

Ms. Nancy Marconi  
Registrar  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

October 5, 2023

**EB-2023-0175 – Watford RNG Project Leave to Construct  
Pollution Probe Submission on Confidentiality Request**

Dear Ms. Marconi:

Pollution Probe is in receipt of Procedural Order No. 1 for the above-noted proceeding. The OEB notes the process to review Enbridge's request for confidentiality of certain information. In alignment with Pollution Probe's recommendations, the OEB reviewed the redacted information in the Environmental Report (Exhibit F/Tab 1/Schedule 1/Attachment 1) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/Attachment 4) and confirmed it is personal information. Pollution Probe believes that is appropriate treatment for that specific information.

Enbridge also indicated a desire for confidential treatment of information in E-1-1 related to project load profiles, energy usage and billing. The OEB has previously and repeatedly indicated to Enbridge that per the OEB's requirements, a request for confidential treatment is not a sufficient basis for considering such information confidential. There has been not sufficient basis provided to support the request for confidential treatment of this information.

The information in E-1-1 is typical business information relating directly to the principal purpose of the proposed pipeline and the basis for confidentiality is unclear. There is no basis<sup>1</sup> for treating any of the information within E-1-1 as confidential and the full unredacted information should be placed on the public record. Furthermore, this information is the core basis supporting Enbridge's Leave to Construct request. It is no secret that the proposed pipeline is a dedicated pipeline for the purpose of a single business customer. Treating the business contract and other information in E-1-1 information as confidential would lead to a less open, transparent, and accessible proceeding and could result in inefficiencies and additional costs related to review and consideration of information deemed confidential.

Although there could be a confidential process added to the proceeding to deal with these core issues, there is insufficient basis to consider this information confidential and it is recommended that the OEB not provide confidential treatment for the information in E-1-1. In the most recent Leave to Construct proceeding for a similar RNG project<sup>2</sup>, confidential treatment was not granted and the information was

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<sup>1</sup> Including those contained in Appendix A or Appendix B of the Practice Direction on Confidential Filings.

<sup>2</sup> EB-2022-0203

included in the open, public record. Enbridge has indicated that there is likely to be more requests<sup>3</sup> from RNG producers similar to this one and the previous one<sup>4</sup>. Pollution Probe recommends that the OEB reiterate the need to provide this type of information on the open public record. This will not only enhance the efficiency and transparency for this proceeding, but others that are expected to follow.

Respectfully submitted on behalf of Pollution Probe.



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<sup>3</sup> Per the recent Rebasing hearing for EB-2022-0200 and related Utility System Plan

<sup>4</sup> EB-2022-0203