



**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 7 AND DECISION ON ADJOURNMENT  
May 19, 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.

On May 4, 2020, and prior to the filing of any responses to interrogatories, Enbridge Gas requested that the OEB temporarily adjourn the proceeding due to uncertainties resulting from the COVID-19 pandemic impacts on the Project. 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 had 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.

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.

In Procedural Order No. 6 issued on May 7, 2020, the OEB indicated that it recognized the uncertainties arising from the COVID-19 pandemic and its potential impact on the Project. The OEB also stated its intention to grant the adjournment and provide for interim cost awards. The OEB provided for submissions on the terms of the

adjournment as suggested by Enbridge Gas and, in particular, whether Enbridge Gas should file its interrogatories responses prior to the adjournment, and an opportunity for Enbridge Gas to file a reply submission.

OEB staff, Building Owners and Managers Association (BOMA), City of Hamilton, Consumers Council of Canada (CCC), Canadian Manufacturers and Exporters (CME), Energy Probe Research Foundation (Energy Probe), Industrial Gas Users Association (IGUA), and School Energy Coalition (SEC) filed submissions on May 11, 2020. Enbridge Gas filed its reply on May 13, 2020.

None of the parties opposed granting the adjournment request.

A number of parties submitted that Enbridge Gas should file responses to the interrogatories that were due on May 4, 2020. Several parties maintained that responses to certain interrogatories related to the issues in the current Integrated Resource Plan (IRP) proceeding<sup>1</sup> should be filed as it may provide valuable input for the IRP proceeding. Regarding the six month term for Enbridge Gas to report to the OEB, the City of Hamilton proposed a one month term for the reporting. Some parties expressed concerns that the adjournment could compress the regulatory process and not allow sufficient time for the parties to meaningfully participate in the proceeding.

Enbridge Gas in its reply submission argued that its request for adjournment should be granted under the same conditions it originally proposed.

The OEB has decided to allow the temporary adjournment upon the terms that Enbridge Gas has suggested. The reasons for the adjournment are primarily based on the fallout from the COVID-19 pandemic. The OEB notes as well that Enbridge Gas intends to consult with parties affected by the Project during the adjournment period. Any changes arising from these consultations and/or further study of, and planning for the project may necessitate the filing of an evidentiary update. The OEB will order that the proceeding be adjourned until further notice and that Enbridge Gas shall report to the OEB no later than six months of the date of this Procedural Order on the prospects of continuing with its application and indicate if any updates to the evidence will be undertaken in the event that the proceeding will continue.

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<sup>1</sup> EB-2020-0091

Given the above, the OEB does not believe that it would be helpful or efficient to have responses to the interrogatories filed at this time by Enbridge Gas. If there are interrogatories that have been asked by parties that might provide useful input for the current IRP proceeding, these questions may be asked in that proceeding, provided that they are within the scope of the IRP issues list.

The OEB confirms that the resumption of this proceeding following this adjournment will not be on a timetable that compromises the ability of interested parties to review any new evidence, to prepare intervenor evidence or prepare for the participation in any hearing of this application.

Provision will also be made for cost eligible intervenors to file an interim cost claim. Parties are reminded to submit their claims in accordance with the *OEB's Practice Direction on Cost Awards*.

**IT IS THEREFORE ORDERED THAT:**

1. The proceeding **EB-2019-0159** is adjourned until further notice from the OEB.
2. Enbridge Gas shall file with the OEB and copy all the parties in the proceeding, no later than **November 19, 2020** a report with an update on the status of the planning for the Project, and a proposal for re-commencing the hearing process, including proposals for the filing of any updated evidence.
3. Cost eligible intervenors shall file their cost claims for costs incurred up to date by **June 2, 2020**. A copy of the cost claim must be filed with the OEB and Enbridge Gas.
4. Enbridge Gas shall file with the OEB and forward to intervenors any objections to the claimed costs by **June 16, 2020**.
5. Intervenors shall file with the OEB and forward to Enbridge Gas, response to any Enbridge Gas' objections to cost claims by **June 30, 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](mailto:Zora.Crnojacki@oeb.ca) and Board Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

**DATED** at Toronto, **May 19, 2020**

**ONTARIO ENERGY BOARD**

*Original signed by*

Christine E. Long  
Registrar and Board Secretary