



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. 2
December 14, 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.

Procedural Order No. 1 was issued on December 10, 2020 and granted intervenor status to 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), and Schools Energy Coalition (SEC).

In its intervention request, Waterfront Toronto stated that it believes that the OEB does not have the jurisdiction to allocate the cost of the pipeline to Waterfront Toronto.

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

Procedural Order No. 1 provided for written submissions from Enbridge Gas, OEB staff and the intervenors on two questions regarding the OEB's jurisdiction to determine cost responsibility for the Proposed Pipeline to be filed with the OEB and served on all parties by, December 17, 2020.

On December 11, 2020, ED filed a letter asking that the OEB revise the schedule in Procedural Order No. 1 such that Enbridge Gas files its submission on the jurisdictional questions before other parties file their submissions. Among other things, ED submitted that this would result in submissions from intervenors that are more helpful to the OEB as they will be more focused and more likely to directly address Enbridge Gas's argument (that the OEB has the jurisdiction to order Waterfront Toronto to incur the costs of the project).

The OEB agrees with ED that Enbridge Gas should file its submission on the jurisdictional questions first such that other parties can provide more focused submissions rather than speculating on Enbridge's potential arguments. Furthermore, the OEB is of the view that submissions from intervenors would be more helpful to the OEB if Waterfront Toronto also files its submission at the same time as Enbridge Gas.

Procedural Order No. 1 also provided dates for interrogatories on Enbridge Gas's application and pre-field evidence and responses to interrogatories. Those dates are superseded by the schedule set out in this Procedural Order.

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 and Waterfront Toronto on the two questions regarding the OEB's jurisdiction regarding cost allocation shall be filed with the OEB and served on all parties by, **December 17, 2020**.
2. Any written submissions from OEB staff and intervenors on the two questions regarding the OEB's jurisdiction regarding cost allocation shall be filed with the OEB and served on all parties by, **January 4, 2020**.
3. 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 11, 2021**.

4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **January 21, 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 14, 2020**

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar