



EB-2022-0247

Enbridge Gas Inc.

**Application for leave to construct natural gas pipelines
in the City of Toronto**

DECISION ON CONFIDENTIALITY

March 30, 2023

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on December 7, 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 831 metres of natural gas pipelines in the City of Toronto. Enbridge Gas also plans to relocate a district station and bollard protection system onto a permanent easement. Enbridge Gas states that the project is needed to accommodate the construction of the Scarborough Subway Extension Transit Project, which is a collaboration between the Province of Ontario, the City of Toronto, and Metrolinx. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners affected by the routing and construction of the project.

The OEB issued a Notice of Hearing on January 13, 2023. Environmental Defence and Pollution Probe applied for intervenor status and cost eligibility. On February 14, 2023, the OEB issued Procedural Order No. 1, approving Environmental Defence and Pollution Probe as intervenors and set a schedule for the filing of interrogatories and submissions.

Enbridge Gas has requested confidential treatment for personal information in Exhibit F (Tab 1, Schedule 1, Attachment 1, page 286) and Exhibit G (Tab 1, Schedule 1, Attachment 3, pages 1-2) on the basis that this information contains names and contact information of property owners.

On January 5, 2023, Enbridge Gas filed an updated Exhibit F with further redactions to Exhibit F, Tab 1, Schedule 1, Attachment 1- pages 186 - 188; pages 227 - 254 and pages 256 - 263. However, Enbridge Gas did not provide an explanation for these additional redactions.

On March 10, 2023, Enbridge Gas filed responses to interrogatories and requested confidential treatment of the personal information identified in Exhibit I.STAFF.10, Attachment 1.

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.

On March 14, 2023, Pollution Probe submitted that content provided in confidence in Enbridge Gas's response (Exhibit I.STAFF.10) should not be afforded confidential treatment based on its understanding that all properties along the proposed pipelines are business properties and that no landowner is an individual requiring confidential treatment. Enbridge Gas responded to Pollution Probe's on March 16, 2023 stating that while all of the directly affected landowners are businesses, certain of the indirectly affected landowners are individual landowners from whom Metrolinx has expropriated lands.

Findings

The OEB has reviewed Enbridge Gas's request for the redaction of personal information contained in Enbridge Gas's December 7, 2022 letter. The OEB finds that the redacted information in Exhibit F (Tab 1, Schedule 1, Attachment 1, page 286) and Exhibit G (Tab 1, Schedule 1, Attachment 3, pages 1-2) is personal information as defined in the *Freedom of Information and Protection of Privacy Act* (FIPPA) and OEB's Practice Direction on Confidential Filings (Practice Direction). This information, which contains names and contact information of property owners, shall remain redacted and shall not be provided to parties to the proceeding. The OEB also finds that the information on individual landowners contained in Exhibit I.STAFF.10, Attachment 1 is personal information as defined in FIPPA and the Practice Direction. This information shall also remain redacted and shall not be provided to parties to the proceeding.

The OEB notes, however, that Enbridge Gas has not provided reasons for the redacted information in Exhibit F, Tab 1, Schedule 1, Attachment 1 (pages 186 to 188, pages 227 to 254 and pages 256 to 263). This information only includes street addresses with no names or other information to identify the property owners. The OEB does not consider this to be personal information as defined in FIPPA and OEB's Practice Direction since this information is not associated with an identifiable individual. The OEB will provide Enbridge Gas with the opportunity to explain the reasons for these redactions. Otherwise, this information shall be unredacted and placed on the public record.

THE ONTARIO ENERGY BOARD ORDERS:

1. Enbridge Gas shall provide an explanation for its proposed redactions in Exhibit F, Tab 1, Schedule 1, Attachment 1 (pages 186 to 188, pages 227 to 254, and pages 256 to 263) by **April 6, 2023**, or, in the alternative, file an unredacted version of the document to be placed on the public record.

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-2022-0247** 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, Judith Fernandes at Judith.Fernandes@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, March 30, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar