

**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 2  
May 15, 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. On April 22, 2020, Procedural Order No. 1 (PO1) was issued, which made provision for interrogatories and interrogatory responses. PO1 also granted intervenor status to the following parties:

- Building Owners and Managers Association
- Canadian Biogas Association
- Consumers Council of Canada
- Canadian Manufacturers & Exporters
- Energy Probe Research Foundation
- Federation of Rental-housing Providers of Ontario
- GFL Environmental Inc.
- Industrial Gas Users Association
- Kitchener Utilities
- London Property Management Association
- School Energy Coalition
- Summitt Energy Management Inc.
- Vulnerable Energy Consumers Coalition

In PO1, the OEB denied intervenor status to Anwaatin Inc. (Anwaatin) and Pollution Probe. Anwaatin and Pollution Probe filed letters appealing the decision to deny each of them intervenor status and cost award eligibility on April 24, 2020 and April 27, 2020,

respectively. These appeal letters clarified the limited scope of their proposed intervention.

On April 30, 2020, the OEB issued a decision granting Anwaatin's and Pollution Probe's intervention and cost award eligibility requests based on their scope clarifications.

On May 13, 2020, Environmental Defence (ED) filed a letter requesting that it be allowed to intervene in this proceeding and be eligible to apply for an award of costs. ED stated that its initial intervention request, dated April 15, 2020, appears not to have been received by the OEB due to a technical issue.

ED requested that the OEB grant intervenor status and cost award eligibility to ED at this stage in the proceeding because an initial request was prepared on time but never received due to an inadvertent technical issue, there will be no delay to the hearing, and there would be no prejudice to any party. ED also filed its proposed interrogatories with the OEB on May 14, 2020.

On May 14, 2020, Enbridge Gas filed a letter objecting to the late intervention request of ED which was over one month past the intervention deadline. Enbridge Gas stated that if parties do not receive a confirmation email from the OEB's Regulatory Electronic Submission System upon submission, this provides a clear and immediate indication that a submission was not received. In the alternative, to the extent that the OEB is prepared to accept ED's intervention request, Enbridge Gas stated that it is their understanding that the OEB's practice is to require late intervenors to accept the record as it is, which in this case should not allow for ED to file additional interrogatories past the May 7, 2020 date.

The OEB acknowledges the views expressed by Enbridge Gas. However, the OEB notes that ED stated that it submitted its initial request within the allotted timelines, but that request was not received by the OEB due to technical issues. ED has also made it clear that it will focus on issues within scope and avoid issues of a general environmental nature.

The OEB is prepared to accept ED's intervention request. The OEB notes ED's statement that it will take additional steps in the future to confirm that all documents have been received. The OEB also notes that workplaces have been disrupted by the COVID 19 emergency.

In this case, ED submitted its interrogatories on May 14, 2020, which provides Enbridge Gas with approximately 2 weeks to respond before the May 27, 2020 deadline. As a result, the OEB does not foresee any delay or prejudice that will flow from ED's participation.

The OEB also finds that ED is eligible to apply for an award of costs. 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.

The procedural steps and dates in PO1 remain unchanged.

The updated list of parties to this proceeding is attached as Appendix A to this Procedural Order.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. ED is permitted to 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 14, 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](mailto:Rachele.Levin@oeb.ca) and OEB Counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

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Toronto ON M4P 1E4  
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**DATED** at Toronto, **May 15, 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. 2**

**ENBRIDGE GAS INC.**

**EB-2020-0066**

**MAY 15, 2020**

**APPLICANT AND LIST OF INTERVENORS**

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

**APPLICANT & LIST OF INTERVENORS**

May 15, 2020

**APPLICANT**

**Rep. and Address for Service**

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

**APPLICANT & LIST OF INTERVENORS**

**May 15, 2020**

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

**APPLICANT & LIST OF INTERVENORS**

May 15, 2020

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

**APPLICANT & LIST OF INTERVENORS**

May 15, 2020

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**Canadian Manufacturers &  
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**APPLICANT & LIST OF INTERVENORS**

May 15, 2020

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**APPLICANT & LIST OF INTERVENORS**

May 15, 2020

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**EB-2020-0066**

**APPLICANT & LIST OF INTERVENORS**

May 15, 2020

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

**APPLICANT & LIST OF INTERVENORS**

**May 15, 2020**

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

**APPLICANT & LIST OF INTERVENORS**

**May 15, 2020**

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

**APPLICANT & LIST OF INTERVENORS**

**May 15, 2020**

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