

August 20, 2025

Sent By Electronic Mail and Filed on RESS

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4

Dear Mr. Murray:

**Re: Enbridge Gas Inc. (“Enbridge Gas”)
2026 DSM Rollover Application
Ontario Energy Board (“OEB”) File No. EB-2024-0198
Exhibit JT1.6 – Request for Confidential Treatment**

We write this letter in accordance with [Procedural Order No. 6](#) in the above-noted proceeding, and further to the letter filed by Enbridge Gas dated August 19, 2025.

The IESO supports Enbridge Gas’ redaction requests, based on the reasons set out in: (a) Enbridge Gas’ cover letter of August 8, 2025 (accompanying the technical conference undertaking responses); (b) Enbridge Gas’ letter of August 13, 2025; and (c) our letter to the OEB dated August 14, 2025. We will not repeat those reasons in this letter.

With respect to Enbridge Gas’ August 19, 2025 letter, the IESO is also relying on the statement in Procedural Order No. 6 that: “[t]he areas identified by Enbridge Gas as either confidential *or not relevant* are protected under the terms of the Declaration and Undertaking” (emphasis added). As Enbridge Gas notes, the [standard form Declaration and Undertaking](#) (which has been signed by certain intervenors in this proceeding), does not expressly cover information that is claimed to be non-relevant. The IESO notes that paragraph 3 of the declaration defines “Confidential Information” as all information received in a proceeding *that has been designated by the OEB as confidential* and all documents that contain or refer to that confidential information. We understand that this is because, based on the OEB’s [Practice Direction on Confidential Filings](#) (the “Practice Direction”), redactions based on non-relevance are to be dealt with separately from the process for confidentiality requests, as set out in Part 11 of the Practice Direction.

- Section 11.1.3 provides that the OEB will review the confidential, un-redacted version of the document to confirm that the redacted information is not relevant; it also clearly states that Parts 5 and 6 do not apply to information that has been redacted on the basis that it is not relevant *unless and until the OEB determines that the information is, in fact, relevant to the proceeding*. This is reinforced by [Rule 9.02](#) of the OEB’s [Rules of Practice and Procedure](#) (the “Rules”). Consequently, the Declaration and Undertaking procedure in Part 6 of the Practice Direction does not apply to non-relevant redactions.
- Section 11.1.4 provides that if the OEB determines that the redacted information is relevant, any claims of personal information or confidentiality that have been asserted over the same information will be considered before ordering the information be filed on the public record *or disclosed to another party*.

- Part 12 provides in part that representatives for parties will not be granted access to redactions in the document for non-relevant information, *unless the OEB determines that the redacted information is, in fact, relevant to the proceeding*; and that access to any confidential information in the document by representatives for parties will be governed by Part 6.

Accordingly, the IESO had anticipated a decision on the non-relevant claims in advance of any OEB consideration of the confidentiality requests.

Unlike confidentiality claims, which are governed by Rule 10 and Parts 5 and 6 of the Practice Direction and allow for objections and replies (see Practice Direction, sections 5.1.6 to 5.1.8), there is no equivalent process under the Rules or Practice Direction for parties to object to redactions made on the basis of non-relevance. The foregoing provisions confirm that non-relevant information is not accessible to parties or intervenors unless the OEB first determines that the information is relevant, thereby triggering the processes set out in Parts 5 and 6. While the Rules and Practice Direction emphasize transparency and fairness, they also reflect a clear intent to streamline proceedings by limiting procedural steps pertaining to non-relevant information.

For the reasons set out above, in the event that the OEB determines any of the redacted information to not be relevant to this proceeding, the IESO respectfully requests that the OEB, in its decision on confidentiality, require any party that has signed a Declaration and Undertaking to: (a) keep confidential any information that the OEB determines to be non-relevant; and (b) destroy any unredacted copies of documents containing the information held to be non-relevant and file with the Registrar a certification of destruction in the form prescribed by the Board pertaining to the same.

Sincerely,



Carrie Aloussis
Senior Manager, Regulatory Affairs

cc: Haris Ginis (Enbridge)
Dennis O'Leary (Aird & Berlis, counsel to Enbridge)
Lawren Murray (OEB Counsel)
Michael Bell (OEB Staff)
Richard King (Osler, Hoskin & Harcourt, counsel to IESO)
All Intervenors in EB-2024-0198