



**Enbridge Gas Inc.**

**Application for approval to drill natural gas storage wells in each of the Corunna Storage Pool and the Ladysmith Storage Pool, in Moore Township, in the Township of St. Clair, in the County of Lambton.**

**PROCEDURAL ORDER NO. 1**

**September 10, 2021**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on July 30, 2021 under section 40(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) requesting a favourable report to the Minister of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) in respect of Enbridge Gas's application to the MNDMNRF for licences to drill wells in the Corunna Storage Pool and the Ladysmith Storage Pool. The pools are located in Moore Township, in the Township of St. Clair, in the County of Lambton.

A Notice of Hearing was issued on August 18, 2021. The MNDMNRF and Claire and Helen Robbins applied for intervenor status. No objection was received from Enbridge Gas.

In their letter of intervention Claire and Helen Robbins state that they believe that the proposed well TL8 will infringe on their farming infrastructure and future development of buildings and residential sites. They state that recent work on TL9 (which was located 635 metres from our residence) produced excessive noise, vibration and lighting distractions which brought concerns for both their health and the health of their livestock. They further state that as the proposed well TL8 will only be 175 metres from their residence and livestock facilities, they expect the disruption will be magnified.

The OEB approves Claire and Helen Robbins (the Robbins) as intervenors pursuant to Rule 22.02 of the OEB's *Rules of Practice and Procedure*, in their capacity as landowners who may be affected by the proposed project. As a party to the proceeding, the Robbins will have an opportunity to ask questions and make submissions through the course of the proceeding. Rule 22.03 requires that intervenors indicate in their letter of intervention whether they intend to seek an award of costs. Although the Robbins have not indicated whether they intend to seek an award of costs, Rule 22.09 permits the OEB to grant intervenor status on conditions it considers appropriate.

In this case, the OEB notes the following provision under section 3.03(c) of the OEB's *Practice Direction on Cost Awards* (Practice Direction):

A party in a Board process is eligible to apply for a cost award where the party is a person with an interest in land that is affected by the process.

The OEB therefore, determines that the Robbins are eligible to apply for an award of costs under the OEB's Practice Direction.

Individuals that represent their own interests should carefully review the OEB's Practice Direction for information about the types of costs and disbursements that an individual may claim. For example, while wage or salary losses incurred as a result of participating in an OEB hearing, may be claimed, fees are not generally permitted to be claimed by individuals under the OEB's Cost Award Tariff.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

The MNDMNR is approved as an intervenor. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Intervenors are reminded that the scope of a well drilling proceeding typically includes matters pertaining to:

- the need for the proposed project
- the appropriateness of the design and location of the proposed facilities (e.g., wells, well heads, pipelines, valves) and possible alternative solutions to achieving the project's desired outcome
- costs and bill impacts for ratepayers
- feasibility
- project schedule
- potential environmental impacts and mitigations
- land use requirements and impact on directly affected landowners (i.e., landowners whose property the proposed facilities will occupy)
- Indigenous consultation matters
- compliance with applicable regulations and standards (e.g., the Canadian Standards Association Z341)

## Interrogatories

At this time, provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

### IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **September 20, 2021**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **September 30, 2021**.
3. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by, **October 14, 2021**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **October 28, 2021**.

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-2021-0079** 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](mailto: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, Judith Fernandes, at [Judith.Fernandes@oeb.ca](mailto:Judith.Fernandes@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **September 10, 2021**

**ONTARIO ENERGY BOARD**

**By delegation, before: Christine E. Long**

*Original signed by*

Christine E. Long  
Registrar

Enbridge Gas Inc.  
EB-2021-0079

## **APPLICANT & LIST OF INTERVENORS**

September 10, 2021

### **APPLICANT**

#### **Rep. and Address for Service**

**Enbridge Gas Inc.**

**Adam Stiers**

Technical Manager, Regulatory Applications  
Enbridge Gas Inc.  
50 Keil Drive North  
P.O. Box 2001  
Chatham, ON N7M 5M1

Tel: 519-436-4558

Fax: 519-436-4641

[egiregulatoryproceedings@enbridge.com](mailto:egiregulatoryproceedings@enbridge.com)

### **APPLICANT COUNSEL**

**Tania Persad**

Senior Legal Counsel  
Enbridge Gas Inc.

500 Consumers Road  
North York ON M2J 1P8  
Tel: 416-495-5891

Fax: 416-495-5994

[tania.persad@enbridge.com](mailto:tania.persad@enbridge.com)

### **INTERVENORS**

#### **Rep. and Address for Service**

**Independent Participant**

**Claire and Helen Robbins**

Independent Participant

2969 Tecumseh Road  
Courtright ON N0N 1H0  
Tel: 519-864-1275

[crobns@hotmail.com](mailto:crobns@hotmail.com)

Enbridge Gas Inc.  
EB-2021-0079

**APPLICANT & LIST OF INTERVENORS**

September 10, 2021

**Ministry of Northern  
Development, Mines, Natural  
Resources and Forestry**

**Demetrius Kappos**

Counsel

Ministry of Northern Development, Mines, Natural  
Resources and Forestry

3rd Floor, Room 3420

99 Wellesley Street West

Toronto ON M7A 1W3

Tel: 416-314-2007

Fax: 416-314-2030

[demetrius.kappos@ontario.ca](mailto:demetrius.kappos@ontario.ca)