



**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. 3  
December 22, 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 the relocation of the existing pipeline. 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.

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.

Procedural Order No. 1 was issued on December 10, 2020 and granted intervenor status to the City of Toronto, Energy Probe Research Foundation, Environmental Defence Canada Inc., Federation of Rental-housing Providers of Ontario, Pollution Probe, Toronto and Region Conservation Authority, Toronto Waterfront Revitalization Corporation (Waterfront Toronto), and Schools Energy Coalition.

Procedural Order No. 1 also 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.

Procedural Order No. 2 was issued on December 14, 2020 and revised the schedule in Procedural Order No. 1 such that Enbridge Gas and Waterfront Toronto were required to file their submission on the jurisdictional questions by December 17, 2020. Written submissions from OEB staff and intervenors were to be filed with the OEB and served on all parties by January 4, 2020.

On December 17, 2020, each of Enbridge Gas and Waterfront Toronto filed their submissions on the jurisdictional questions.

On December 21, 2020, Waterfront Toronto filed a letter with the OEB requesting that it be allowed to respond to Enbridge Gas's submission on the jurisdictional questions. Waterfront Toronto suggested that it file its response on the same date that other intervenors and OEB staff are to file their submissions such that the procedural schedule would not be delayed.

The OEB notes that Procedural Order No. 2 states that any written submissions from OEB staff and intervenors on the jurisdictional questions shall be filed with the OEB and served on all parties by January 4, 2020 (emphasis added). Procedural Order No. 2 does not exclude Waterfront Toronto from filing a response to Enbridge Gas's submission on the same date that OEB staff and other intervenors file their submissions. However, for greater clarity, the OEB is issuing this Procedural Order allowing Waterfront Toronto, other intervenors and OEB staff to file a responding submission. The OEB will also extend the timing of filing such submission from January 4 to January 8, 2021.

The OEB will also make provision for Enbridge Gas to file a reply submission in response to OEB staff and intervenor submissions on the jurisdictional questions.

Procedural Order No. 2 also provided revised dates for interrogatories on Enbridge Gas's application and pre-filed evidence and responses to interrogatories. The dates set out in Procedural Order No. 2 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 OEB staff and intervenors (including 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 **January 8, 2021**.
2. Any written reply submissions from Enbridge Gas 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 15, 2021**.
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 15, 2021**.
4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **January 25, 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](http://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](mailto: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](mailto:ritchie.murray@oeb.ca) and OEB Counsel, Ljuba Djurdjevic at [ljuba.djurdjevic@oeb.ca](mailto:ljuba.djurdjevic@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)  
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**DATED** at Toronto, **December 22, 2020**

**ONTARIO ENERGY BOARD**

*Original signed by*

Christine E. Long  
Registrar