

Enbridge Gas Inc.

Section 101 Application

PROCEDURAL ORDER NO. 2

July 24, 2020

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 10, 2020 under section 101 of the *Ontario Energy Board Act, 1998*, (Act) for approval to construct 29 km of natural gas pipeline and related facilities, along County Road 46, located in the Towns of Tecumseh and Lakeshore in the County of Essex. The proposed pipeline and facilities are part of the Windsor Pipeline Replacement Project that was approved by the OEB in its Decision and Order¹, dated April 1, 2020.

Enbridge Gas stated that the application is being filed to resolve a dispute between Enbridge Gas and The Corporation of the County of Essex (Essex County), the road authority for County Road 46. Enbridge Gas stated that it has not been able to reach agreement with Essex County regarding the construction of a 22.9 km segment of pipeline along County Road 46. The contested issues relate to the depth of cover of certain segments of the replacement pipeline and the removal of certain segments of the existing pipeline in lieu of abandonment in place.

The OEB issued a Notice of Hearing and Procedural Order No. 1 on June 30, 2020, approving the intervention request of Essex County. In response to the OEB's notice, Energy Probe Research Foundation (Energy Probe), Pollution Probe, Environmental Defence and the Federation of Rental-housing Providers of Ontario (FRPO) applied for intervenor status and cost eligibility.

Enbridge Gas did not object to the intervention requests but requested that the OEB direct parties granted intervenor status to focus on the contested issues concerning the

¹ EB-2019-0172 Decision and Order

depth of cover of the proposed pipeline and the manner of decommissioning the existing pipeline.

Energy Probe, Pollution Probe, Environmental Defence and FRPO are approved as intervenors. The OEB expects intervenors' participation to be strictly limited to the contested issues as set out in Enbridge Gas' application.

Energy Probe, Pollution Probe, Environmental Defence and FRPO are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. In making its decision on cost awards, the OEB will consider whether cost eligible intervenors made reasonable efforts to ensure that their participation in the hearing was focused on the contested issues in keeping with the scope of the OEB's review, and of assistance to the OEB in its determination of those issues. Intervenors are also advised to attempt to coordinate their participation with other intervenors to avoid duplication of effort.

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

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. All dates set out in the Notice of Hearing and Procedural Order No. 1 for the filing of evidence by Essex County, interrogatories and interrogatory responses remain in effect.

All materials filed with the OEB must quote the file number, **EB-2020-0160**, and be submitted in a searchable / unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available, parties may email their documents to boardsec@oeb.ca.

All communications should be directed to the attention of the Board Secretary 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, Judith Fernandes at Judith.Fernandes@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

ADDRESS

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DATED at Toronto, July 24, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary

Schedule A

To

Procedural Order No. 2

Enbridge Gas Inc.

EB-2020-0160

Applicant and List of Intervenors

July 24, 2020

**Enbridge Gas Inc.
EB-2020-0160**

APPLICANT & LIST OF INTERVENORS

July 24, 2020

APPLICANT

Rep. and Address for Service

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APPLICANT & LIST OF INTERVENORS

July 24, 2020

INTERVENORS

Rep. and Address for Service

County of Essex

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**Energy Probe Research
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**Environmental Defence
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APPLICANT & LIST OF INTERVENORS

July 24, 2020

**Environmental Defence
Canada Inc.**

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**Federation of Rental-housing
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