



By EMAIL and Pivotal

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August 14, 2025
Our File: 20240198

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Ritchie Murray, Acting Registrar

Dear Mr. Murray:

Re: EB-2024-0198 – Enbridge DSM Plan Rollover – Confidentiality Claim and Schedule

We are counsel to the School Energy Coalition ("SEC"). We are in receipt of the letter from counsel to the Applicant filed late yesterday, and wish to provide brief comments.

In its essence, the Applicant says that because they need an urgent decision, the Commissioners should simply ignore their normal procedures and ignore the principle of *audi alteram partem*. The Applicant's unilateral decision as to what is relevant, and what is confidential, should be accepted without the views of opposing parties, and without the normal adjudication by the Commissioners.

The Applicant is seeking approval of about \$225 million of spending funded by rates in 2026, most of which is, by the express admission of the Applicant, not cost-effective.

Enbridge benefitted from the OEB actively developing a shortened time frame to hear the Application, and still filed the evidence much later than the Commissioners had initially ordered (at the Applicant's request). Then, Enbridge made the choice to claim, five business days before submissions were due, that significant parts of the technical conference undertakings should be confidential and/or irrelevant. Then, despite the clear instructions of the Commissioners in EB-2021-0002 relating to irrelevant parts of a similar agreement, the Applicant redacted those parts they claimed were irrelevant in providing copies of the current agreement to the parties.

Now, the Applicant's position appears to be "Hurry, hurry, hurry, we're running out of time."

The OEB has done its level best to speed this Applicant along, but that doesn't mean that the decision is predetermined. Enbridge appears to think that this Application is going to be approved, regardless of the evidence or the short time frame, and the Commissioners should just get to the end point.

With respect, that is not SEC's experience with the adjudicative functions of the OEB. In this case, the Applicant made a claim of confidentiality. Under the Rules, the Commissioners must make a



determination on that claim, and the normal procedure is to ask for submissions from the parties. The Applicant doesn't determine confidentiality; the Commissioners do. Then, and only then, once the discovery process is complete, the parties are given the opportunity to make submissions based on the totality of the evidence.

If there is a time crunch, Enbridge brought it on themselves. That is no reason to jettison the OEB's rules and procedures, nor to deny the parties the standard protections of the law.

All of which is respectfully submitted.

Yours very truly,
Shepherd Rubenstein Professional Corporation

A handwritten signature in black ink, appearing to read 'Jay Shepherd', written over a light blue horizontal line.

Jay Shepherd

cc: Brian McKay, SEC (by email)
Interested Parties (by email)