

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

July 22, 2020

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

Dear Ms. Long:

Pollution Probe is in receipt of Enbridge's letter dated July 22, 2020 which challenges the intervention request of Pollution Probe and other relevant parties in this proceeding. Several aspects of the Enbridge letter are factually incorrect and/or misleading to the OEB and the following letter is intended to respond to those assertions and ensure a clear and correct record. After receiving Pollution Probe's letter of intervention, Enbridge's representative Scott Stoll of Aird & Berlis reached out via phone to discuss the application and Pollution Probe was able to reiterate the basis and interests of its participation. It appears disingenuous to attempt to restrict relevant impacted stakeholders from participating in this public process, particularly when it has the ability to be precedent setting (as outlined in Pollution Probe's letter dated July 8, 2020).

**Enbridge Point #1: Only one of the persons requesting intervenor status, Essex County, is directly impacted by this Application** – This is factually incorrect and misleading. Pollution Probe represents the direct interests of consumers in this Section 101 proceeding, and an interest and policy perspective relevant to the Board's mandate and to the proceeding. Pollution Probe also has indicated that it is working collaboratively with other stakeholders including the Clean Air Partnership and Clean Air Council, which represent consumer and community interests impacted by this proceeding. As encouraged by the OEB's *Practice Direction on Costs Awards*, Pollution Probe's participation and coordination has decreased the number of interventions in this proceeding leading to a more efficient process.

**Enbridge Point #2:** Enbridge suggests that if a party did not participate in EB-2019-0172, it should not have a right to participate in this public proceeding – This is factually incorrect. Each OEB docket is distinct and not participating in EB-2019-0172 does not exclude a party from participating in EB-2020-0160. Pollution Probe chose not to participate in EB-2019-0172 and the OEB approval requested in EB-2020-0160 is specifically different and relevant to Pollution Probe and the interests it represents in this proceeding.

**Enbridge Point #3:** Enbridge has concerns that requestors may try to use this Application in an attempt to re-litigate the Leave to Construct proceeding or attempt to raise issues (e.g. appropriateness of rate treatment, an assessment of funds, matters related to the general mandate of their organization) that are not relevant to the live issues in the Application. – This assumption is incorrect, speculative and misleading. Pollution Probe did not list anything in its letter dated July 8, 2020 that should lead Enbridge

or the OEB to believe that we wish to re-litigate the Leave to Construct proceeding. Pollution Probe is specifically focused on the approvals requested in this proceeding and can reassure the OEB that it does not intend to reopen a past decision.

**Enbridge Point #4:** The approvals requested by Enbridge are urgent and important – Pollution Probe does not dispute the need for the facilities since those were part of the basis for the OEB approval in EB-2019-0172. This does not dismiss the need for review and approval of the new application from Enbridge. It appears that Enbridge is suggesting Enbridge’s urgency should diminish the process the OEB uses to review the application and/or restrict public participation in this proceeding. Enbridge has full control over the timing for filing its applications and ensuring that processes are in place to identify and resolve approval issues. Pollution Probe recommends that the OEB dismiss this argument and ensure that a fair and open process is used, which in this case is likely an oral hearing process.

Finally, Pollution Probe has always endeavored to coordinate its efforts in an efficient manner with all stakeholder and will continue to do so in this proceeding. Pollution Probe reiterates its request for intervenor status in this proceeding and submits that it meets all criteria for being granted the status requested in its letter dated July 8, 2020. Please reach out should you have any questions.

Respectfully submitted on behalf of Pollution Probe.



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