



Lakeshore Natural Gas Inc.

Application for approval to construct a natural gas pipeline and associated facilities in the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa

PROCEDURAL ORDER NO. 5

August 19, 2021

Lakeshore Natural Gas Inc. (Lakeshore)¹ filed an application (Application) to the Ontario Energy Board (OEB) on August 2, 2019 under section 90 of the *Ontario Energy Board Act*², for an order granting leave to construct (LTC) approximately 116.5 kilometres of natural gas pipeline and associated facilities in Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and the Municipality of Wawa (the Municipalities). Lakeshore also applied to the OEB under sections 8 and 9 of the *Municipal Franchises Act*³ for certificates of public convenience and necessity and for approval of a municipal franchise agreement for each Municipality. Lakeshore further applied for an order or orders for a gas supply plan to serve each Municipality, and for pre-approval, under section 36 of the *Ontario Energy Board Act*, of the cost consequences of a long-term liquefied natural gas supply contract with Nipigon LNG Limited Partnership. On August 15, 2019, Lakeshore updated the Application to include a request under section 97 of the *Ontario Energy Board Act* for approval of the forms of easement agreement.

Lakeshore requested that the OEB issue LTC approval by December 2019, subject to a condition that requires the utility to file information for OEB review and approval regarding the utility's technical and financial capacity in Phase 2 of the proceeding, which would occur at a later date. Lakeshore requested approval of Phase 1 by December 2019 and of Phase 2 by the end of March 2020⁴.

¹ The Application was submitted by the Town of Marathon on its own behalf and as a representative of Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and the Municipality of Wawa (the Municipalities). The Municipalities have since formed a new natural gas distribution company to distribute natural gas in their respective municipalities called Lakeshore Natural Gas Inc.

² *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B)

³ *Municipal Franchises Act R.S.O. 1990, c. M.55*

⁴ EB-2018-0329, updated application, Exhibit A, Tab 7, Schedule 3, Page 1

The OEB issued a Notice of Hearing on September 12, 2019.

Each of Anwaatin Inc. (Anwaatin), Bingwi Neyaashi Anishinaabek First Nation (BNA), Certarus Ltd. (Certarus), Enbridge Gas Inc. (Enbridge Gas), Jackfish Metis Association (JMA), Long Lake #58 First Nation (Long Lake), Nipigon LNG Corporation (NLNG), Red Rock Indian Band (RRIB), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. Anwaatin, JMA, Long Lake, SEC and VECC also applied for cost eligibility.

The OEB granted intervenor status to Anwaatin, BNA, Certarus, JMA, Long Lake, NLNG, RRIB, SEC and VECC and cost eligibility to Anwaatin, JMA, Long Lake, SEC and VECC.

The OEB issued its Decision and Order on the first phase of the proceeding on February 27, 2020 (Phase 1 Decision). To date, Lakeshore has not filed any materials to commence Phase 2 of the proceeding.

On August 5, 2021, SEC on its own behalf, as well as on behalf of VECC, filed a letter noting that it has been over 17 months since the Phase 1 Decision was issued and no additional evidence has been filed. SEC further noted that even if such information were filed soon, it would likely take several months for Phase 2 to be adjudicated. Considering the lengthy time that has elapsed, SEC and VECC requested that the OEB initiate procedural steps for cost eligible intervenors to file cost claims regarding Phase 1 of the proceeding.

The OEB agrees with SEC and VECC that, given the lengthy amount of time that has passed since the Phase One Decision, it is time to initiate procedural steps for cost eligible intervenors to file cost claims with respect to Phase 1 of the proceeding. To the extent that additional phases of the proceeding take place, the OEB may make provision for additional cost claims in the future.

It is necessary to make provision for the following matters related to this proceeding.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Anwaatin, JMA, Long Lake, SEC and VECC (cost eligible intervenors) shall file with the OEB and forward to Lakeshore their cost claims for costs incurred up to February 28, 2020 in accordance with the OEB's [Practice Direction on Cost Awards](#) on or before **September 7, 2021**.
2. Lakeshore shall file with the OEB and forward to cost eligible intervenors any objections to the claimed costs of the cost eligible intervenors on or before **September 20, 2021**.

3. If Lakeshore objects to the costs of a specific cost eligible intervenor, that intervenor shall file with the OEB and forward to Lakeshore its response, if any, to the objections to cost claims on or before **October 4, 2021**.
4. Lakeshore shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2018-0329** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Ritchie Murray at ritchie.murray@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **August 19, 2021**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar