



February 22, 2021

Sent via Email (registrar@oeb.ca)

Ontario Energy Board
2300 Yonge Street -27th Floor
Toronto ON
M4P 1E4

Attention: Ontario Energy Board Registrar, Zulma DeBonis

Re: EB-2019-166 – MPAC's Failure to Respond to OPI Interrogatories

I am counsel for the intervenor, Ontario Petroleum Institute Inc. (OPI).

OPI objects to the adequacy of MPAC's responses to OPI's interrogatories numbered 1 and 2. For all intents and purposes, MPAC did not answer the interrogatories.

OPI's interrogatories were "in relation to the pipe line assets referenced in the affidavits of Mr. Ford and Mr. McIntosh". Those affidavits each referred to pipelines now owned by TAQA North Ltd. (the Innerkip gas field near Bright, Ontario and the Rodney oil field near Rodney, Ontario), and referenced specific roll numbers, namely 32 45 010 040 09400 0000 and 32 38 020 020 60200 0000.

OPI's first interrogatory requested file documentation regarding these TAQA pipelines. Mr. Ford's affidavit explicitly refers to having reviewed "file documentation", but does not specify what this documentation consists of. MPAC's objection to providing this information is simply not valid.

OPI's second interrogatory requested records of **annual** designations regarding the subject pipelines referenced above. MPAC's response refers non-specifically to the affidavits of Mr. Ford sworn July 29, 2020 and January 26, 2021. These affidavits do not contain any response to the interrogatory. Mr. Ford's July 29, 2020 affidavit does not address the TAQA pipelines, at all. Mr. Ford's January 26, 2021 affidavit refers to the TAQA pipelines, but provides no information whatsoever regarding records of annual designations.

It has become clear that information regarding **annual designations** under subs. 25(2) of the *Assessment Act* is very important to the matters in issue in this proceeding – the

HARRISON PENSA LLP
Lawyers

language of subs. 25(2) refers to such designations being required "[o]n or before March 1 of *every year...*" (emphasis added). OPI sought information from MPAC about such annual designations, and MPAC simply decided that it would not answer the interrogatory.

OPI respectfully requests MPAC be directed to provide a further and better responses to OPI's interrogatories numbered 1 and 2.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Tim McCullough', with a stylized flourish at the end.

Tim McCullough