

**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. 6  
December 6, 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 (PO1) 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 PO1 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 PO1 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.

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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 way of a letter, provided an opportunity for 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 way of a letter, provided an opportunity for 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. 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 certain information. On October 11, 2019, the OEB issued Procedural Order No. 5 (PO No. 5) to set the process for addressing Toronto's motion in writing, and cancelled the dates for the final submissions previously outlined in PO No. 4. In accordance with PO No. 5, Toronto filed further written material and submissions on October 17, 2019. Parties supporting Toronto's motion filed written submissions on October 21, 2019. Parties opposed to Toronto's motion filed written submissions on October 28, 2019. Toronto filed its written reply submission on November 1, 2019.

On November 14, 2019, the OEB issued Decision and Order on the City of Toronto Motion (Decision on Motion) dismissing the Motion. Pursuant to the OEB's Decision on Motion, Imperial Oil filed certain redacted information with the OEB.

In the Decision on Motion, the OEB deemed the information ordered to be filed by Imperial as confidential on an interim basis, and set the process for accessing the confidential information and for submissions regarding the confidential treatment of the information filed. Imperial filed the confidential information and provided explanation and specific reasons why the information should be treated as confidential. No party objected to confidential treatment of the filed information.

In the Decision on Motion, the OEB set the schedule for the remaining steps in the written hearing. According to the schedule, OEB staff and intervenors were to file final written submissions by December 10, 2019 and Imperial was to file its written reply submission by December 20, 2019.

On December 6, 2019, Imperial Oil filed a letter with the OEB informing the OEB that as time has passed since the last updated consultation log was filed on the record, it proposed to file updated consultation logs and information. Imperial Oil stated that it wanted to ensure that all the intervenors and the OEB have updated and complete information available.

Imperial Oil requested that the OEB suspend the submission dates outlined in the OEB's Decision and Order of November 14, 2019 and issue a new Procedural Order that provides for the filing of Argument-in-Chief by Imperial Oil the week of January 6, 2020, with appropriate dates for the filing of submissions from OEB Staff and intervenors and a final reply by Imperial Oil.

On December 6, 2019, the Huron-Wendat Nation also requested an extension of the intervenors' deadline for filing comments.

The OEB finds that updated consultation logs and information could be beneficial and will help to ensure a more complete record for intervenors and OEB staff to prepare submissions, as well as the OEB to adjudicate the application.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. Imperial Oil shall file with the OEB and deliver to all intervenors Argument-in-Chief by **January 10, 2020**.
2. OEB staff and intervenors may file written submissions with the OEB and serve it on Imperial Oil and all intervenors by **January 24, 2020**.
3. Imperial Oil may file a written reply submission with the OEB and serve it on all intervenors by **February 7, 2020**.

All filings to the Board must quote the file number, EB-2019-0007 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail 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 flash drive in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Registrar at the address below, and be received no later than 4:45 p.m. on the required date.

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](mailto:Zora.Crnojacki@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca)

**ADDRESS**

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**DATED** at Toronto, December 6, 2019

**ONTARIO ENERGY BOARD**

*Original signed by*

Christine E. Long  
Registrar and Board Secretary