

ONTARIO ENERGY BOARD

EB-2020-0160

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S. O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF a section 101 application relating to the Windsor pipeline replacement project.

Notice of Motion

Federation of Rental-housing Providers of Ontario will make a motion to the Board on a date and time to be determined by the Board. The motion is to be heard in writing or orally as determined by the Board.

THE MOTION IS FOR AN ORDER:

1. That Enbridge provide full and adequate responses to interrogatories FRPO.1 thru FRPO.6 which were not answered with EGI asserting that the questions are beyond the scope of the application;
and
2. In the alternative, that a technical conference be held in this matter.

THE GROUNDS FOR THE MOTION ARE:

Overview

3. Enbridge has declined to answer the above interrogatories (FRPO.1-.5) regarding the capacity of the proposed pipeline in spite of the concerns expressed by the County of Essex. Further, when asked in FRPO.6 about the

company's views on who would be responsible for replacement of the proposed pipeline in the event of additional growth beyond the capacity of the proposed pipeline, EGI provides only locational answers. Our simple reading of the current franchise Agreement¹ would indicate that the County would not be responsible for future replacement costs. Further, EGI stated that it understood that it would be responsible to replace the pipeline if necessary, in the future². In our view, unless the Board were to find that the company was imprudent in its sizing in a potential future scenario, ratepayers would be at risk for contributing to the replacement pipe.

Specifics Requests made in FPRO.1 – FRPO.6

4. I.FRPO.1, I.FRPO.2 and I.FRPO.3 sought an understanding of the capability of the existing pipeline. Given EGI's general statement of "like for like" in sizing the pipeline in EB-2019-0172³, we sought understanding of the existing situation and the ability to serve future growth.
5. I.FRPO.4 sought an understanding of the forecasted load including the hospital that the County of Essex had expressed concern about serving⁴.
6. I.FRPO.5 asked EGI to file correspondence provided to County of Essex which provided a specific comparison of the capacity of the existing system and the proposed system. While EGI declined to answer, asserting the question was outside of the scope of its application, the County of Essex answered our

¹ County of Essex, Tab 2, Exhibit A, page 4

² County of Essex, Tab 2, Exhibit L, page 3

³ EB-2019-0172 EGI_ReplySUB_Windsor LTC_20191114, page 1

⁴ County of Essex, Tab 2, Exhibit H, page 2

Interrogatory #2 to the County making a similar inquiry stating that no correspondence was received providing such information. However, as provided in their response to our Interrogatory #2, it is the County's understanding that EGI or ratepayers would need to pay for replacement or looping due to lack of capacity.

7. I.FRPO.6 sought EGI's views on cost responsibility for replacement or looping due to capacity limitations. EGI once again refused to answer questions regarding sizing asserting that the questions were not in scope of its application.
8. In the instant proceeding, EGI applied to the Board for an order that would effectively trump the County's concerns regarding the manner in which EGI is proposing to replace the existing pipeline. The County has expressed concerns about the capacity of proposed pipeline and yet, EGI has not been responsive beyond a generic statement of "like for like" capacity with existing. Our questions were intended to understand the proposed capacity and to ensure that ratepayers interests are protected with respect to the pipe sizing and project management of EGI.
9. In the original application, EGI proposed "like for like" sizing for the eastern half of the project which did not reflect current or forecasted needs of the area. The Board rejected this approach and approved a different size for the eastern half while providing that EGI could enhance the sizing at the company's risk⁵.

⁵ EB-2019-0172 Decision and Order, April 1, 2020, page 12

10. We would respectfully request that the Board order full and adequate responses to the above interrogatories. In the alternative, we believe that a Technical Conference may be an effective step in this proceeding.

Technical Conference

11. FRPO agrees with Environmental Defence that there appears to be a number of unresolved technical issues surrounding this application and that a technical conference would be appropriate and efficient to provide clarity to the Board.
12. THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:
 13. The evidence filed by Enbridge including that filed in EB-2019-0172;
 14. The attached interrogatory responses; and
 15. Other evidence as requested by the Board.

ENBRIDGE GAS INC.
Answer to Interrogatory from
Federation of Rental-housing Providers of Ontario (FRPO)

INTERROGATORY

Reference:

ESSEX Evidence, Tab 2, Exhibit B, page 3 of 4; Exhibit F, page 2-3 of 4;
Exhibit H, page 2 of 9; Exhibit H, page 7 of 9

Preamble:

ESSEX evidence provides: *"Mr. Bain expressed concern over the replacement of a pipeline, with another that would not increase the capacity for the serviced area. He referenced previous communications with Union Gas about capacity, which indicated that if the municipality intended on expanding commercial/industrial development, there would not be adequate resources available to support this. He questioned that with Essex County development expanding rapidly, why would the replacement of the pipeline not be done with a larger capacity line, to support growth."*

From our read of the Essex evidence, Council had expressed concern over the available capacity once the replacement pipe was in place (provided reference above). The evidence (some references above) provides numerous attempts by staff to understand the capacity of the replacement pipe. The response that we read is that the new pipe will have "like for like" capacity that will meet the twenty year forecast.

