



PUBLIC INTEREST ADVOCACY CENTRE
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October 7, 2019

VIA E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Toronto, ON
M4P 1E4

Dear Ms. Walli:

**Re: Corporation of the Town of Marathon EB-2018-0329
Response to Objection for Intervention and eligibility for cost awards**

We are in receipt of the letter from Nipigon LNG Corporation (NLNG) and the objection to our intervention made by the Applicant, the Corporation of the Town of Marathon.

We are not aware of NLNG being either an applicant nor as of yet, a party to this proceeding. It does appear that NLNG is the Applicant's preferred contractor for gas supply for the project. We further note that their letter does not indicate that they are in the position to act as agent for the Applicant. As such this company has no legitimate standing to object or otherwise comment on VECC's request to the Board.

Certainly NLNG has no particular insight to offer or direct interest in our request to recover any reasonably incurred costs. Indeed since they are not the Applicant to this proceeding it is unlikely they would be ordered by the Board to pay any costs incurred by VECC. The Applicant has not objected to our seeking costs (rather only that our efforts would not warrant compensation). It is our view that NLNG letter should be dismissed for what it is - vexatious interference made to intimidate participation of consumer representation in this proceeding.

With respect to the Applicant's objections we believe the Board is well aware of the interests and expertise of VECC in similar proceedings such as EPCOR's proposals in EB-2016-0137, EB-2016-0138 and EB-2016-139 and participation in the Board's generic policy review of natural gas expansion EB-2016-0004. Therefore we believe the Board might reasonably dismiss the Applicant's objections as also an attempt to remove consumer representation from this proceeding.

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That said, VECC is not trying to be obstructionist or cause undue delay or costs to the Applicant. We are cognizant of the correspondence as between Enbridge Gas and the Board on this matter and do understand that Enbridge Gas has withdrawn its interest in competing for this franchise. At the same time we note that Enbridge is also seeking intervenor status in this proceeding.

Enbridge states its intent is to monitor the proceeding. However, as the Board has often noted intervention status is not necessary to a party without a direct interest in the proceeding and who is only seeks to monitor events. In any event it remains unclear to us the interest of Enbridge in this proceeding. We note the Utility states in their intervention request:

Enbridge Gas has a direct interest in all matters of jurisdiction, substance and procedure in the regulation of public utilities, and in any decision of this Board, which may create a precedent affecting Enbridge Gas' operations and/or rates.

And further that:

It is Enbridge Gas' intention to monitor this proceeding while reserving the right to adduce evidence, submit interrogatories, cross-examine witnesses, advance argument and participate in the hearing as circumstances may require.

In our respectful submission if the Board is inclined to grant Enbridge intervenor status then it should do the same for VECC.

Finally, we note that in addition to VECC the Applicant seeks to remove a potential alternative gas supplier from the proceeding. As a party with a long history before the Board we wish make known our concern with the attempts of both the Applicant and NLNG to limit participation in this proceeding. NLNG is a commercial interest no different from any other gas supplier. Indeed because the project relies on LNG facilities and the trucking of gas the issue of gas supply is especially important in this case. Alternatives like compressed natural gas (CNG) or pipeline delivered gas should be considered by the Board to determine not just the economic viability of the project but also the security of supply to new customers who will become dependent on this distribution system.

The fact that Government of Ontario funding may have been provided or that the Applicant has satisfied itself of the efficacy and fairness of its dealings with NLNG does not relieve it of the duty to demonstrate before the Board that the public interest is served. These efforts to minimize scrutiny from other parties which might assist the Board in that determination are in our view disconcerting.

Yours truly,
Original signed

John Lawford
Counsel for VECC

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