered the confidentiality request in accordance with the [Practice Direction on Confidential Filings](#).

The OEB finds that the redacted information on third party contractor work pricing/volume contained in Exhibit JT1.11 Attachments 1, 3 and 4 is commercially sensitive as it contains the contract pricing, fees, individual billing rates and price in the service release order, and therefore approves the redaction and confidential treatment as requested by Enbridge Gas.

THE ONTARIO ENERGY BOARD ORDERS:

1. Enbridge Gas's request for the confidential treatment of the information contained in its responses to supplemental questions by Three Fires Group is approved. The information approved for the confidential treatment is redacted in the following documents:
 - Exhibit JT1.11 Supplementary Attachment 1, pages 2, 5, 14, 17, 20-22, and 29
 - Exhibit JT1.11 Supplementary Attachment 3, pages 18 and 20
 - Exhibit JT1.11 Supplementary Attachment 4, page 1

The redacted information in these exhibits shall only be provided to individuals that have signed and filed a Declaration and Undertaking.

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-2022-0157** 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, Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **January 27, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar