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Enbridge Gas Inc.  
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## **VIA EMAIL and RESS**

July 24, 2024

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario, M4P 1E4

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas or the Company)  
EB-2024-0111 – 2024 Rebasing – Phase 2 Interrogatory Responses  
Response to Pollution Probe's (PP) Objection to Confidential Request**

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Enbridge Gas is in receipt of PP's letter dated July 22, 2024, in which PP objects to the Company's confidentiality request in relation to Exhibit I.1.1-ED-57, Attachment 1 (draft Project Charter for the Hydrogen Blending Grid Study). PP argues that this is a new confidentiality request that the OEB has not approved previously and that the redactions are inefficient and unnecessary and do not include any sensitive, confidential or proprietary information. For the reasons outlined below, PP's arguments should not be accepted by the OEB.

PP's objection was not filed within the timeline stipulated by the OEB's *Practice Direction on Confidential Filings* (Practice Direction). Section 5.1.6 of the Practice Direction provides that "... a party or OEB staff may object to the request for confidentiality by filing an objection with the Registrar within five business days of the OEB's receipt of the information set out in section 5.1.5, unless otherwise directed by the OEB" (emphasis added). The Company's confidential requests related to its interrogatory responses were filed with the OEB on July 8, 2024, and PP's July 22 submission comes well after the expiry of the 5-business day window. PP does not appear to have notified the OEB that it could not meet the time limit<sup>1</sup>, nor did it ask the OEB to extend the time limit.<sup>2</sup> As such, Enbridge Gas urges the OEB to dismiss PP's objection.

If the OEB is not inclined to dismiss PP's objection on procedural grounds, it should nonetheless approve the Company's limited redactions in the Project Charter. First, irrespective of PP's assertion that this is a new confidentiality request not previously approved by the OEB, the fact remains that the Company's request falls squarely within the ambit of confidential filings permitted by the Practice Direction. Specifically, the redactions relate directly to a third party's potential involvement with the Hydrogen

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<sup>1</sup> OEB Rules of Practice and Procedure, s. 7.03

<sup>2</sup> Ibid, s. 7.01.

Blending Grid Study, which is still subject to negotiations between Enbridge Gas and the third party. The timing of any associated public announcement would also depend on the arrangement being finalized and the third party's internal approval process being completed. Accordingly, as noted in Enbridge Gas's confidentiality request,<sup>3</sup> public disclosure of the information at this time would harm said negotiations and negatively impact the Company.<sup>4</sup>

Secondly, PP argues that the OEB has required unredacted versions of materials for such programs in the past; however, the precedent confidentiality decision it cites (from the Company's EB-2021-0002 application for 2022-2027 DSM Plan) does not support PP's argument. In fact, the OEB agreed with Enbridge Gas in the EB-2021-0002 proceeding that certain details of a joint program being delivered by Enbridge Gas and Natural Resources Canada warranted confidential treatment pending a public announcement.<sup>5</sup> In comparison, the redactions that Enbridge Gas is now making in the draft Project Charter concern information that is not only pending a third party's internal approvals and public announcement, but also subject to ongoing negotiations between the Company and said party.

Finally, the redactions in question are narrowly targeted in scope, being applicable only to a few instances of information on funding and reporting arrangements involving the third party, which must not be publicly disclosed for the reasons stated in Enbridge Gas's confidentiality request and further elaborated on above. It should be noted that funding for the Hydrogen Blending Grid Study is not at issue in Phase 2 of Rebasing.<sup>6</sup>

For these reasons, Enbridge Gas submits that PP's July 22, 2024 submission should not be accepted by the OEB.

If you have any questions, please contact the undersigned.

Sincerely,



Joel Denomy  
Technical Manager, Strategic Applications – Rate Rebasing

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<sup>3</sup> EB-2024-0111, Enbridge Gas Cover Letter to Phase 2 Interrogatory Responses and Evidence Update (July 8, 2022), Attachment A – Confidentiality Requests, row 1.

<sup>4</sup> Practice Direction, Appendix A – Considerations in Determining Requests for Confidentiality, part (a).

<sup>5</sup> EB-2021-0002, Procedural Order No. 9 and Decision on Confidentiality [\[link\]](#), p. 2.

<sup>6</sup> EB-2024-0111, Exhibit I.1.1-ED-57, part (b).