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January 28, 2021

Delivered by Email

Ms. Christine Long, Registrar
Ontario Energy Board
2300 Yonge Street
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ms. Long:

**Re: Enbridge Gas Inc. Notice of Withdrawal
Board File No. EB-2020-0198**

On January 25, 2021, Enbridge Gas Inc. filed a notice of immediate withdrawal of Application EB-2020-0198. On January 26, 2021, Waterfront Toronto filed an objection to the notice. On January 27, 2021, Enbridge filed a submission with the Board in response.

Needless to say, Waterfront Toronto disputes much of both the tone and the content of what Enbridge suggests. However, at this point in time we do not intend to engage on those points of contention.

The response of Waterfront Toronto is that the position Waterfront Toronto stated in its January 26, 2021, is entirely consistent with its position throughout this proceeding. The Board routinely in leave to construct applications insists that applicants meet the public interest test and undertake a careful examination of all of its elements. We are not asking for more than that.

Enbridge has known since 2018 of the scheduling of the Port Lands Flood Protection Project and the position of Waterfront Toronto on costs, and should have fully considered the alternatives to what they propose. If they continue to believe that the preferred alternative is the best one for all concerned, then the fact that Waterfront Toronto is not to pay for it does not detract from the fact it is the best alternative. If, however, there are better alternatives, then Enbridge should have fully reviewed them before now.

The fact is that the scheduling of the relocation work remains of critical importance. If the project cannot be completed on time, substantial costs will be incurred and flood protection of lands north and east of the bridge will not be achieved as designed.

Rule 20.03 of the Board's rules allows it to impose conditions on any withdrawal. Rule 20.05 provides that the Board can effectively decline to allow discontinuance and continue the matter or issue a decision or order based on the proceedings to that point.

Waterfront Toronto submits that Rule 20 of the Board rules grants the Board considerable discretion to address issues that require urgent attention. Enbridge has not indicated when it will refile a new leave to construct application.

Waterfront Toronto has a responsibility to provide four utilities with the ability to cross the river during construction of the flood protection project and thereafter. Enbridge is one of those utilities. In light of recent discussions, Waterfront Toronto is working on a proposal to the Board and Enbridge for a new river crossing to address the stated concerns of the parties within the next three weeks.

Waterfront Toronto does not object to Enbridge electing to not proceed with, and withdrawing the application to build, the \$70M pipeline in order to consider other alternatives. However, the issue regarding the status of the Enbridge pipe on the Keating Rail Bridge has been before the Board in this case since the beginning.

This is an emergency matter as the Waterfront Toronto letter of January 26, 2021 referenced and Waterfront Toronto's many submissions in this proceeding have highlighted. Waterfront Toronto requests the Board to allow Waterfront Toronto to file a further submission as noted. Under Rule 20, the Board can retain jurisdiction to deal with this matter.

Yours truly,



Gordon Kaiser

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