



Enbridge Gas Inc.

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

**PROCEDURAL ORDER NO. 1
December 10, 2020**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on October 13, 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 (LTC) approximately 1.9 kilometres of 20-inch diameter and approximately eight metres of 24-inch diameter natural gas pipeline and ancillary facilities in the City of Toronto (Proposed Pipeline). Enbridge Gas states that the Proposed Pipeline is required because of the need to relocate a section of existing pipeline that is located on the Keating Railway Bridge, which is in conflict with the construction of Waterfront Toronto's Port Lands Flood Protection and Enabling Infrastructure Project (PLFPEI). The application states that Enbridge Gas has advised Waterfront Toronto that Waterfront Toronto is responsible for 100% of the costs of the Proposed Pipeline because Waterfront Toronto has requested relocation of the existing pipeline¹. 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 Proposed Pipeline.

A Notice of Hearing was issued on November 13, 2020.

Intervention Requests

Each of the City of Toronto (Toronto), Energy Probe Research Foundation (Energy Probe), Environmental Defence Canada Inc. (ED), Federation of Rental-housing Providers of Ontario (FRPO), Pollution Probe, Toronto and Region Conservation Authority (TRCA), Toronto Waterfront Revitalization Corporation (Waterfront Toronto),

¹ Exhibit A, Tab 1, Schedule 1, page 5

and Schools Energy Coalition (SEC) applied for intervenor status. Energy Probe, ED, FRPO, Pollution Probe and SEC also applied for cost eligibility.

No objection was received from Enbridge Gas.

Toronto, Energy Probe, ED, FRPO, Pollution Probe, TRCA, Waterfront Toronto and SEC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Energy Probe, ED, FRPO, Pollution Probe and SEC 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.

OEB Jurisdiction Regarding Cost Responsibility

Enbridge Gas filed a letter addressed to Toronto dated November 10, 2020, in which it stated that the issue of cost responsibility for the completion of the Proposed Pipeline is an issue for review and determination by the OEB as part of the LTC approval process. In its intervention request, Waterfront Toronto stated, among other things, that Enbridge Gas assumes that the OEB has the jurisdiction to allocate the cost of the pipeline to Waterfront Toronto. However, Waterfront Toronto believes that the OEB does not have the necessary jurisdiction.

The OEB has determined that it will receive submissions on the following question(s):

- a) Does the OEB have the jurisdiction to determine cost responsibility for the Proposed Pipeline, including any allocation of costs to Waterfront Toronto? If the answer to this question is "yes", what steps, if any, should the OEB take to address this situation?
- b) If the answer is "no", what steps can the OEB take to ensure that the costs of the Proposed Pipeline are not unfairly shifted to ratepayers and that the OEB is able to meet its statutory objectives which include protecting the interests of consumers with respect to prices and the adequacy, reliability and quality of gas service (OEB Act, s.2) ?

Interrogatories on Leave to Construct Application

The OEB intends for the remainder of the LTC application to proceed without delay while it considers the submissions that are filed on the question of the OEB's jurisdiction regarding cost responsibility.

At this time, provision is being made for written interrogatories on Enbridge Gas's application and pre-filed evidence. Until the question of the OEB's jurisdiction is determined, parties should not include interrogatories relating to the cost responsibility dispute. 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.

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. Any written submissions from Enbridge Gas, OEB staff and intervenors on the question(s) regarding the OEB's jurisdiction regarding cost allocation shall be filed with the OEB and served on all parties by, **December 17, 2020**.
2. 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, **January 4, 2021**.
3. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **January 14, 2021**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

All materials filed with the OEB must quote the file number, **EB-2020-0198**, 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 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, Ritchie Murray at ritchie.murray@oeb.ca and OEB Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.ca.

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

DATED at Toronto, **December 10, 2020**

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar

SCHEDULE A

PROCEDURAL ORDER NO. 1

ENBRIDGE GAS INC.

