

C A N A D A

**PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL**

N° : R-4244-2023

RÉGIE DE L'ÉNERGIE

ÉNERGIR, s.e.c., société dûment constituée,
Ayant sa place d'affaires au 1717, rue du Havre,
en les ville et district de Montréal, province de
Québec,

(ci-après « Énergir »)

AFFIDAVIT OF SHAHID MALIK

(in response to Question 7.2 of the *Demande de renseignement n° 2 de la Régie de l'énergie relative à la Demande d'autorisation pour réaliser un projet d'investissement visant le raccordement d'un nouveau site d'injection de GSR et la réhabilitation d'une conduite à Saint-Sophie*)

I, **Shahid Malik, Vice-President of the WM Renewable Energy** division within Waste Management (hereinafter « **WM** ») with a place of business located at 800 Capitol Street, suite 3000, Houston, Texas, United States of America, 77002, solemnly swear that:

1. I have been employed by WM since February 2023. I am Vice-President of WM's Renewable Energy department since February 2023;
2. As part of my functions, I am responsible for all renewable energy projects throughout North America for WM;
3. One such project is for WM to transform the biogas generated at the Sainte-Sophie landfill site into renewable natural gas;
4. Therefore, I am involved in the negotiations, planning and implementation of the renewable energy project between WM and Énergir titled "*Projet d'investissement visant le raccordement d'un nouveau site d'injection de GSR et la réhabilitation d'une conduite à Sainte-Sophie*" (hereinafter the "**Project**");

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5. I was informed that Energir filed a proceeding titled “*Demande d’autorisation pour réaliser un projet d’investissement visant le raccordement d’un nouveau site d’injection de GSR et la réhabilitation d’une conduite à Sainte-Sophie*” and that, in support of this proceeding, Énergir produced a document which contains information that WM’s deems as confidential, namely portions of the *Receipt Service Contract*, exhibit Energir-1, Document-2;
6. I was informed that Énergir filed the confidential information of Energir-1, Document- 2 (hereinafter collectively the « **Confidential Information** ») under confidential cover and asks the *Régie de l’énergie* (hereinafter the “**Régie**”) to issue an *Order of Confidentiality* related to said Confidential Information, namely:
 - 6.1. nominative information at page 5 and at page 9 in the table of section 11.4 of Appendix A;
 - 6.2. information relating to negotiations prior to the contract at page 9 section 11.1;
 - 6.3. information relating to costs and to critical dates of the Project at page 11 paragraph 1 b) and paragraph 2 l) of Appendix C and pages 13 to 15 entitled Cost Schedule Scenarios of Appendix C;
 - 6.4. information relating to a plant layout at page 19 of Exhibit C-3;
 - 6.5. information relating to the parental guarantee and insurance at pages 28 to 30 of Appendix F and pages 32 and 34 of Appendix G-1 and G-2;
7. For WM, the disclosure, publication and broadcasting of the Confidential Information:
 - 7.1. relating to nominative information is a breach of the right of individuals to protect their privacy;
 - 7.2. that discusses prior negotiations with Energir, would reveal sensitive information that could negatively affect other third-party negotiations that WM is planning to undertake for similar renewable energy projects in North America;
 - 7.3. that reveals WM’s costs and schedules, would impact other third-party negotiations with potential counter-parties as they would then learn about WM’s proprietary costs and price strategies;
 - 7.4. that reveals detailed plans would reveal sensitive information of commercial nature for WM; and
 - 7.5. that relation to parental guarantee and insurance requirements may hinder other third party negotiations since WM often bids on public calls for tender or for entering into agreements with private and governmental institutions;

8. As such, the disclosure, publication and broadcasting of the Confidential Information would be likely to:
 - 8.1. result in potential harm and other prejudices;
 - 8.2. reveal sensitive price and cost information which would give an unjust advantage to WM's competitors and other third-parties, which could result in financial harm to WM;
 - 8.3. prevent WM from realising the optimal price for its products and services which could be to the detriment of its clients, including for example, municipalities and governmental institutions;
 - 8.4. reveal sensitive price which would give an unjust advantage to WM's competitors and other third-parties,
 - 8.5. cause great harm and prejudice to WM by impacting its competitiveness while providing an unjust advantage to third parties;
9. In light of the foregoing and with great respect we believe that WM is justified in asking the Régie to issue an *Order of Confidentiality* related to the Confidential Information;
10. All the facts alleged in this affidavit are true.

SWORN BY:

DocuSigned by:

Shahid Malik

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SHAHID MALIK

Under oath, remotely, in front of me

Friday, February 2nd, 2024

DocuSigned by:

Alexandra Arghius

Alexandra Arghius

Commissioner for Oaths #231589