

Elson Advocacy

July 20, 2021

Ms. Christine Long

Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4

Dear Ms. Long:

**Re: Enbridge 2022 to 2027 Demand Side Management (“DSM”) Plan
EB-2021-0002**

I am writing regarding certain improper “reply” provided by Enbridge on the issues list. Environmental Defence made no submissions on the draft issues list. There was therefore nothing for Enbridge to reply to. Enbridge nevertheless provided comments to the OEB asserting that Environmental Defence is “challenging what the OEB has stated is the primary objective of natural gas DSM” and asked the OEB to pre-emptively “rule as irrelevant attempts to raise issues which are inconsistent with the primary objective.” There is no reason why these comments could not have been made in Enbridge’s initial submissions.

Environmental Defence asks that the OEB disregard these comments and the associated request. They are not proper reply.¹ By adding these comments to its reply, Enbridge is splitting its case. It is also denying Environmental Defence the opportunity to respond to Enbridge’s incorrect interpretation of Environmental Defence’s intentions in this proceeding and to comment on the unwarranted and unclear additional ruling that Enbridge is now seeking from the OEB.

In the alternative, if the OEB does not disregard these comments, we ask for an opportunity to substantively respond. We could provide that response within three business days of the OEB granting leave for us to do so. However, we believe the most efficient and fair approach is for Enbridge’s comments to be disregarded.

Yours truly,



Kent Elson

cc: Participants in the above proceeding

¹ The Court of Appeal has noted that a reply submission “should not be permitted where it merely confirms or reinforces points already made or which could have been made in the moving party’s initial” submissions: see *Dennis v. Ontario Lottery and Gaming Commission*, 2012 ONCA 368, at para. 8, ([link](#)).