While our focus in the original proceeding was on the capacity on the eastern half of the replacement project, we are interested in understanding the actual capacity of the proposed pipeline for the western half of the project and the implications for Essex, ratepayers and EGI shareholders.

Question:

Please provide a map showing the entire Windsor Line and all inter-connecting pipelines (including the Sarnia, Leamington, Ridgetown Lines and any inter-connecting pipelines on the Western half, e.g. Panhandle at Sandwich Compressor, etc.).

- a) Please provide the Maximum Operating Pressures of each of lines.
- b) From the most recent Facilities Planning analysis, please provide the amount of flow and direction of flow from each pipeline intersection assuming
 - i) The existing Windsor Line is in place

- ii) With the proposed Windsor Line operating at its higher operating pressure
 - (1) To be clear, if this analysis has not been done to this point, please explain why and perform the analysis to provide the requested data for pipeline flows.

Response:

- a) and b) These questions are beyond the scope of this application. Please see the preamble to Enbridge Gas's response at Exhibit I.PP.1.

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While our focus in the original proceeding was on the capacity on the eastern half of the replacement project, we are interested in understanding the actual capacity of the proposed pipeline for the western half of the project and the implications for Essex, ratepayers and EGI shareholders.

Question:

For the western half of the Windsor Line, with the existing pipe in place:

- a) What is the current load that flows from Comber west?
- b) What amount of additional load could be added to the most westerly end of the western half while staying inside of minimum pressure parameters?
 - i) In this scenario, is the pipe fed from the Sandwich Compressor inter-connection with the Panhandle system in addition to Comber?

c) Would this maximum additional load be the incremental capacity of line?

If not, please provide the incremental capacity and define how it was determined.

Response:

a) to c) These questions are beyond the scope of this application. Please see the preamble to Enbridge Gas's response at Exhibit I.PP.1.

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From our read of the Essex evidence, Council had expressed concern over the available capacity once the replacement pipe was in place (provided reference above). The evidence (some references above) provides numerous attempts by staff to understand the capacity of the replacement pipe. The response that we read is that the new pipe will have "like for like" capacity that will meet the twenty year forecast.

While our focus in the original proceeding was on the capacity on the eastern half of the replacement project, we are interested in understanding the actual capacity of the proposed pipeline for the western half of the project and the implications for Essex, ratepayers and EGI shareholders.

Question:

For the western half of the Windsor Line, with the proposed pipe in place:

- a) What is the current load that flows from Comber west or is it unchanged?
- b) What amount of additional load could be added to the most westerly end of the western half while staying inside of minimum pressure parameters?
 - i) In this scenario, is the pipe fed from the Sandwich Compressor inter-connection with the Panhandle system in addition to Comber?

- c) Would this maximum additional load be the incremental capacity of line?
 - i) If not, please provide the incremental capacity and define how it was determined.

Response:

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While our focus in the original proceeding was on the capacity on the eastern half of the replacement project, we are interested in understanding the actual capacity of the proposed pipeline for the western half of the project and the implications for Essex, ratepayers and EGI shareholders.

Question:

What is the forecasted twenty year load for the western half of the project?

- a) What is the forecasted load of the proposed hospital?
 - i) Is the hospital included in the twenty year load forecast?

Response:

- a) These questions are beyond the scope of this application. Please see the preamble to Enbridge Gas's response at Exhibit I.PP.1

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While our focus in the original proceeding was on the capacity on the eastern half of the replacement project, we are interested in understanding the actual capacity of the proposed pipeline for the western half of the project and the implications for Essex, ratepayers and EGI shareholders.

Question:

Please file any correspondence with Essex wherein Enbridge provided actual figures on the resulting capacity of the proposed project on the western segment by comparing it to existing or future loads like the hospital.

Response:

This question is beyond the scope of this application. Please see the preamble to Enbridge Gas's response at Exhibit I.PP.1

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INTERROGATORY

Reference:

ESSEX Evidence, Tab 2, Exhibit L, page 3 of 7

Preamble:

The above reference provides an email from EGI which states: *"Enbridge does understand and confirms the cost obligations upon Enbridge as per the terms of the Road Agreement, namely that any future relocation of the pipeline is to be solely paid for by Enbridge, and the possibility that a deeper depth may mitigate some of those costs."*

We would like to understand better EGI's views on cost responsibility if the pipe would have to be relocated due to roadwork or replaced/looped for capacity.

Question:

We understand the Board would ultimately determine cost responsibility between shareholders and ratepayers but given the record in this proceeding, what is EGI's position on who would be responsible for costs associated with:

- a) Relocation of pipe due to road-widening in the next ten years? Twenty years?
- b) Need for replacement or looping due to:
 - i) Additional load from the hospital in the ten years? Twenty years?
 - ii) Unforeseen growth beyond the EGI forecast in the next ten years? Twenty years?
- c) Please provide EGI's basis for its position for each of the above scenarios.

Response:

- a) to c) These questions are beyond the scope of this application. Please see the preamble to Enbridge Gas's response at Exhibit I.PP.1. Enbridge Gas has relocated the pipeline route west of Manning Road where the County identified a planned widening in order to avoid a conflict and any relocation. The County has not

identified any other road widening. Enbridge Gas submits that part of the project is not the subject of this Application.