EB-2020-0198

DECEMBER 10, 2020

APPLICANT AND LIST OF INTERVENORS

**Enbridge Gas Inc.
EB-2020-0198**

APPLICANT & LIST OF INTERVENORS

December 10, 2020

APPLICANT

Rep. and Address for Service

Enbridge Gas Inc.

Joel Denomy

Technical Manage
Enbridge Gas Inc.
500 Consumers Road
P.O. Box 650
Scarborough, ON M1K 5E3
Tel: 416-495-5676
EGIRegulatoryProceedings@enbridge.com

APPLICANT COUNSEL

Guri Pannu

Senior Legal Counsel
Enbridge Gas Distribution Inc.
500 Consumers Rd.
Toronto ON M2J 1P8
Tel: 416-758-4761
Fax: 416-495-5994
guri.pannu@enbridge.com

INTERVENORS

City of Toronto

Rep. and Address for Service

David Stonehouse

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

**Enbridge Gas Inc.
EB-2020-0198**

APPLICANT & LIST OF INTERVENORS

December 10, 2020

City of Toronto

Michele Wright

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

Nicholas Rolfe

Solicitor, City of Toronto Legal Services
City of Toronto
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 Research
Foundation**

Tom Ladanyi

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

**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

APPLICANT & LIST OF INTERVENORS

December 10, 2020

**Environmental Defence
Canada Inc.**

Kent Elson

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

Amanda Montgomery

Associate
Elson Advocacy
1062 College Street
Lower Suite
Toronto ON M6H 1A9
Tel: 647-250-7338
amanda@elsonadvocacy.ca

**Federation of Rental-housing
Providers of Ontario**

Dwayne Quinn

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

**Enbridge Gas Inc.
EB-2020-0198**

APPLICANT & LIST OF INTERVENORS

December 10, 2020

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Education Services Corporation
c/o Ontario Public School Boards Associa
439 University Avenue, 18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wayne.mcnally@oesc-cseo.org

Jay Shepherd

Counsel
Shepherd Rubenstein Professional Corporation
2200 Yonge Street, Suite 1302
Toronto ON M4S 2C6
Tel: 416-804-2767
Fax: 416-483-3305
jay@shepherdrubenstein.com

Mark Rubenstein

Counsel
Shepherd Rubenstein Professional Corporation
2200 Yonge Street, Suite 1302
Toronto ON M4S 2C6
Tel: 647-483-0113
Fax: 416-483-3305
mark@shepherdrubenstein.com

APPLICANT & LIST OF INTERVENORS

December 10, 2020

**Toronto and Region
Conservation Authority**

Julie Abouchar

Counsel
Willms & Shier Environmental Lawyers LLP
1 Toronto Street
Suite 900
Toronto ON M5C 2V6
Tel: 416-862-4836
Fax: 416-863-1938
jabouchar@willmsshier.com

Jacquelyn Stevens

Willms & Shier Environmental Lawyers LLP
1 Toronto Street, Suite 900
Toronto ON M5C 2V6
Tel: 416-862-4836
Fax: 416-863-1938
jstevens@willmsshier.com

Waterfront Toronto

David Kusturin

Chief Project Officer
Waterfront Toronto
20 Bay Street
Suite 1310
Toronto ON M5J 2N8
Tel: 416-214-1344
dkusturin@waterfronttoronto.ca

Ian Ness

General Counsel
Waterfront Toronto
20 Bay Street
Suite 1310
Toronto ON M5J 2N8
Tel: 416-214-1344
iness@waterfronttoronto.ca

Enbridge Gas Inc.
EB-2020-0198

APPLICANT & LIST OF INTERVENORS

December 10, 2020

Waterfront Toronto

Gordon Kaiser

Arbitrator & Counsel
Gordon E. Kaiser Professional Corporation
Toronto Dominion Centre
77 King Street West
Suite 2020
Toronto ON M5K 1A1
Tel: 855-736-4608
gordkaiser@gmail.com