

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

August 11, 2020

**Re: EB-2019-0271 Enbridge 2021 DSM Plan
Pollution Probe Cost Claim Reply Letter**

Dear Ms. Long:

Pollution Probe is in receipt of Enbridge's letter dated August 6, 2020 for the above noted proceeding. In its letter Enbridge identified that there is a "broad range" of costs in the proceeding and that variances in part reflect "varying degrees of intervenor participation in the proceeding". It is not unusual to have a broad range of costs¹ based on factors including level of participation, analysis and enhanced efforts to coordinated issues or combine a group intervention. Pollution Probe referred to several of these factors in its Cost Claim dated July 28, 2019 and provides additional comments below to specifically address the issues raised by Enbridge. The comments below are meant to be reflective of Pollution Probe's coordination and participation during the proceeding and are not intended to speak on behalf other Intervenor regarding their claims.

Enbridge Point #1: Interrogatories and argument put forth by intervenors dealt with matters which Enbridge Gas specifically noted in its responses to interrogatories as exceeding the scope of the proceeding.

Pollution Probe's interrogatories were specifically relevant to 2021 and the scope of the proceeding. Enbridge provided a full response to all of the Interrogatories from Pollution Probe and did not identify anything as being out of scope.

During the proceeding Pollution Probe conducted detailed analysis of the 2021 DSM Plan and provided submissions that were relevant to the scope of the 2021 DSM Plan. Pollution Probe also provided minor considerations for issues that impact the 2021 Plan (e.g. Pollution Probe recommended that the OEB approve the 2021 portfolio budget and provided a future option if required during 2021 once greater clarity exists). Pollution Probe identified that the budget roll-over and increased DSM demand in 2021 will require Enbridge to increase efficiencies. Enbridge acknowledged that they have been responding to efficiencies and expect more to come:

"Several Intervenor, as well as Board Staff, questioned efficiencies obtained since the integration of the legacy utilities, including future forecasts for further efficiencies. Enbridge

¹ By way of example, recent EB-2019-0271 cost awards ranged from \$692 to \$30,000 based on the same range of factors.

Gas has responded to demonstrate that efficiencies have been achieved, more efficiencies are expected ...”².

Enbridge Pont #2: Enbridge Gas is specifically concerned with the costs claimed by PP, which exceed the average costs of all other intervenors by more than two times and the cost claims of the next highest intervenors (GEC and VECC) by more than 20%.

As outlined above, a range of costs in this type of proceeding is not unusual and is justified in this proceeding based on the facts. Pollution Probe acted responsibly during this proceeding and submits that its Cost Claim is appropriate given its level of participation, analysis and enhanced stakeholder coordination. It is also appropriate in relation to the length (approximately 6 months) of the proceeding, and funding requested by the Applicant (over \$132 million of Ratepayer funds). Pollution Probe outlined in its cost claim that it coordinated with other stakeholders in order to provide an avenue for participation while reducing the potential number of Intervenor and related costs. The costs incurred by Pollution Probe are conservative and are significantly lower than would have been incurred if Pollution Probe did not play this coordination role. It is also rare for Pollution Probe costs to be at the high end of the range³ and when this occurs it is always for specific reasons such as those laid out in this case. Pollution Probe also spent time coordinating on inquiries (e.g. municipal) feeding into Pollution Probe’s participation which were not included in its cost claim. Pollution Probe was one of the intervenors⁴ to conduct detailed analysis specifically related to 2021. Pollution Probe also shared material early (in draft or final form⁵) which provide an opportunity for stakeholders to reduce duplication and provided an opportunity for a more efficient and overall, less costly process⁶.

Enbridge Point #3: Finally, it is important that the Board recognize that of the 16 approved intervenors who participated in this proceeding and submitted cost claims, 4 of those parties represent environmental advocacy groups (ED, GEC, PP and OSEA).

It appears that Enbridge has made assumptions sorting participating stakeholders into generalized groups (e.g. environmental, consumer, etc.) which does not appear to be based on accurate information. Pollution Probe and some of the stakeholders it coordinated on behalf of in this proceeding do represent environmental policy positions. However, consumer, business and municipal interests were also represented. For example, Clean Air Council alone represents over 30 municipalities across Ontario. Pollution Probe requests that the Board dismiss this assertion made by Enbridge since it is incorrect and not based on fact.

² Enbridge 2021 DSM Plan Argument in Chief, Paragraph 37.

³ Example – In contrast, Pollution Probe costs were among the lowest and less than half the maximum approved by the OEB for EB-2019-0194 (recent Enbridge proceeding).

⁴ GEC also conducted detailed analysis which was apparent in their participation and submission.

⁵ Pollution Probe shared its draft material with stakeholders who identified interest in common issues to avoid duplication. Pollution Probe also filed its Interrogatories first (6 days early) to provide a chance for reduced duplication and related costs.

⁶ Pollution Probe received positive feedback during and following the proceeding from stakeholders on the timing and value of its participation.

The approach taken by Pollution Probe resulted in the reduction in the potential overall number of Intervenor and related cost in this proceeding. Although not all parties to this proceeding agree on the same positions, a review of Pollution Probe's and others submissions show a very efficient process that did not result in duplication. The OEB reviewed the Intervention requests from all parties and the issues that they planned to cover. Pollution Probe supports the OEB's decision to approve the Intervenor to participate, particularly given the large value of Ratepayer funds requested by Enbridge and the broad impact on consumers, municipalities and policy issues.

Pollution Probe appreciates the opportunity to provide these comments related to its Cost Claim and requests that the OEB approve its claim as filed. Please do not hesitate to reach out should you have any questions.

Respectfully submitted on behalf of Pollution Probe.



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