

Enbridge Gas Inc.

**Application for Voluntary Renewable Natural Gas
Program beginning January 1, 2021**

**PROCEDURAL ORDER NO. 1
April 22, 2020**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on March 5, 2020 under section 36 of the *Ontario Energy Board Act, 1998*, seeking approval to implement a Voluntary Renewable Natural Gas Program (Voluntary RNG Program).

A Notice of Hearing was issued on April 2, 2020. The following parties applied for intervenor status:

- Anwaatin Inc. (Anwaatin)
- Building Owners and Managers Association (BOMA)
- Canadian Biogas Association (CBA)
- Consumers Council of Canada (CCC)
- Canadian Manufacturers & Exporters (CME)
- Kitchener Utilities
- Energy Probe Research Foundation (Energy Probe)
- Federation of Rental-housing Providers of Ontario (FRPO)
- GFL Environmental Inc. (GFL)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Ontario Sustainable Energy Association (OSEA)
- Pollution Probe
- School Energy Coalition (SEC)
- Summitt Energy Management, Inc. (Summitt)
- Vulnerable Energy Consumers Coalition (VECC)

Anwaatin, BOMA, CBA, CCC, CME, Energy Probe, FRPO, GFL, IGUA, LPMA, OSEA, Pollution Probe, SEC and VECC also applied for cost eligibility.

No objection was received from Enbridge Gas.

Intervention Request of Anwaatin

In its Letter of Intervention, Anwaatin describes its interest in this proceeding as "... Anwaatin's mission is to ensure that Indigenous communities are afforded reliable and affordable energy and have a central role in energy-related climate change action. Its business focusses on (i) access to efficient electricity and natural gas energy solutions for indigenous communities; (ii) ensuring Indigenous communities have reliable energy transmission and distribution in order to meet basic needs and facilitate economic development; (iii) addressing poor electricity reliability and the disparate and adverse impacts that it has on Indigenous communities and Aboriginal rights; and (iv) strengthening distributed energy resources in Indigenous communities to facilitate resilience and efficient electrification solutions to address climate change."

Anwaatin further states that it "... hopes to provide the Board with the unique perspective of the disproportionate number of Indigenous communities currently living in energy poverty in Ontario and the role of RNG in facilitating responses to energy poverty issues. Anwaatin has a significant interest in RNG and referred to its interest as part of its participation in the consultation on the Applicant's natural gas supply plan (EB-2019-0137)".

The OEB is not satisfied that Anwaatin has a substantial interest in this proceeding within meaning of Rule 22.02 of the OEB's *Rules of Practice and Procedure*. Anwaatin's interest in energy poverty issues and the role of RNG in facilitating responses to energy poverty issues are not the focus of this proceeding. This proceeding pertains to Enbridge Gas' specific request to charge customers, who choose to participate, a rate to participate in a voluntary RNG program. The proceeding is not meant to be a review of gas supply planning. Therefore, this application is not the appropriate venue to address issues related to energy poverty, access to reliable energy solutions for indigenous communities or strengthening distributed energy resources in Indigenous communities.

Intervention requests of OSEA and Pollution Probe.

For reasons that follow, each of the intervention requests of OSEA and Pollution Probe are denied. In its letter of intervention OSEA states that it is "... a not for profit organization that is committed to representing the public interest on energy policy matters that contribute to energy conservation and sustainable energy development for Ontario. OSEA aims to ensure funding and rates that encourage conservation, energy efficiency and the incorporation of renewable energy." OSEA further states, that "... serves as an advocate, network and capacity builder for individuals, manufacturers,

installers, builders, developers, municipalities, First Nations, unions, farmers, co-operatives, NGO's, associations and other organizations supportive of, and engaged in, the full portfolio of sustainability energy solutions. OSEA also aims to provide education about all types of renewable energy technologies.”

In its Letter of Intervention, Pollution Probe states that it intends to focus on issues related to “The importance and relevance of RNG options as outlined in Provincial policy, and in alignment with other key initiatives including enhancing Ontario’s distributed energy resources; Consumer (including municipal), financial and environmental benefits and costs related to the proposed program; The provision of related materials (eg. Pollution Probe’s Future of Natural Gas) to assist the Board in its review of the request.”

The OEB notes that OSEA has provided information on its advocacy and policy work, but has not provided the specific issues within the current application that are of interest to it or that will provide value to the OEB in respect of its mandate in this proceeding. With respect to Pollution Probe’s request, the OEB notes that Pollution Probe’s areas of focus as described are very broad and their linkages to the issues to be determined in this proceeding have not been established. As stated above, this application focusses on a specific voluntary program. The proceeding is not meant to encompass broad policy issues, nor a more extensive review of gas supply planning. Therefore, OSEA and Pollution Probe have not established that they have a substantial interest in this proceeding.

GFL’s Request for cost eligibility

GFL is a leading North American provider of diversified environmental solutions and a biogas producer. It offers services in waste management, liquid waste management and infrastructure development. As indicated on its website, its sales revenue in 2019 was substantial. GFL is a well-funded commercial entity.

GFL states that it is a customer of Enbridge Gas and therefore qualifies for its participation in this proceeding to be funded by ratepayers. The OEB disagrees.

Section 3.04(b) of the OEB’s *Practice Direction on Cost Awards* states that in the case of a commercial entity, the OEB may have regard to whether the entity primarily represents its own commercial interest (other than as a ratepayer), even if the entity may be in the business of providing services that can be said to serve an interest or policy perspective relevant to the OEB’s mandate and to the proceeding for which cost eligibility is sought.

The OEB is satisfied that GFL has a substantial interest in this proceeding. As such, they are granted intervenor status.

However in the OEB's view this interest is directly related to its own commercial interest and opportunities that may arise for it as a result of the program. GFL states at paragraph 4 of its Letter of Intervention that given its considerable production and consumption of biogas and natural gas, the organization has considerable interest in advancing RNG production in Canada. Paragraph 5 (a)-(d) further describes issues that would be of specific interest in a commercial context;

"GFL's intervention would focus on testing evidence and providing argument with respect to the issues raised in the Application, including:

- a) the Applicant's plan to procure RNG to support the Program;
- b) the technical and operational considerations of potential developers in Ontario;
- c) the role of existing and proposed RNG production facilities and related work and services required to get RNG to market;
- d) whether the Applicant's services are required to facilitate arrangements between customers and third parties in respect of marketing, business processes, and systems"

The OEB further notes that although GFL is a customer of Enbridge Gas, the voluntary RNG program, that is the subject of this proceeding has been designed for residential customers. Enbridge Gas states that while industrial and large commercial customers may enroll, they are not the focus of the program.

For these reasons, GFL is not eligible to have its participation in this proceeding funded by ratepayers.

BOMA, CBA, CCC, CME, Kitchener Utilities, Energy Probe, FRPO, GFL, IGUA, LPMA, SEC, Summit and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

BOMA, CBA, CCC, CME, Energy Probe, FRPO, IGUA, LPMA, SEC and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Parties should not engage in detailed exploration of items that do not appear to be material. The OEB also notes that a number of parties appear to have similar interests. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on

material issues and that they made reasonable efforts to coordinate their participation to avoid duplication.

Cost eligible intervenors are advised that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are typically made by way of OEB order at the end of a proceeding.

Interrogatories

At this time, provision is being made for written interrogatories.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors may request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **May 7, 2020**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **May 27, 2020**.

All materials filed with the OEB must quote the file number, **EB-2020-0066**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, 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.

NOTE: The OEB is temporarily waiving the paper copy filing requirement until further notice. All communications should be directed to the attention of the Board Secretary 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, Rachele Levin at Rachele.Levin@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

ADDRESS

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Attention: Registrar

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DATED at Toronto, **April 22, 2020**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar and Board Secretary

SCHEDULE A

PROCEDURAL ORDER NO. 1

ENBRIDGE GAS INC.

EB-2020-0066

APRIL 22, 2020

APPLICANT AND LIST OF INTERVENORS

**Enbridge Gas Inc.
EB-2020-0066**

APPLICANT & LIST OF INTERVENORS

April 22, 2020

APPLICANT

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