



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2019-0188

ENBRIDGE GAS INC.

**Application for leave to construct natural gas pipelines and associated facilities to
serve the Northshore and Peninsula Roads area in the City of North Bay**

BEFORE: Susan Frank
Presiding Member

Lynne Anderson
Member

June 17, 2020

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to an Enbridge Gas Inc. (Enbridge Gas) proceeding.

Enbridge Gas applied to the OEB under section 90(1) and 97 of the *Ontario Energy Board Act, 1998* (OEB Act) for approval to construct 27 kilometres of natural gas pipelines and associated facilities to serve certain areas within the City of North Bay and approval for the form of permanent and temporary land use agreements related to the construction of the proposed pipeline. Enbridge Gas also sought approval, pursuant to section 36 of the OEB Act, to charge a System Expansion Surcharge of \$0.23 per cubic metre (m³) for a term of 40 years, to all new customers taking natural gas distribution service from the proposed pipeline, and to any future extensions of the pipeline.

The OEB granted Environmental Defence and Pollution Probe intervenor status and cost award eligibility.

On May 7, 2020, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for Enbridge Gas to object to the claims and for intervenors to respond to any objections raised by Enbridge Gas.

The OEB received cost claims from Environmental Defence and Pollution Probe. On June 4, 2020, Enbridge Gas filed a letter noting that Pollution Probe had made claims of 19.50 hours to “Pre-hearing Conference Preparation” (approximately 40 percent of its total claim). Enbridge Gas submitted that Procedural Order No. 1 (dated March 2, 2020) did not contemplate a Pre-hearing Conference as part of the regulatory review process for this proceeding. With the exception of the comment above, Enbridge Gas stated that it had no specific concerns with the cost claim submissions.

On June 4, 2020, Pollution Probe responded to Enbridge Gas’ comments and stated that the 19.5 hours allocated to “Pre-hearing Conference Preparation” was for a set of activities that assisted throughout the full hearing process (i.e. evidence review, detailed comparison to environmental and policy requirements, the City of North Bay energy plan requirements, DSM potential and correspondence on hearing issues), and also supported Pollution Probe’s ability to develop interrogatories and detailed argument. Pollution Probe further stated that in a similar proceeding it was instructed by OEB staff to use the “Pre-hearing Conference Preparation” category for those activities and had applied the same practice in this proceeding for consistency.

Findings

The OEB has reviewed the cost claims and Enbridge Gas' objection letter. Pollution Probe's reply letter assisted the OEB in understanding the focus of the Pre-hearing Conference Preparation. However, while it was appropriate to spend time on evidence review and to do comparisons to environmental and policy requirements, the 19.5 hours is excessive. The OEB approves 10 hours for the activities included under the Pre-hearing Conference Preparation. All other costs submitted by Pollution Probe and all costs from Environmental Defence are approved.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Inc. shall immediately pay the following amounts to the intervenors for their costs:

• Environmental Defence	\$ 8,827.56
• Pollution Probe	\$13,797.30

DATED at Toronto June 17, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary