



Enbridge Gas Inc.

**Application to construct natural gas pipeline and associated
facilities in the City of Hamilton**

PROCEDURAL ORDER NO. 6

May 7, 2020

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) pursuant to section 90(1) and 97 of the *Ontario Energy Board Act 1998*, S.O. 1998, c.15 (Schedule B) for leave to construct approximately 10.2 kilometres of 48-inch diameter natural gas transmission pipeline and associated facilities in the City of Hamilton (Project). Enbridge Gas also applied for approval of the forms of easement agreements related to the construction of the Project.

The proceeding is currently in a written discovery phase. As set out in the procedural schedule, Enbridge Gas was required to respond to interrogatories on the record by May 4, 2020.

On May 4, 2020 Enbridge Gas requested that the OEB temporarily adjourn the proceeding due to uncertainties resulting from the COVID-19 pandemic impacts on the Project. Enbridge Gas did not file responses to any of the interrogatories.

As a condition of the adjournment, Enbridge Gas proposed to report to the OEB as soon as reasonably possible and certainly within six months of the date of the adjournment as to whether it has sufficient clarity to proceed with the application as filed, including responses to the interrogatories already asked and any further interrogatories arising from any updated evidence. In the interim, Enbridge Gas stated that it is continuing to work with First Nations and affected stakeholders including the City of Hamilton, landowners and permitting agencies to advance the Project.

Regarding the cost incurred to date by intervenors eligible for an award of cost, Enbridge Gas recognized that the OEB may provide for interim cost awards process as part of any adjournment.

As of May 5, 2020 the Association of Power Producers of Ontario (APPrO), Environmental Defence, Federation of Rental Housing Providers of Ontario (FRPO), Green Energy Coalition (GEC), and Pollution Probe had filed comments on Enbridge Gas' adjournment request. None of these parties objected to Enbridge Gas' adjournment request. Environmental Defence, FRPO, GEC and Pollution Probe asked that Enbridge Gas be required to respond to the interrogatories currently on the record. APPrO supported Enbridge Gas' request to adjourn the proceeding and the proposed conditions.

The OEB recognizes the uncertainties arising from the COVID-19 pandemic and its potential impact on the Project. It is the intention of the OEB to grant the adjournment and provide for interim cost awards. Prior to doing so, the OEB is requesting submissions on the terms of the adjournment as suggested by Enbridge Gas and, in particular, the completion of interrogatories responses by Enbridge Gas. The OEB will provide for submissions from all parties who have not to date made submissions in that respect, and will provide an opportunity for Enbridge to file a reply submission.

IT IS THEREFORE ORDERED THAT:

1. Parties that have not provided submissions to date on the conditions of the adjournment, and in particular, the completion of interrogatories responses by Enbridge Gas, and wish to do so, may file a submission with the OEB and copy all parties by **May 11, 2020**.
2. Enbridge Gas shall file with the OEB, and copy all parties, any response to the submissions received by **May 13, 2020**.

All materials filed with the OEB must quote the file number, EB-2019-0159, be made in a searchable/unrestricted PDF format and sent electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. 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.

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, Zora Crnojacki at Zora.Crnojacki@oeb.ca and Board Counsel, Michael Millar at Michael.Millar@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **May 7, 2020**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary