



Enbridge Gas Inc.

Application for leave to construct natural gas pipelines and associated facilities in the Township of Warwick and the Municipality of Brooke-Alvinston

DECISION ON CONFIDENTIALITY November 3, 2023

Enbridge Gas Inc. applied to the Ontario Energy Board on August 1, 2023, 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 15.3 kilometres of natural gas pipeline and associated facilities in the Township of Warwick and the Municipality of Brooke-Alvinston. The proposed natural gas pipeline will connect Waste Management of Canada Corporation's planned renewable natural gas (RNG) facility at the Twin Creeks Environmental Centre to Enbridge Gas's system and will be used to transport the RNG that is produced at the facility. Enbridge Gas also plans to construct an RNG injection station.

Request for Confidentiality

Enbridge Gas and Waste Management have executed a M13 Service Contract for the Project (Exhibit E, Schedule 1, Tab 1, Attachment 3). The contract outlines the terms and conditions for service between Enbridge Gas and Waste Management.

In its letter of October 6, 2023 Enbridge Gas requested confidential treatment for the signature and initials of Waste Management's president in the contract pursuant to the OEB's [Practice Direction on Confidential Filings](#). Enbridge Gas stated that the requested confidential treatment is to protect against identify theft and other unauthorized uses of the signature and initials. Enbridge Gas also stated that redacting the signature and initials from the contract does not impact the public's ability to understand the intent of the application and form an opinion.

Any objection by a party or OEB staff to the confidentiality request were to be submitted in accordance with sections 5.1.6 and 5.1.7 of the Practice Direction.

Pollution Probe submitted that all the information in the contract is business information and should be on the public record. Pollution Probe further stated that the signature and initials are available in public postings. Pollution Probe noted that while the signature and initials are not a key element in assessing the project, it is concerned that OEB approval to treat the signature and initials as confidential could be perceived as a precedent for future RNG pipeline project applications.

OEB staff and Three Fires Group did not file submissions objecting the confidentiality request. Enbridge Gas did not respond to Pollution Probe's objection.

Findings

The OEB grants Enbridge Gas's request to redact the signature and initials in the publicly available version of the application on the basis of Waste Management's concern over the potential for identity theft and unauthorized use. However, the identity of the Waste Management signatory should be identified in the public version of the contract, filed in Exhibit E, Schedule 1, Tab 1, Attachment 3, by replacing the redacted signature with the printed name and title of the individual as this is not considered personal information under the OEB's Practice Direction. The OEB notes that a simple internet search reveals the identity of Waste Management's President.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas's request for confidential treatment is granted. Enbridge Gas shall file the Contract in Exhibit E, Schedule 1, Tab 1, Attachment 3 with the redacted signature replaced with the printed name and title of the individual.

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-2023-0175** 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, Natalya Plummer at natalya.plummer@oeb.ca and OEB Counsel, at Ljuba.Djurdjevic@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **November 3, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar