

Elson Advocacy

February 5, 2021

BY EMAIL AND RESS

Ms. Christine Long

Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700, P.O. Box 2319
Toronto, Ontario M4P 1E4

Dear Ms. Long:

Re: EB-2020-0198 – Toronto Waterfront Relocation Project

I am writing on behalf of Environmental Defence to provide submissions on the questions posed by the Board in *Procedural Order #5*. The Board identified three topics related to Enbridge's request to withdraw its application. These submissions focus on the third topic related to conditions on withdrawal.

Topic 3

Withdrawal with Conditions: If the OEB allows the Application to be withdrawn what, if any, conditions should it include in its decision? For example, should Enbridge Gas be required to provide a schedule for filing a new Leave to Construct application?

If the Board grants the withdrawal, Environmental Defence requests that it order Enbridge to file a new application on an expedited basis and by a concrete deadline determined based on the submissions by the parties. A short timeline would avoid the risk of increased costs. Higher costs are not in the best interests of either ratepayers or taxpayers. A short timeline also ensures the reliability of the gas supply to Toronto.

It is reasonable to expect that Enbridge prioritize and expedite a new application given that it has had sufficient time already to adequately consider less costly alternatives to its preferred option. The pipeline must be removed from the Keating Rail Bridge as it has no legal right to remain there after May 2, 2022.¹ Enbridge has been planning to replace this pipe in any event and has known since 2018 that it could not remain on the bridge.

Any delay to important flood risk reduction caused by this withdrawal is not in the public interest. Waterfront Toronto needs the pipeline off the bridge by May 2022. This is necessary in order to proceed with the Project and reduce flood risk at the mouth of the Don River and

¹ City to Toronto's October 30, 2020 Letter to EGI, attached to City's Intervention Request Letter.

surrounding areas. While there may be some flexibility in the Project schedule, withdrawing the application at this late date creates a serious risk of delay.

Finally, further delay could mean that taxpayers are saddled with an unreasonable and unfair fossil fuel subsidy. Enbridge's withdrawal could be seen as brinksmanship or could at least have that effect by forcing Waterfront Toronto to contribute more to relocating the pipeline to ensure its own Project proceeds in a timely fashion. It would be unfair to shift the cost of this fossil fuel infrastructure to taxpayers seeing as Enbridge had prior plans to replace this pipeline and Enbridge no longer has a legal right to keep the pipeline on the Keating Railway Bridge in any event. Natural gas consumption causes over 30% of Ontario's greenhouse gas emissions.² This should not be subsidized by taxpayers.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Amanda Montgomery', written in dark ink.

Amanda Montgomery

cc: Parties in the above proceeding

² EB-2019-0294, Exhibit I.ED.1, Attachment 1.