

# Elson Advocacy

May 15, 2020

**BY COURIER (2 COPIES) AND RESS**

**Ms. Christine Long**

Board Secretary

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Long:

**Re: EB-2019-0294 – Enbridge Gas Inc. – Low Carbon Energy Project**

We are writing on behalf of Environmental Defence to request intervenor status and costs eligibility in the above proceeding as a leading environmental organization that represents both the public interest in environmental protection and the interests of consumers who benefit from cost-effective means to lower carbon emissions and mitigate the financial risks associated with climate change for fossil fuel consumers.

**Reasons for Late Intervention Request**

Environmental Defence requests that this request for intervenor status be accepted despite it being submitted four days after the deadline. Granting intervenor status will not delay the proceeding or prejudice any parties. If granted permission, Environmental Defence would file interrogatories by the existing deadline of May 27, 2020, which is well into the future.

Furthermore, there is reasonable justification for the delay. On April 15, 2020, I asked the applicant to send me the hearing notice and application when available (the application was not yet online and the notice not yet issued). A copy of this email is attached. On April 21, 2020, the Board issued a letter of direction requiring that the notice and application be sent to “to anyone requesting the material.”<sup>1</sup> Despite my earlier request, the applicant did not send me the notice or the application. I presume this was an instance of mere administrative inadvertence on the part of the applicant. I only learned of the intervention application deadline after it had passed (on May 13, 2020). I immediately sought instructions and received them at the end of the day today.

In light of this reasonable justification, the lack of prejudice, and the lack of any impact on the procedural timeline, we respectfully request that intervenor status be granted.

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<sup>1</sup> OEB, Letter of Direction, April 21, 2020, p. 2, para. 5.

## **Nature and Scope of Intended Participation and Interest in Proceeding**

Environmental Defence wishes to file interrogatories, participate in the hearing, review and test the evidence, make submissions, and seek a cost award.

Environmental Defence's interest in this proceeding is in promoting both the public interest in environmental protection and the interests of consumers whose energy bills can be lowered through the means discussed above. Environmental Defence wishes to address important issues relating to this mandate. For example, Environmental Defence wishes to explore:

- The justification for this project, including the mitigation of the financial risks faced by fossil fuel consumers arising from climate change;
- The appropriate role for this project in overall efforts by Enbridge to protect consumers from the financial risks associated with climate change and quickly evolving fossil fuel consumption patterns;
- The costs and benefits of the proposed project, including in comparison to other measures to address the costs and risks associated with climate change for fossil fuel consumers;
- Enbridge's planned next steps for hydrogen injection, the role of this project in those next steps, and the potential lessons to be learned therefrom;
- The appropriate project design; and
- Other issues relating to the mandate of Environmental Defence.

## **Environmental Defence**

### *A. Mandate and Objectives of Environmental Defence*

Environmental Defence has been working since 1984 to protect Canadians' environment and human health. Environmental Defence's mandate and objective is to challenge, and inspire change in government, business and people to ensure a greener, healthier and prosperous life for all. Its vision is to create a world Canadians are proud to pass on to their children.

### *B. Membership and Constituency*

Environmental Defence is supported by many thousands of donors across the province and country. It sees its constituency as Canadians who are concerned about the environment and the legacy that we will pass on to our children.

### *C. Types of Programs and Activities that Environmental Defence Carries Out*

Environmental Defence has been highly successful in its public interest advocacy on energy issues. Environmental Defence's environmental work, on issues ranging from toxic chemicals to clean beaches, has led to concrete improvements in the lives of Canadians. For example, the dangerous chemical Bisphenol A ("BPA") is now banned in baby bottles in Canada due to

concerns first raised by Environmental Defence in 2007. For many years, Environmental Defence has participated in the federal government's Chemicals Management Plan.

Environmental Defence is also the coordinator of Blue Flag Canada, which certifies beaches so that Ontario families can enjoy this public resource. It also co-founded Blue Green Canada with the United Steelworkers, which promotes green energy initiatives that have positive employment and economic impacts.

Environmental Defence also publishes reports and guides in the area of energy conservation, efficiency, and policy. For example, it has created an interactive online tool to help energy consumers reduce their bills through energy efficiency initiatives. Some further publications include:

- *Building an Ontario Green Jobs Strategy*
- *Ontario's Electricity System, a Background*
- *Canada's Methane Gas Problem: Why strong regulations can reduce pollution, protect health, and save money*
- *Powering up efficiency to get the conservation framework right*
- *The \$2 Billion Question - How Can Ontario Reinvest Cap-and-Trade Proceeds to Meet its Climate Challenge and Grow the Economy?*
- *What to Look for in the Canadian Energy Strategy*
- *Background - Coal and Renewable Energy in Ontario*
- *Building Ontario's Green Economy: A Road Map*
- *Ontario Feed-In Tariff: 2011 Review*
- *The Global Clean Energy Jobs Race: Ontario's Opportunity*
- *Blowing Smoke: Correcting Anti-Wind Myths in Ontario*
- *Faces of Transformation: Jobs, economic renewal and cleaner air from Year*
- *One of Ontario's Green Energy Act*
- *Falling Behind: Canada's Lost Clean Energy Jobs*
- *Greening Canada's Building: Report Card*

These and other reports can be found at <http://environmentaldefence.ca/reports/>.

### **Requests for Evidence and Addresses of Representative**

Environmental Defence requests that electronic copies of the pre-filed materials and all other documents in the proceeding be delivered to the following consultant and counsel:

Electronic copies to:

**Jack Gibbons**  
 Ontario Clean Air Alliance  
 160 John Street, Suite 300  
 Toronto, Ontario M5V 2E5  
 Tel: (416) 260-2080 ext. 2  
 E-mail: [jack@cleanairalliance.org](mailto:jack@cleanairalliance.org)

Electronic copies to:

**Kent Elson**

Elson Advocacy  
1062 College Street, Lower Suite  
Toronto, Ontario M6H 1A9  
Tel: (416) 906-7305  
Fax: (416) 763-5435  
E-mail: kent@elsonadvocacy.ca

We also request that the above individuals be listed on the intervenors' list under Environmental Defence.

**Address of Environmental Defence**

Environmental Defence's full name and address is:

**Environmental Defence Canada Inc.**  
116 Spadina Avenue, Suite 300  
Toronto, Ontario M5V 2K6  
Tel: (416) 323-9521  
Fax: (416) 323-9301

However, please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.

**Service on other Parties**

Environmental Defence requests the Board's directions as to whether this letter should be served on any other parties.

Please do not hesitate to contact me if anything further is required.

Yours truly,



Kent Elson

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## EB-2019-0294 - Low Carbon Energy Project

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**Kent Elson** <kent@elsonadvocacy.ca>  
To: EGIRegulatoryProceedings@enbridge.com

15 April 2020 at 10:26

Good Morning,

Could you please send me the above application? Also, when the hearing notice is issued, could you please email me a copy?

Thank you.

Kent

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Kent Elson, LL.B.  
Elson Advocacy  
1062 College Street, Lower Suite  
Toronto, Ontario M6H 1A9  
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