



Enbridge Gas Inc.

**Application for review of 2022 Utility Earnings and
Disposition of Deferral and Variance Account Balances**

DECISION ON CONFIDENTIALITY

September 20, 2023

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on June 14, 2023, under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order approving the disposition of balances in certain deferral and variance accounts (DVAs) and the sharing of earnings, if any, pursuant to a previously approved¹ earnings sharing mechanism.

As part of its pre-filed evidence, Enbridge Gas requested confidential treatment of certain information under the OEB's *Practice Direction on Confidential Filings* (Practice Direction). Enbridge Gas noted that similar information was treated as confidential in prior DVA proceedings.²

Enbridge Gas purchases market-based storage services on behalf of customers in the Enbridge Gas Distribution rate zone through a competitive blind storage Request for Proposal (RFP) process. The RFP process is overseen by Ernst & Young LLP, an independent third-party in accordance with the recommendations of OEB staff and intervenors in Enbridge Gas's five-year gas supply plan review.³ The RFP responses were received by Enbridge Gas in December 2021. Bids received and those that were selected were filed confidentially in Exhibit D, Tab 1, Schedule 6. Enbridge Gas has made this confidentiality request in respect of information regarding the bids. The OEB granted Enbridge Gas's confidentiality requests in respect of similar information in Enbridge Gas's 2019, 2020, and 2021 DVA proceedings.

No submissions were filed regarding the confidentiality request. Considering that, it is appropriate to treat similar information as confidential in this current proceeding (2022 DVA proceeding).

¹ EB-2017-0306 / 0307 Decision and Order August 30, 2018, application by Enbridge Gas Distribution Inc. and Union Gas Limited to amalgamate under the OEB's policy on mergers, acquisition, amalgamation and divestiture (MAADs Decision).

² EB-2021-0149 and EB-2022-0110.

³ EB-2019-0137, Final OEB Staff Report to the Ontario Energy Board, March 26, 2020.

Findings

The OEB approves the confidential treatment of the redacted information in Exhibit D, Tab 1, Schedule 6 related to RFP responses received for provision of market-based storage services. The information at issue is comparable to the information filed in the 2019, 2020 and 2021 DVA proceedings for which the OEB approved confidential treatment.⁴ In those proceedings, the OEB found that the information was “commercially sensitive with respect to future storage procurements and related negotiations”.⁵

The Practice Direction provides that one of the factors that the OEB may consider in addressing confidentiality is whether the type of information in question was previously held confidential by the OEB.⁶ The OEB finds that the information for which Enbridge Gas seeks confidential treatment in this proceeding is very similar to the information for which confidential treatment was granted in previous proceedings. The OEB reiterates that this information is commercially sensitive with respect to future storage procurements and related negotiations.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas’s request for confidential treatment is granted. Enbridge Gas shall provide individuals that have signed and filed a Declaration and Undertaking with the non-redacted, confidential versions of the documents described above for which confidential treatment has been granted.

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-2023-0092** 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 \(RESS\)](#)

⁴ EB-2020-0134, EB-2021-0149 and EB-2022-0110.

⁵ Ibid.

⁶ Practice Direction on Confidential Filings, December 17, 2021, Appendix A, p. 1.

[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.

Email: registrar@oeb.ca

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

DATED at Toronto, **September 20, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar