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February 10, 2020

Reply To: Albert M. Engel  
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Our File No. 195366

**VIA RESS, EMAIL AND COURIER**

Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, Ontario  
M4P 1E4

Attention: Kirsten Walli  
Board Secretary

Dear Ms. Walli:

**Re: EB-2019-0159: Enbridge Gas Inc., Application to construct natural gas pipeline and associated facilities in the City of Hamilton and Request for review of Integrated Resource Plan (IRP) Proposal**

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Please find enclosed herewith BOMA's Submission.

Yours truly,

**FOGLER, RUBINOFF LLP**

A blue ink signature, appearing to read 'Albert M. Engel', written over a horizontal line.

Albert M. Engel  
Certified Specialist in Environmental Law  
AME/dd  
Encls.  
cc: All Parties (*via e-mail*)

**ONTARIO ENERGY BOARD**

**Enbridge Gas Inc.**

**Application to construct natural gas pipeline and associated  
facilities in the City of Hamilton and Request for review of  
Integrated Resource Plan (IRP) Proposal**

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**Submission of Building Owners and Managers Association, Greater Toronto  
("BOMA")**

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**February 10, 2020**

**Albert M. Engel  
Fogler, Rubinoff LLP  
77 King Street West, Suite 3000  
Toronto, ON M5K 1G8**

**Counsel for BOMA**

## **BOMA's Submission**

### **Part 1 - Draft Issues List**

1. BOMA agrees with and submits that the issues list as set out in the Draft Issues List-Section 90 OEB Act, Leave to Construct Application attached as Appendix A to Procedural Order No. 1 Enbridge Gas Inc. EB-2019-0159 issued on January 30, 2020 is appropriate for consideration in a Leave to Construct Application.

### **Part 2 – Scope of the Leave to Construct Proceeding**

2. BOMA submits that the scope of the Leave to Construct proceeding should not include consideration of impacts related to the methods of upstream natural gas extraction (such as hydraulic fracturing) for natural gas that will be transported through the pipeline.
3. The Board's jurisdiction under the section 96 of the OEB Act is limited to consideration of whether the construction, expansion or reinforcement of the *proposed work* is in the public interest. The proposed work in this case is the construction of 10.2 kilometres of 48-inch diameter natural gas pipeline. Moreover, the Leave to Construct process under the OEB Act is not the appropriate forum to debate government policies in jurisdictions outside of Ontario, for example, Alberta and Pennsylvania, that have permitted natural gas extraction through hydraulic fracturing. Each producing province or state produces a mixture of fracked and unfracked gas, and has its own policy with respect to the impacts of gas production, whether fracked or otherwise.
4. There is little or no Ontario-produced gas which will be transmitted through the proposed line.

5. However, BOMA is of the view that the scope of the hearing should include "the impacts related to the ultimate downstream consumption of the natural gas transported through the pipeline". The construction of the pipeline is in part required to meet the increased demand for natural gas in Ontario. This increased demand will have an impact on carbon emissions in Ontario. This substantial increase in demand underlines the need for increased attention to natural gas conservation in Ontario, and renewable natural gas, both of which are important parts of Ontario's Plan to Reduce Greenhouse Gas Emissions and the Board's proposed IRP proceeding, which the Board states it will address in the "near future". The Board should address the implications for, and the impacts of, the proposed line for the IRP and the Board's plans to incent gas conservation and renewable gas. The promotion of energy conservation and efficiency is one of the Board's objectives, set out in section 2(5) of the Ontario Energy Board Act.

**\*ALL OF WHICH IS RESPECTFULLY SUBMITTED\***