



Imperial Oil Limited

**Application for leave to construct the Waterdown to Finch Project
in the City of Hamilton, the City of Burlington, the Town of Milton,
the Town of Oakville, the City of Mississauga and the City of Toronto.**

**PROCEDURAL ORDER NO. 5
October 11, 2019**

Imperial Oil Limited (Imperial Oil) applied to the Ontario Energy Board (OEB) under sections 90(1) and 97 of the *Ontario Energy Board Act, 1998* for leave to construct approximately 63 kilometres of pipeline and associated infrastructure to transport refined oil products from its facility in the City of Hamilton to its facility in the City of Toronto and approval of the forms of easement agreement related to the construction of the proposed pipeline.

The OEB issued a Notice of Hearing on April 11, 2019.

On May 31, 2019, the OEB issued Procedural Order No. 1 (PO#1) setting the schedule for a written hearing.

On June 7, 2019, the OEB received a letter from the City of Mississauga, asking, among other things, that the schedule set in the PO#1 be extended by one month. On June 7, 2019 Imperial Oil filed a response to the extension request stating that it would support the request for a delay to the dates set in PO#1 by up to one month.

On June 11, 2019, the OEB set the procedural schedule for a written hearing in Procedural Order No. 2. In accordance with the procedural schedule, Imperial Oil filed responses to interrogatories on August 6, 2019. In providing its responses to interrogatories, Imperial Oil requested that certain information be treated as confidential.

On August 9, 2019 the City of Toronto (Toronto) requested that the OEB revise the procedural schedule to extend the date for OEB staff and intervenors' final submissions and for Imperial Oil's reply submission.

On August 12, 2019 the OEB issued Procedural Order No. 3 which set the process for review of Imperial Oil's confidentiality request and cancelled the dates for the final submissions previously outlined in Procedural Order No. 2.

On August 13, 2019 the OEB, by a way of letter, provided an opportunity to Imperial Oil to respond to Toronto's schedule extension request. On August 13, 2019, Imperial Oil responded that an extension of up to two weeks (10 business days) would be acceptable. Imperial Oil objected to a one month extension indicating that the amount of information provided in its interrogatory responses are commensurate with the information requested in Toronto's interrogatories. Imperial Oil noted that the OEB's regulatory timeline was already extended by one month at the request of the City of Mississauga and that a cumulative two-month delay would affect timing of subsequent activities and acquisition of other permits.

On August 13, 2019 the OEB, by a way of letter, provided an opportunity to Toronto to respond to Imperial Oil's objection.

On August 14, 2019, Toronto responded that it confirms its request and "Toronto has reiterated to Imperial its request for further information necessary to assess this Application, including particulars of the proposed permanent land interest acquisitions, and records sought in Toronto's interrogatories but not provided to date."

On August 20, 2019 the OEB issued Procedural Order No. 4 in which it rendered its decision on Imperial Oil's confidentiality request and on Toronto's procedural schedule extension request. The OEB found that a three-week extension to the dates of final submissions was reasonable as it provided a balance between providing Toronto and the other parties with additional time to prepare their final submissions and managing the impact of this extension on Imperial Oil's construction schedule. Procedural Order No. 4 revised the procedural schedule to extend the date for OEB staff and intervenors' final submissions, Imperial Oil's reply submission, and directed Imperial Oil to file on the record the information referenced in Toronto's letter of August 14, 2019 associated with its interrogatories, no later than August 23, 2019.

On October 10, 2019, Toronto filed a Notice of Motion pursuant to Rule 27.03 of the OEB's Rules of Practice and Procedure requesting that the OEB order the disclosure of the following information:

1. The complete results of all audits, whether internal or external, conducted of Imperial's Safety and Loss Management System program, including Imperial's response to these audits

2. A copy of Imperial's Integrity Management Program as required by CSA Z662-15 Clause 3.1.2 (f and v) and Clause 3.2, and complete details of all audits, whether internal or external, conducted of this Program including Imperial's response
3. The complete risk analysis performed on the existing line, and on the proposed replacement line indicating where consequence levels may have changed between the existing and proposed pipelines

On October 11, 2019, the Region of Peel filed a letter supporting Toronto's motion.

The OEB will hear Toronto's motion in writing in accordance with the schedule below. All other procedural dates are cancelled pending the outcome of the motion.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Toronto may file any further material or submissions relating to the motion by **October 17, 2019**. The material shall be filed with the OEB and copied to all parties.
2. Any parties supporting the motion shall file with the OEB and deliver to all parties any written submissions responding to the motion by the City of Toronto by **October 21, 2019**.
3. Imperial Oil and parties opposed to the motion shall file with the OEB and deliver to all parties any written reply to the supporting submissions by **October 28, 2019**.
4. Toronto may file a written reply submission with the OEB and serve it on all parties by **November 1, 2019**.
5. The procedural steps set out in Procedural Order No. 4 are cancelled pending the outcome of the motion. The OEB will issue further direction in this regard.

All materials filed with the OEB must quote the file number, EB-2019-0007, be made in a searchable/unrestricted PDF format and sent electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and email address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a USB memory stick in PDF

format, along with two paper copies. Those who do not have computer access are required to file seven paper copies.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca

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DATED at Toronto, October 11, 2019

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary