



EB-2013-0059

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B; and in particular sections 36.1(1), 38(1), 40(1), 90(1), thereof;

AND IN THE MATTER OF a Motion to Vary by Tribute Resources Inc. pursuant to the Ontario Energy Board's *Rules of Practice and Procedure* for a review of the Board's Decision and Order in proceeding EB-2011-0076/EB-2011-0077/EB-2011-0078.

BEFORE: Cynthia Chaplin
Presiding Member

Paula Conboy
Member

**DECISION ON CONFIDENTIALITY
REQUEST
April 22, 2013**

Confidentiality Request

Tribute Resources Inc. and Bayfield Resources Inc., on behalf of Huron Bayfield Limited Partnership and Bayfield Pipeline Corp. ("Tribute") filed with the Ontario Energy Board ("Board") a Motion to Vary ("Motion") that part of the Conditions of Approval attached as Schedule "1" to an Order of the Board dated December 21, 2012 in respect of Tribute's applications (EB-2011-0076, EB-2011-0077 and EB-2011-0078). Tribute is also requesting an Order extending the time to file its Motion. The Board has assigned the Motion file number EB-2013-0059.

In support of its Motion, Tribute filed copies of two documents for which it is seeking confidentiality ("Confidentiality Request"): (i) a Term Sheet, dated April 30, 2012 to which Tribute, Market Hub Partners Canada LP ("Market Hub") and Union Gas Limited

("Union") are parties and (ii) an Amending Agreement to the Term Sheet dated October 31, 2012 between the same parties. Tribute has asked that the Board grant confidential status to the two documents in their entirety accordance with Rule 10 of the Board's Rules of Practice and Procedure and in accordance with the Board's Practice Direction on Confidential Filings (the "Practice Direction"). In its cover letter dated February 22, 2013 Tribute notes that the documents set out the proposed terms on which Tribute and Market Hub plan to develop the Bayfield and Stanley Pools.

By way of Notice of Motion to Vary and Procedural Order No. 1 ("PO No. 1") issued on March 13, 2013 the Board established the process for written submissions on the Confidentiality Request. The Board in PO No. 1 stated that the confidential, un-redacted version of the document would be kept confidential, subject to section 5.1.6 of the Practice Direction, until the Board makes a decision on the confidentiality request.

Union submitted that the material within the Term Sheet, in particular the prices, consists of commercial information and would reasonable be expected to prejudice future negotiations with other storage developers in Ontario were it be made publicly available. Board staff did not file a submission. Tribute did not file any reply submissions.

Upon review of the documents for which a claim of confidentiality has been requested and consideration of the submission filed, the Board grants confidential status to:

- (i) a Term Sheet, dated April 30, 2012 to which Tribute, Market Hub Partners Canada LP and Union Gas Limited are parties;
- (ii) an Amending Agreement to the Term Sheet dated October 31, 2012 between the same parties.

The Board finds that the documents are commercially sensitive and therefore should be held in confidence. The Board notes that there were no submissions objecting to the request and that the Board has in the past granted confidentiality status to these types of documents.

DATED at Toronto, April 22, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary