

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

October 11, 2023

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

Dear Ms. Marconi:

In accordance with Procedural Order No. 1, Pollution Probe filed a submission on October 5, 2023 related to the Enbridge request for confidentiality of certain information. Pollution Probe believes that its submission remains valid and does not intend to repeat it here.

Pollution Probe is also in receipt of Enbridge's submission dated October 6, 2023 where Enbridge agreed to withdraw its request for confidential treatment of certain information in E-1-1 and place it on the open, public record without redaction. Enbridge retains its request for confidentiality related to one element of E-1-1, specifically the signature and initials of Waste Management's President. Although this information is not a key element in assessing the project, Pollution Probe is concerned that OEB approval to treat it as confidential could be perceived as a precedent for future RNG pipeline project applications. The suggested precedents¹ Enbridge refers to in its submission are not specifically applicable to this project where a pipeline is proposed to be constructed solely based on a request from an RNG producer². The example Pollution Probe provided³ is actually a replica of this proposed project and there were no redactions approved by the OEB for this type of information. Should the OEB approve redactions, it will be important that it not be considered precedent setting in a manner that would restrict the ability to review all pertinent project information in a non-redacted manner on the open public record for similar projects in the future.

As previously noted, all the information related to the contract is business information. The information requested to be redacted is not confidential information in alignment with OEB requirements. Just a quick Google search provided such information in public postings such as the company Code of Ethics⁴ and Sustainability Report⁵.

¹ Enbridge references large community expansion and reinforcement projects which serve entire communities of customers, this is 'apples to oranges' comparison to a single supplier of RNG.

² Enbridge references Waste Management as a customer in its submission, but it is also not clear if suppliers to Enbridge would automatically classify them as customers under OEB rules.

³ EB-2022-0203

⁴ [Compliance & Ethics Programs | WM Canada](#)

⁵ [Waste Management 2022 Sustainability Report \(wm.com\)](#)

As previously noted, Pollution Probe recommends that the OEB reiterate the need to provide all relevant 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. This will also deter application of previous perceived precedents which are not applicable to dedicated supply pipelines, such as the one included in the application.

Respectfully submitted on behalf of Pollution Probe.

A handwritten signature in black ink, appearing to read "Michael Brophy", is positioned above a horizontal line.

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