

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
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2300 Yonge Street
Toronto, ON M4P 1E4

August 12, 2025

EB-2024-0198 – Enbridge 2026-2030 DSM Application
Pollution Probe Letter on Enbridge Confidentiality Request

Dear Mr. Murray:

Pollution Probe is in receipt of Enbridge's filing of undertaking responses on August 8, 2025 and Enbridge's request for confidential treatment for large portions of Exhibit JT1.6, Attachment 1, the Collaboration and Cooperation Agreement between Enbridge Gas and the Independent Electricity System Operator ("IESO") for the Home Renovation Savings ("HRS") Program, executed July 7, 2025 ("Agreement"). As noted by Enbridge, the Agreement relates to the HRS Program, which is the residential one-window program jointly developed and delivered by Enbridge Gas and the IESO. The program and Agreement are directly pertinent to the 2026 DSM residential program and were not filed previously since it was only recently executed July 7, 2025. Enbridge attached a table highlighting large portions of the Agreement that it has redacted and requested confidential treatment¹.

The entire Agreement is relevant to the residential DSM program proposed to be delivered in 2026 and beyond. Pollution Probe submits that no valid basis has been provided by Enbridge to exclude any of the Agreement information from the public record. The OEB's baseline requirement is to ensure that all information is part of the public record unless there is a specific and valid reason for each redaction requested. Requests for confidential treatment are not meant to be applied on a general broad-brush approach to simply avoid including information from the public record. Pollution Probe recommends that the redactions and request for confidential treatment to the Agreement filed as Exhibit JT1.6, Attachment 1 be rejected.

In its August 8, 2025 filing, Enbridge notes that Enbridge has filed with the OEB a confidential unredacted version of the Agreement containing all of the information for which confidentiality is requested and all of the information for which redactions for non-relevance have been made². Pollution Probe is one of the parties that submitted a Declaration and Undertaking and its consultant has received the confidential version of the Agreement. The confidential Agreement version provided by Enbridge remains heavily redacted, including core portions of the Agreement related to the program delivery and ratepayer cost sharing. Enbridge has declined to provide a fully unredacted version of the Agreement despite requests that have been made. The reason provided by Enbridge is that the redactions to the confidential version are to information that is not relevant. This does not appear to be the case and the

¹ See EGI_EB-2024-0198_Undertakings_20250808, Pages 3 to 9.

² EGI_EB-2024-0198_Undertakings_20250808, Page 9.

OEB has previously determined that information Enbridge considers as not relevant is not a sufficient basis for excluding it from the public record.

Pollution Probe understands that the OEB will decide on what redactions (if any) are suitable for the public record version of the Agreement and it is recommended that the entire agreement be placed on the public record in an unredacted manner. It is particularly unusual and not regular practice to include such a significant number of redactions in the confidential version provided to those that have executed the appropriate Declaration and Undertaking. In the case where the OEB does not require the full Agreement to be placed on the public record, Pollution Probe requests that the OEB at least require Enbridge to provide the fully unredacted Agreement in its entirety to those that have submitted the appropriate Declaration and Undertaking.

It is surprising that such a large number of redactions have been made to the Agreement. Given that the current deadline for filing intervenor submission on the 2026 DSM roll-over request (with a focus on the residential sector which the Agreement pertains to) is August 18, 2025, this places urgency on resolving Enbridge's request and/or adjusting the date for intervenor submissions to enable enough time following the OEB's pending decision on confidentiality. If the OEB agrees that the fully unredacted agreement should be placed on the public record (similar to the Green Homes Grant Program program agreement for the residential partnership agreement in EB-2021-0002), this would make the proceeding process more efficient and remove additional administration and potential delays related to confidential information.

The Agreement lays out coordination, partnership and cost allocation details specific to the residential DSM program funded by Ontario gas ratepayers. As noted, this type of partnership agreement is synonymous to the Green Homes Grant Program appropriately reviewed by the OEB for the 2021 – 2025 DSM Plan³. 2026 is requested by Enbridge to be a one-year extension to the 2021-2025 DSM term. As the OEB is aware, Enbridge requested confidential treatment for portions of the Green Homes Grant Program agreement on a similar basis to its current request for confidential treatment to the Agreement filed as Exhibit JT1.6, Attachment 1. The OEB denied Enbridge's request for confidential treatment and ordered Enbridge to file a fully unredacted version of the agreement⁴. This OEB Decision aligns with its baseline approach to ensure that documents are available on the public record in an unredacted form. The OEB also ordered Enbridge to file a copy of any future amendments to the Green Homes Grant Program agreement with the OEB within 5 business days of the execution of such amendments⁵. Given that Enbridge has noted that it expects amendment to the Enbridge-IESO HRS Agreement⁶, a similar approach is recommended to the OEB.

The majority of the redactions made by Enbridge are on the basis of Enbridge's opinion that they are not relevant. The OEB's 2021-2025 Decision highlighted that "There is, however, no requirement to redact out non-relevant information from a document that also contains relevant information and generally the OEB would not expect parties to do so absent a particular concern about the non-relevant

³ EB-2021-0002 EGI_NRCanAgreement_20221124

⁴ EB-2021-0002 Dec_Confidentiality_PO9_EGI DSM_11212022

⁵ EB-2021-0002 Dec_Order_EGI_DSM Plan_20221115, Page 94.

⁶ EGI_EB-2024-0198_Undertakings_20250808, Page 8.

information being made public”⁷. The same premise applies to the HRS Agreement. Enbridge suggested that some of the redacted information was prejudicial and of a sensitive commercial nature, but provided no clear or compelling reason how this was the case for each redaction applied. Based on the information provided, Pollution Probe submits that there does not appear to be a valid reason for redacting any of the Agreement information.

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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⁷ EB-2021-0002 Dec_Confidentiality_PO9_EGI DSM_11212022, Page 2.