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Our Matter Number: 1184765

Montréal

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Sent By Electronic Mail and Filed Electronically on RESS

Ottawa

Christine Long
Board Secretary and Registrar
Ontario Energy Board
27th Floor, 2300 Yonge Street
Toronto, Ontario M4P 1E4

Vancouver

New York

Dear Ms. Long:

**EB-2020-0219 - Imperial Oil Limited Waterdown to Finch Replacement Project -
Motion to Review and Vary**

We are counsel to Imperial Oil Limited (“**Imperial**”) in the above noted matter. Imperial is in receipt of Procedural Order No. 3 dated October 16, 2020 (“**Procedural Order 3**”), issued by the Ontario Energy Board (the “**Board**”) establishing revised deadlines for certain procedural steps previously established in Procedural Order No. 2 dated October 9, 2020.

The Board issued Procedural Order 3 on Friday October 16, 2020, one day after receiving the intervenor, Abell Properties’s (“**Abell**”), letter detailing its request to file evidence and its proposed timelines. Imperial did not have an opportunity to comment on Abell’s request, including with respect to relevance and timing.

Imperial respectfully submits this letter of comment in order to express its concern with the dates established in Procedural Order 3 and its resultant impacts to Imperial’s Waterdown to Finch Project (the “**Project**”), a proactive replacement of existing infrastructure for which Leave to Construct was granted by the Board on March 12, 2020.

Imperial does not object to Abell’s participation in this Motion. However, Imperial is concerned that the proposed evidence may be of a technical nature more relevant for authorities such as the Technical Standards and Safety Authority, and not proportional or relevant to the Board’s determination in this Motion, which therefore has the effect of unnecessarily extending the timelines in this Motion

Imperial first submitted its request to modify the Project’s route on June 25, 2020. The dates established by Procedural Order 3 contemplate Imperial filing a written reply submission by December 7, 2020. This is an extraordinary delay that has a material impact on overall Project timelines. For example, Imperial is in the process of finalizing construction contractor bid evaluations and is looking to award a construction contractor

within the next two weeks. As far as Imperial is aware, variances from a project's route – where the project has already been found to be in the public interest – are typically approved in a matter of days or weeks,¹ and the protracted approach applied to Imperial in this proceeding is without precedent.

Imperial asks the Board to consider whether any additional procedural efficiencies can be established in order to render a Decision and Order as soon as possible, and thanks the Board for its consideration of these matters.

Sincerely,



Patrick Welsh

c: Zahra Allidina, Imperial Oil Limited
Richard King, Osler, Hoskin & Harcourt LLP

¹ See, e.g., [EB-2019-0188](#), Enbridge Gas Inc. (Enbridge Gas) North Bay (Northshore and Peninsula Roads) Community Expansion (Enbridge Gas sought approval to install an additional three kilometres of pipe due to favourable construction conditions and ideal weather. The change was granted by the Board within 4 weeks); [EB-2019-0172](#), Enbridge Gas Inc. Windsor Pipeline Replacement Project (Enbridge gas sought approval for additional easements on land for construction and maintenance on 700m of the Windsor Pipeline Project due to limited area in the Right of Way for the original construction plans. The change was granted by the Board in 3 weeks).