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July 22, 2020

Christine E. Long  
Registrar and Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
Toronto ON  
M4P 1E4

Dear Ms. Long

**RE: EB-2020-0160 Enbridge Gas Windsor Pipeline Section 101 Application  
Energy Probe's Response to the Letter from Enbridge Counsel**

Energy Probe Research Foundation (Energy Probe) is in receipt of a letter dated July 22, 2020 from the counsel for Enbridge, Mr. Scott Stoll of Aird & Berlis.

In his letter Mr. Stoll states that "Enbridge Gas 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."

Energy Probe has no intention of re-litigating the Leave-to-Construct proceeding. As stated in Energy Probe's letter of intervention of July 8, 2020, Energy Probe will focus on the reasons for and the analysis of the two alternatives presented by Enbridge Gas in its application.

The two alternatives presented by Enbridge in its application deal with depth of cover issues. Energy Probe was the only party in the EB-2019-0172 proceeding that attempted to obtain information regarding the depth of cover issues. It is very disappointing that Enbridge witnesses were unable or unwilling to disclose more information on depth of cover issues during the Technical Conference. It appears that Enbridge is now attempting re-litigate the EB-2019-0172

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proceeding by introducing evidence that should have been disclosed in the EB-2019-0172 proceeding.

Energy Probe is also concerned that Enbridge may be attempting to re-litigate the EB-2019-0172 and the EB-2019-0194 proceedings by seeking OEB approval for higher costs for the Windsor Pipeline Replacement Project than were approved by the OEB in these two proceedings. Energy Probe believes that the OEB decisions in these two proceedings regarding the costs of the Windsor Pipeline Replacement Project should not be changed. Should Enbridge incur higher construction costs it can apply for their approval in its rebasing application.

Respectfully submitted on behalf of Energy Probe.

Tom Ladanyi  
Consultant representing Energy Probe

cc. Patricia Adams (Energy Probe)  
Enbridge Gas Inc. (Regulatory Affairs)  
Scott Stoll (Aird & Berlis)