

Ms. Christine Long  
Registrar & Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

July 8, 2020

**Re: EB-2020-0160 Windsor Pipeline Replacement Project ("Project") – Section 101 Application  
Pollution Probe Intervenor Request**

Dear Ms. Long:

Pollution Probe is in receipt of the notice dated June 30, 2020 for the above noted proceeding and hereby applies for intervenor status and requests that it be eligible for the recovery of reasonably incurred costs for its participation. Please note that the public notice references EB-2020-0160 and the Enbridge evidence references EB-2019-0172. Pollution Probe has used the public notice reference.

Pollution Probe represents consumers and community interests in Ontario and works collaboratively with stakeholders including the Clean Air Partnership and Clean Air Council. Through its collaboration, Pollution Probe also provides an opportunity to participate in this proceeding in an efficient and cost-effective manner. Pollution Probe is a frequent intervenor in Board proceedings and a copy of the current Annual Filing can be found on the Board's website at the following location:

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/647508/File/document>

**Goals and Objectives**

Enbridge is seeking approvals under Section 101 related to construction a 22.9 km segment of pipeline along County Road 46 in Essex County and also to decommission an end of life transmission pipeline. Pollution Probe intends to focus on the issues as summarized below.

- Evaluation of the environmental and socio-economic impacts (current and future) specific to the approvals being sought, CSA Z662 requirements, and cumulative impacts related to the proposed construction and decommissioning.
- Estimates and treatment of costs filed in this application, including the stated increased capital construction costs of more than \$13 million.
- Appropriateness of Section 101 of the Ontario Energy Board Act in relation to the approvals sought (i.e. applicability to decommission an existing end of life pipeline). Careful consideration of all relevant issues is required since this proceeding may set a precedent for all future pipeline abandonments or decommissioning.

- Compliance with regulatory requirements for decommissioning of the proposed assets (including OEB Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario).

### **Intention to Seek Cost Awards**

Pollution Probe is a not-for-profit charitable organization. We receive individual donations as well as funding for consumer and research projects, such as on community energy planning, future of natural gas and regulated utility innovation, from a variety of public and private sources. Without the prospect of an award of costs, Pollution Probe's ability to participate in the consultation process would not be possible. Pollution Probe has been an active and valuable participant in proceedings before the Ontario Energy Board and will continue to coordinate its activities, where appropriate, with other parties which represent consumer, community and environmental interests in Ontario.

Pollution Probe respectfully requests your acceptance of this request to participate and confirmation that it will be eligible for its costs.

### **Notice**

Pollution Probe requests that further communications with respect to this matter be sent to:

Michael Brophy  
Michael Brophy Consulting Inc.  
Consultant for Pollution Probe  
28 Macnaughton Road  
Toronto, Ontario M4G 3H4  
Phone: 647-330-1217  
Email: [Michael.brophy@rogers.com](mailto:Michael.brophy@rogers.com)

Respectfully submitted on behalf of Pollution Probe.



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Email: [Michael.brophy@rogers.com](mailto:Michael.brophy@rogers.com)

cc: Mark Kitchen, Enbridge (email via [EGIRegulatoryProceedings@enbridge.com](mailto:EGIRegulatoryProceedings@enbridge.com))  
Mr. Guri Pannu Senior Legal Counsel, Enbridge Regulatory (via email)  
Scott Stoll Aird & Berlis LLP (via email)  
Judith Fernandes, OEB Case Manager (via email)  
Michael Millar, OEB Counsel (via email)  
Richard Carlson, Pollution Probe (via email)