



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and ancillary facilities in the City of Toronto**

**PROCEDURAL ORDER NO. 1
September 21, 2020**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on July 31, 2020 under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 4.5 kilometres of natural gas pipeline and ancillary facilities in the City of Toronto. The proposed pipeline will replace approximately 4.3 kilometres of pipeline along Lake Shore Boulevard between Cherry Street to Bathurst Street and approximately 230 metres of pipeline on Parliament Street. Enbridge Gas has also applied for approval of the form of land-use agreements it offers to landowners for the routing and construction of the project.

A Notice of Hearing was issued on August 21, 2020. Each of the City of Toronto, Energy Probe Research Foundation (Energy Probe), Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO), Metrolinx, and Pollution Probe applied for intervenor status. Energy Probe, Environmental Defence, FRPO, and Pollution Probe also applied for cost eligibility.

No objection was received from Enbridge Gas.

Energy Probe, Environmental Defence, FRPO, Metrolinx, Pollution Probe and the City of Toronto are approved as intervenors. A list of parties in this proceeding is attached as Schedule A to this Procedural Order. Energy Probe, Environmental Defence, FRPO, and Pollution Probe are eligible to apply for an award of costs under the OEB's [*Practice Direction on Cost Awards*](#).

The OEB notes that some of the cost-eligible intervenors appear to have similar interests. The OEB expects that the parties will coordinate their participation on similar issues to avoid duplication. In making its decision on cost awards, the OEB will consider whether cost-eligible intervenors made reasonable efforts to coordinate their

participation and to ensure that their participation in the hearing was focused on material issues. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Type of Hearing

Enbridge Gas has requested a written hearing. The City of Toronto, FRPO, Metrolinx, and Pollution Probe did not oppose Enbridge Gas's request. Energy Probe stated that it supports a written hearing but believes that all issues could be resolved through settlement negotiations. Environmental Defence requested an oral hearing or alternately the opportunity to make submissions on the hearing format following receipt of interrogatories. The OEB will make its determination on the type of hearing after the interrogatory phase is completed.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 1, 2020**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **October 13, 2020**.

All filings to the OEB must quote the file number, **EB-2020-0136**, 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 and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission

standards outlined in the RESS Document Guideline found at www.oeb.ca/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 Registrar 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, Azalyn Manzano, at 416-544-5180 or Azalyn.Manzano@oeb.ca and OEB Counsel, Michael Miller at Michael.Millar@oeb.ca.

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **September 21, 2020**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar and Board Secretary

SCHEDULE A
PROCEDURAL ORDER NO. 1
ENBRIDGE GAS INC.
EB-2020-0136
APPLICANT & LIST OF INTERVENORS
DATED: September 21, 2020

Enbridge Gas Inc.
EB-2020-0136
Leave to Construct: NPS 20 Replacement Cherry to Bathurst
APPLICANT & LIST OF INTERVENORS

September 21, 2020

APPLICANT

Rep. and Address for Service

Enbridge Gas Inc.

Joel Denomy

Technical Manager, Regulatory Applications
c/o Regulatory Affairs
Enbridge Gas Inc.
P.O. Box 650
500 Consumers Road
Scarborough ON M1K 5E3
Tel: 416-495-5499
Fax: 416-495-6072
EGIRegulatoryProceedings@enbridge.com

APPLICANT COUNSEL

David Stevens

Aird & Berlis LLP
Brookfield Place, P.O. Box 754
Suite 1800, 181 Bay Street
Toronto ON M5J 2T9
Tel: 416-865-7783
Fax: 416-863-1515
dstevens@airdberlis.com

Enbridge Gas Inc.
EB-2020-0136
Leave to Construct: NPS 20 Replacement Cherry to Bathurst
APPLICANT & LIST OF INTERVENORS

September 21, 2020

INTERVENORS

Rep. and Address for Service

City of Toronto

David Stonehouse

Director, Waterfront Secretariat
Engineering & Construction Services
City of Toronto
481 University Avenue, 6th floor
Toronto ON M5G 2E9
Tel: 416-392-8113
david.stonehouse@toronto.ca

Nicholas Rolfe

City of Toronto Legal Services
Metro Hall, 23rd Floor
55 John Street
Toronto ON M5V 3C6
Tel: 416-392-7246
Fax: 416-397-5624
nicholas.rolfe@toronto.ca

Energy Probe

Tom Ladanyi

TL Energy Regulatory Consultants Inc.
41 Divadale Drive
Toronto ON M4G 2N7
Tel: 416-423-3685
tom.ladanyi@rogers.com

Enbridge Gas Inc.
EB-2020-0136
Leave to Construct: NPS 20 Replacement Cherry to Bathurst
APPLICANT & LIST OF INTERVENORS

September 21, 2020

**Environmental Defence
Canada Inc.**

Kent Elson and Amanda Montgomery

Elson Advocacy
1062 College Street, Lower Suite
Toronto ON M6H 1A9
Tel: 416-906-7305
Fax: 416-763-5435
kent@elsonadvocacy.ca
amanda@elsonadvocacy.ca

Jack Gibbons

Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto ON M5V 2E5
Tel: 416-260-2080 Ext: 2
jack@cleanairalliance.org

**Federation of Metro Tenants'
Associations**

Dwayne R. Quinn

Principal, DR Quinn & Associates Ltd.
130 Muscovy Drive
Elmira ON N3B 3B7
Tel: 519-500-1022
drquinn@rogers.com

Enbridge Gas Inc.
EB-2020-0136
Leave to Construct: NPS 20 Replacement Cherry to Bathurst
APPLICANT & LIST OF INTERVENORS

September 21, 2020

Metrolinx

Raquel Correa Gold

Director, Design and Construction,
Union Station Rail Corridor
Metrolinx
50 Bay Street, 10th Floor
Toronto ON M2J 3A5
Tel: 416-202-4457
Raquel.CorreaGold@metrolinx.com

Alexandra Aversa

Counsel, Legal Services
Metrolinx
97 Front Street West, 3rd Floor
Toronto ON M5J 1E6
Tel: 416-202-7939
Alexandra.Aversa@metrolinx.com

Pollution Probe

Michael Brophy

Consultant for Pollution Probe
Michael Brophy Consulting Inc.
28 Macnaughton Road
Toronto ON M4G 3H4
Tel: 647-330-1217
michael.brophy@rogers.com