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Delivered by Email, RESS & Courier

Ms. Christine Long, Registrar and Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Enbridge Gas Inc. Leave to Construct Application and Request for Review of
IRP Proposal
Board File No. EB-2019-0159
Written Submission of the Association of Power Producers of Ontario**

We are counsel to the Association of Power Producers of Ontario (“APPrO”) in respect of the above noted matter.

APPrO has reviewed the draft issues list attached to Procedural Order No. 1 and is supportive of the issues as drafted.

With regards to the question of whether the scope of Leave to Construct proceedings should include:

1. impacts related to methods of upstream natural gas extraction (such as hydraulic fracturing) for natural gas that will be transported through the pipeline; and
2. impacts related to the ultimate downstream consumption of the natural gas transported through the pipeline

(collectively, the “**Proposed New Issues**”), APPrO submits that the Proposed New Issues fall outside the scope of review for leave to construct applications under Section 90(1) of the *Ontario Energy Board Act*, 1998 (“**OEB Act**”).

Pursuant to section 96(1) of the OEB Act, when considering an application under section 90, 91 or 92 of the OEB Act, if the Ontario Energy Board (“**Board**”) is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall grant the leave to construct.

When determining whether the proposed work is in the public interest, the Board must take into account its objectives as set out in section 2 of the OEB Act (in relation to gas), which are as follows:

1. *To facilitate competition in the sale of gas to users.*
2. *To protect the interests of consumers with respect to prices and the reliability and quality of gas service.*
3. *To facilitate rational expansion of transmission and distribution systems.*
4. *To facilitate rational development and safe operation of gas storage.*
5. *To promote energy conservation and energy efficiency in accordance with the policies of the Government of Ontario, including having regard to the consumer's economic circumstances.*
- 5.1 *To facilitate the maintenance of a financially viable gas industry for the transmission, distribution and storage of gas.*
6. *To promote communication within the gas industry and the education of consumers.*

APPrO submits that the Proposed New Issues are not relevant to the Board's public interest mandate, as informed by the Board's statutory objectives as set out in section 2 of the OEB Act. For this reason, APPrO submits that the Proposed New Issues fall outside the proper scope of review for the Board when assessing the public interest in this leave to construct application.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A. D. Vellone

John A.D. Vellone

cc: David Butters, APPrO
All Parties to EB-2019-0159