

SEC INTERROGATORY #17

INTERROGATORY

[A/1/3, p. 17] Please provide copies of all drafts of reports or other documents that were annotated or commented on by OEB Staff prior to being delivered to the EAC, including all such annotations and comments. If the Applicant does not have those documents, please request them from OEB Staff.

RESPONSE

On or about April 20, 2017, Enbridge and the EAC were provided with a number of CPSV site reports for review. Among these was a site report that included comments and track changes to the document provided by Board Staff to the EC in advance of the EAC. As a result it became apparent that Board Staff had been making comments on the EC's site reports prior to "clean" revised versions subsequently being distributed to the EAC.

At the next EAC conference call, Enbridge raised concerns about this finding and requested that any and all comments made by Board Staff to the EC on the verification efforts (in this case CPSV site reports) should be transparent and visible to the EAC. Other EAC members shared similar concerns, however Board Staff declined to share the comments.

In response to further requests from EAC members that Board Staff provide the EAC with any comments it had provided to the EC regarding the savings verifications reports, the EAC received email communications from Board Senior Counsel on June 21 and 22, 2017 confirming that Board Staff did not intend to make its initial comments available to the EAC. Board Senior Counsel further commented that in the event there was a request made by a party for production of any Board Staff comments as part of an OEB proceeding, the OEB panel assigned to the proceeding would need to reach whatever decision they think is appropriate. Board Senior Counsel further addressed the circumstance whereby, in a subsequent proceeding, any request was made of any EAC member to produce comments made on draft reports through the EAC process, and similarly indicated that determinations about the production of such comments was a matter for the Board panel assigned to a proceeding.

Given that the IR request has already been made, as outlined above, it appears any response requires direction from the Board. Presumably it is also a request that could be made directly to Board Staff by any member of the EAC or party to this proceeding.

Witnesses: D. Bullock  
D. Johnson