

Enbridge Gas Inc.

Application for leave to construct natural gas pipeline and associated facilities in the County of Lambton, the Township of Dawn-Euphemia, the County of Middlesex, the Municipality of Southwest Middlesex, the Municipality of Strathroy-Caradoc and the Municipality of Middlesex Centre

**PROCEDURAL ORDER NO. 1
October 29, 2020**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on September 11, 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 90.5 kilometres of natural gas pipeline and associated facilities in the County of Lambton, the Township of Dawn-Euphemia, the County of Middlesex, the Municipality of Southwest Middlesex, the Municipality of Strathroy-Caradoc and the Municipality of Middlesex Centre. The proposed natural gas pipeline will replace Enbridge Gas's existing London South Line and the London Dominion Line, which are two parallel pipelines of varying length, diameter and operating pressure. Enbridge Gas has also applied to the OEB 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 September 25, 2020. The following parties applied for intervenor status:

- Building Owners and Managers Association (BOMA)
- County of Middlesex (the County of Middlesex)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence (Environmental Defence)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Lupine Properties Limited (Lupine Properties)
- Pollution Probe (Pollution Probe)

BOMA, Energy Probe, Environmental Defence, FRPO and Pollution Probe also applied for cost eligibility.

No objection was received from Enbridge Gas.

Intervention requests of FRPO, Energy Probe and BOMA

Based on the limited information provided by FRPO, Energy Probe and BOMA, the OEB is unable to make a determination on their respective intervention requests at this time. If the parties wish to file additional information for the OEB's consideration, they have until **November 2, 2020**, to provide this information.

With respect to its issues of interest in this proceeding FRPO states that, "[t]he application lays out the alternatives considered and proposes a replacement plan. In our view, the proposed plan warrants clarification and an examination of the proposed cost recovery." Energy Probe notes in its intervention letter that, "Energy Probe, therefore, has a direct interest in the purpose, need and timing of this project, the selection of the preferred route, and the construction cost estimate." BOMA, in its letter of intervention states that amongst other things, its interest in this proceeding relates to "The purpose, need, proposed facilities & timing", "Integrated resource planning" and "Project costs & economics".

The descriptions of the scope and interest in the letters of intervention filed by FRPO, Energy Probe and BOMA are overly broad, not specific enough in relation to this replacement project and therefore do not allow the OEB to make a determination on whether the parties have a substantial interest in this proceeding. If FRPO, Energy Probe and BOMA wish to provide additional information in order to articulate their specific interest in this proceeding, they must file this information with the OEB, by **November 2, 2020**.

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

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

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.

In its letter of intervention Pollution Probe requested that the OEB consider making provision for an issues list process. The OEB Panel will consider what additional procedural steps, if any are required after responses to interrogatories are filed. At this time, 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 documents 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, **November 10, 2020**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **November 23, 2020**.
3. If Enbridge Gas wishes to file an argument-in-chief, it must file its written argument-in-chief with the OEB and serve it on all parties by, **November 30, 2020**.
4. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by, **December 14, 2020**.
5. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **December 21, 2020**.

All materials filed with the OEB must quote the file number, **EB-2020-0192** 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, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at www.oeb.ca/industry. We encourage the use of RESS; however, parties who have not yet [set up an account](#), may email their documents to registrar@oeb.ca.

All communications should be directed to the attention of the Registrar 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, Zora Crnojacki at Zora.Crnojacki@oeb.ca.

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

DATED at Toronto, **October 29, 2020**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

Schedule A

Procedural Order No. 1

Enbridge Gas Inc.

EB-2020-0192

Applicant and List of Intervenors

October 29, 2020

**Enbridge Gas Inc.
EB-2020-0192**

APPLICANT & LIST OF INTERVENORS

October 29, 2020

APPLICANT	Rep. and Address for Service
Enbridge Gas Inc.	Rakesh Torul Technical Manager Enbridge Gas Inc. 500 Consumers Road Toronto, ON M2J 1P8 Tel: 416-495-5499 egiregulatoryproceedings@enbridge.com
APPLICANT COUNSEL	Charles Keizer Torys LLP 79 Wellington St. W. PO Box 270 Toronto Dominion Centre Toronto ON M5K 1N2 Tel: 416-865-0040 Fax: 416-865-7380 ckeizer@torys.com
INTERVENORS	Rep. and Address for Service
County of Middlesex	Chris Traini County Engineer County of Middlesex County Engineer's Office 399 Ridout Street N. London ON N6A 2P1 Tel: 519-434-7321 Ext: 2264 Fax: 519-434-0638 ctraini@middlesex.ca
Environmental Defence Canada Inc.	Jack Gibbons Ontario Clean Air Alliance 160 John Street, Suite 300 Toronto ON M5V 2E5 Tel: 416-260-2080 Ext: 2 jack@cleanairalliance.org

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October 29, 2020

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