

Enbridge Gas Inc.

Application for approval to drill natural gas storage wells in each of the Kimball-Colinville Storage Pool and the Payne Storage Pool, in St. Clair Township in the County of Lambton.

PROCEDURAL ORDER NO. 1

June 8, 2020

On April 9, 2020, pursuant to section 40(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), Enbridge Gas Inc. (Enbridge Gas) requested from the Ontario Energy Board (OEB) a favourable report to the Ministry of Natural Resources and Forestry (MNRF) in respect of Enbridge Gas' application to the MNRF for licences to drill wells in the Kimball-Colinville Storage Pool and the Payne Storage Pool. Both pools are located in St. Clair Township in the County of Lambton.

A Notice of Hearing was issued on May 7, 2020.

The MNRF and Mr. Bryan Arnold applied for intervenor status. No objection was received from Enbridge Gas.

Intervention Request of Brian Arnold

In his letter of intervention Mr. Arnold states that he "holds interests in land that may be directly affected" by Enbridge Gas' proposal to drill a new well in the Kimball-Colinville storage pool and that his interest in the proceeding relates to "[Enbridge Gas]' use of the land in question and its storage lease agreements". Mr. Arnold further states that "[he] would like the ability to request an award of costs, for damage they have done to my property already, related to the Kimball-Colinville Gas Pool."

The OEB approves Mr. Arnold as an intervenor pursuant to Rule 22.02 of the OEB's *Rules of Practice and Procedure*, in his capacity as a landowner who may be affected by the proposed project. With respect to Mr. Arnold's request for cost eligibility, the OEB notes that the OEB's cost awards process allows eligible intervenors to recover certain costs associated with their participation in the OEB's proceedings. Cost awards are not

a means of compensating parties for alleged damages resulting from construction-related activities. The OEB has determined that Mr. Arnold is eligible to apply for an award of costs related to participation in this proceeding pursuant to the OEB's *Practice Direction on Cost Awards* (Practice Direction). Mr. Arnold should carefully review the Practice Direction for information about the types of costs and disbursements that an individual may claim. For example, while wage or salary losses incurred by an individual intervenor as a result of participating in an OEB hearing may be claimed, those individuals will not generally be permitted to claim fees for their own time under the OEB's Cost Award Tariff. Further, 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.

Finally, eligibility to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order at the end of a hearing. Section 5 of the Practice Direction sets out some of the matters the OEB may consider in determining the amount of a cost award. This Procedural Order is being issued for the purposes of determining intervenor status; establishing eligibility to apply for a cost award; and setting out the initial schedule for the proceeding. The OEB is not making a determination on the merits of Mr. Arnold's assertions at this time. As a party to the proceeding, Mr. Arnold will have an opportunity to ask questions and make submissions through the course of the proceeding.

The MNRF is approved as an intervenor. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Intervenors are reminded that the scope of a well drilling proceeding typically includes matters pertaining to:

- the need for the proposed project
- the appropriateness of the design and location of the proposed facilities (e.g., wells, well heads, pipelines, valves)
- costs and bill impacts for ratepayers
- feasibility
- project schedule
- potential environmental impacts and mitigations
- land use requirements and impact on directly affected landowners (i.e., landowners whose property the proposed facilities will occupy)
- Indigenous consultation matters
- possible alternative solutions to achieving the project's desired outcome
- compliance with applicable regulations and standards (e.g., the Canadian Standards Association Z341)

Interrogatories and Submissions

At this time, provision is being made for written interrogatories and submissions. Parties should not engage in detailed exploration of items that do not appear to be relevant. 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 relevant issues.

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 shall 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, **June 18, 2020**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **June 29, 2020**.
3. Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by, **July 13, 2020**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **July 27, 2020**.

All filings to the OEB must quote the file number, **EB-2020-0105**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and 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 www.oeb.ca/industry. If the web portal is not available parties may email their documents to the address below. Those who do not have computer access are required to file seven paper copies.

NOTE: The OEB is temporarily waiving the paper copy filing requirement until further notice. All communications should be directed to the attention of the Registrar 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, Ritchie Murray at ritchie.murray@oeb.ca and OEB Counsel, James Sidlofsky at james.sidlofsky@oeb.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Registrar

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, June 8, 2020

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Original signed by

Nancy Marconi
Manager, Generation & Transmission

Schedule A

To

Procedural Order No. 1

Enbridge Gas Inc.

EB-2020-0105

Applicant and List of Intervenor

June 8, 2020

**Enbridge Gas Inc.
EB-2020-0105**

APPLICANT & LIST OF INTERVENORS

June 08, 2020

APPLICANT

Rep. and Address for Service

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INTERVENORS

Independent Participants

Rep. and Address for Service

Bryan Arnold

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Enbridge Gas Inc.
EB-2020-0105

APPLICANT & LIST OF INTERVENORS

June 08, 2020

**Ministry of Natural
Resources & Forestry**

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