



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2020-0219

**MOTION TO REVIEW AND VARY THE OEB'S DECISION
AND ORDER EB-2019-0007 (LEAVE TO CONSTRUCT
IMPERIAL WATERDOWN TO FINCH PROJECT)**

BEFORE: Emad Elsayed
Presiding Commissioner

Robert Dodds
Commissioner

Michael Janigan
Commissioner

February 1, 2021

INTRODUCTION AND SUMMARY

Imperial Oil Limited (Imperial Oil) was granted a leave to construct approval for a petroleum products pipeline (Pipeline) in a decision of the Ontario Energy Board (OEB) dated March 12, 2020 (Original Decision).¹

On June 30, 2020, Imperial Oil sought permission from the OEB to adjust the OEB-approved route of the Pipeline at three locations (Request for Changes). The review of the Request for Changes was undertaken by an OEB staff member delegated by the OEB to make these determinations (Delegated Authority, or DA)². On August 19, 2020, the DA found that two of the proposed changes were not material and approved those two changes. A third change to the OEB-approved route was found by the DA to be a material change and was not approved (Route Realignment). Based on the review of the information Imperial Oil provided in the Request for Changes, the DA stated that the OEB would treat this change request as a Motion to Review and Vary the original Decision (Imperial Oil's Motion).³

The OEB heard Imperial Oil's Motion through a written hearing. The OEB granted 112308 Ontario Inc. and 2394561 Ontario Inc. (Abell Properties) intervenor status and cost award eligibility.

On December 17, 2020, the OEB issued its Decision and Order granting Imperial Oil's Motion and approving the Route Realignment subject to the Conditions of Approval issued with the Original Decision (Decision on Motion). The Decision on Motion also set the process for Abell Properties to file its cost claim, for Imperial Oil to object to the claim and for Abell Properties to respond to any objections raised by Imperial Oil.

The OEB received a cost claim from Abell Properties. No objection to the cost claim was received from Imperial Oil.

¹ Decision and Order (EB-2019-0007), dated March 12, 2020, including Conditions of Approval as Schedule "B".

² The authority of the OEB to determine whether proposed changes will result in material changes to a project for which a leave to construct was granted and the authority to approve any changes that they concluded are not material has been delegated to a Manager, Generation and Transmission Applications, under section 6 of the *Ontario Energy Board Act, 1998*.

³ OEB Letter-Decision on Imperial Oil Limited Request for Changes of Project Routing (EB-2019-0007), August 19, 2020, page 9.

Findings

The OEB has reviewed the claim filed to ensure that it is compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB finds that Abell Properties is eligible for 100% of its reasonably incurred costs of participating in this proceeding. The OEB finds that Abell Properties' claim is reasonable and shall be reimbursed by Imperial Oil.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Imperial Oil Limited shall immediately pay Abell Properties \$15,055.15

DATED at Toronto February 1, 2021

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar