



Enbridge Gas Inc.

**Application for approval to drill natural gas storage wells in each of
the Kimball-Colinville Storage Pool and the Payne Storage Pool
in St. Clair Township in the County of Lambton**

**ORDER REGARDING PROCEDURE FOR COST CLAIMS
September 15, 2020**

On April 9, 2020, pursuant to section 40(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), Enbridge Gas Inc. (Enbridge Gas) requested from the Ontario Energy Board (OEB) a favourable report to the Ministry of Natural Resources and Forestry (MNRF) in respect of Enbridge Gas' application to the MNRF for a licence to drill one well in each of the Kimball-Colinville Storage Pool and the Payne Storage Pool. Both pools are located in St. Clair Township in the County of Lambton.

On May 7, 2020, the OEB issued a Notice of Hearing. The MNRF, Mr. Bryan Arnold and Mr. Douglas Henderson applied for intervenor status. No objection was received from Enbridge Gas.

On June 8, 2020, the OEB issued Procedural Order No. 1 that established timelines for a written proceeding. At that time, the OEB approved the MNRF and Mr. Arnold as intervenors, as Mr. Henderson had not yet applied for intervenor status. By letter dated June 16, 2020, the OEB approved Mr. Henderson as an intervenor. The OEB determined that Mr. Arnold and Mr. Henderson are eligible to apply for an award of costs.

On September 10, 2020, the OEB issued a its report to the MNRF. The report recommended that Enbridge Gas's licence application be approved, subject to certain conditions. It is now necessary to deal with matters relating to cost awards to approved interveners.

In Procedural Order No. 1, the intervenors were reminded that the OEB's cost awards process allows eligible intervenors to recover certain costs associated with their participation in the OEB's proceedings, pursuant to the OEB's *Practice Direction on Cost Awards* (Practice Direction). Cost awards are not a means of compensating parties

for alleged damages resulting from construction-related activities. While wage or salary losses incurred by an individual intervenor as a result of participating in an OEB hearing may be claimed, those individuals will not generally be permitted to claim fees for their own time under the OEB's Cost Award Tariff. Finally, eligibility to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order at the end of a hearing. Section 5 of the Practice Direction sets out some of the matters the OEB may consider in determining the amount of a cost award.

It is necessary to make provisions for the following matters related to this proceeding:

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Mr. Arnold and Mr. Henderson shall file with the OEB and forward to Enbridge Gas their cost claims in accordance with the OEB's Practice Direction on or before **September 29, 2020**.
2. Enbridge Gas shall file with the OEB and forward to intervenors any objections to the claimed costs of the intervenors on or before **October 12, 2020**.
3. If Enbridge Gas objects to the intervenor costs, intervenors shall file with the OEB and forward to Enbridge Gas their responses, if any, to the objections to cost claims on or before **October 26, 2020**.
4. Enbridge Gas shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED at Toronto, September 15, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary