

July 16, 2013

BY COURIER, EMAIL AND RESS

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor, Box 2329
Toronto, ON
M4P 1E4

Dear Ms. Walli:

Re: Board File Number: EB-2012-0451, EB-2012-0433, EB-2013-0074

We are writing in response to the notice of motion filed by Environmental Defence dated July 8, 2013.

Enbridge has filed certain information relating to the costs of the GTA Project in confidence as required by the Board's *Practice Direction on Confidential Filings* (the "**Practice Direction**"). The confidential information pertains to the detailed breakdown of the project costs. Enbridge had indicated it had no objection to any party to the proceeding, other than a potential supplier/service provider having access to the confidential information.

Enbridge acknowledges the Board does have an objective to conduct its matters in an open and transparent manner. In light of that, Enbridge offered with the original filing to permit any party other than a supplier/service provider access to the information in order to ensure the Board and parties had the information to permit a proper decision to be rendered. Since the filing, 24 individuals representing 11 parties have executed the Declaration and Undertaking, including Environmental Defence. These parties have accessed the information and numerous information requests have been filed for which Enbridge has provided responses.

At the Technical Conference, Enbridge provided witnesses for cross-examination and Environmental Defence had full opportunity to inquire into the basis and need to retain the confidentiality of the information. However, there was no real pursuit of that line of questioning or challenging of Enbridge's request.

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However, Enbridge would also note that the Board's statutory objectives as set out in section 2 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B (the "OEB Act") include:

2. To protect the interests of consumers with respect to prices and the reliability and quality of gas service.

Enbridge's concern has been the impact of the public disclosure of the costing information on the procurement process for the GTA Project. Enbridge feels the pricing it receives may be adversely impacted through public disclosure of the costing information. Enbridge has not undertaken such a significant project and it is not aware of any natural gas project brought before the Board of such magnitude. Given the forecasted costs, Enbridge is of the view the prudent course of action is to provide the information confidentially to the Board and intervenors until the procurement process is complete.

Environmental Defense's stated reason for the disclosure is the inconvenience of maintaining confidentiality. With respect, the minor inconvenience of a few of the participants should not outweigh the potential harm to the procurement process and, ultimately, ratepayers.

As such, once the procurement process is completed, Enbridge no longer requires the information be kept confidential. Therefore, Enbridge will consent to the publishing of the information after the procurement process is complete. Enbridge anticipates at this time publishing would occur in 2014.

Yours truly,

AIRD & BERLIS LLP



Scott Stoll

SAS/hm

cc: E. Chin
All parties

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