

Ms. Christine Long
OEB Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

September 13, 2021

**Re: EB-2020-0293 – Enbridge St. Laurent Ottawa North Replacement Project
Pollution Probe Letter of Comment**

Dear Ms. Long:

Pollution Probe is in receipt of the updated application from Enbridge dated September 10, 2021. Pollution Probe is also in receipt of the City of Ottawa Letter dated May 12, 2021. The following letter outlines a few issues and concerns based on the project and proposed expedited treatment of the Leave to Construct application. Based on our review, it appears that the OEB does not have the evidence required to resume the proceeding at this time.

The cover letter to the updated application indicates that the resolution of issues identified by the Ministry of Transportation (MTO) resulted in a four month delay and appears to imply that the OEB should expedite the hearing and not take the appropriate time to adequately assess the application. The MTO indicated that Enbridge was made aware of these issues prior to the initial application filing and it is unclear to Pollution Probe why the application was filed initially, knowing that it could not be constructed as filed. The St. Laurent projects have had persistent issues. Initially the project was proposed in phases and eventually withdrawn in EB-2020-0181 based on the OEB indication that a more thorough and integrated resource assessment was appropriate.

It appears that the updated application also does not comply with OEB requirements and clarity on whether the OEB has accepted the application as complete would be helpful prior to ending the OEB adjournment and determining steps for the next procedural order. Pollution Probe also notes that it appears that an Environmental Assessment and related mitigation plan was not completed for the updated project, and that the record only contains environmental documents related to the initial proposed project which is no longer the preferred option. Similarly, it appears that an updated environmental assessment has not been circulated for review and comment by the Ontario Provincial Pipeline Coordination Committee (OPCC) and related permitting/approval agencies, as required by the OEB.

There is a large number of outstanding issues related to the proposed project and stakeholders will need some OEB direction prior to indicating the full list of issues and proposed resolution. Some other recent Leave to Construct projects assessed had a lack of need and were eventual withdrawal¹, avoiding significant costs and impacts. An expedited process in those cases (similar to this case) would have

¹ E.g. EB-2019-0159 and EB-2020-0065.

resulted in unnecessary costs, unnecessary incremental capital assets and related environmental and socio-economic impacts.

Enbridge indicates that this is a replacement project, rather than an expansion project². This means that the current infrastructure provides the gas supply needed for the City of Ottawa and that there are options to provide adequate time for the OEB to adequately assess the need for the project and alternative options. The City of Ottawa has expressed a preference to not proceed with the project since future gas supply is forecasted to decline as they pursue their net zero target. Installing new infrastructure would have potential to becoming stranded (in part or whole) before it is fully amortized. None of the analysis included in the application considers this outcome. The proceeding will likely assess those assumptions in detail and consider options that decrease or avoid the new pipeline proposed. The proposal by the City of Ottawa to use IRP alternatives is perfectly timed since the OEB indicated that “The OEB expects that the IRP pilot projects will be selected and deployed by the end of 2022 as proposed by Enbridge Gas”³. A Leave to Construct proceeding will take longer than the IRP direction provided to Enbridge several months ago. Even if the Ottawa project is not selected as one of the IRP pilots, there is a requirement to apply IRP alternatives to the proposed project, which will result in the same outcome (i.e. pursuing a more appropriate alternative). Pollution Probe supports this approach. These OEB requirements are in place regardless of the IRP Decision and related pilot requirements.

The OEB issued its IRP Decision on July 22, 2021 which outlines requirements for new Leave to Construct projects. In its Decision the OEB clearly indicated that these requirements are “effective immediately”⁴. The OEB also indicated that “The implementation of pilots should not be a barrier to addressing a system need through a non-pilot IRP Plan, if an exceptional time-limited opportunity arises prior to the completion of the pilots”⁵. Related OEB requirements have also not been met by the evidence filed. One example is the requirement set by the OEB in from the EB-2020-0192 Decision which indicates that,

“...the OEB agrees with Environmental Defence that Enbridge Gas has an obligation to conduct a more rigorous Integrated Resource Planning assessment at the preliminary stage of projects development in future cases. As OEB staff also notes the failure to present detailed analyses makes it unlikely that Enbridge Gas would select an alternative including DSM or other non-build project option. The OEB acknowledges that more direction is likely to be provided to Enbridge Gas in future leave to construct projects as part of the ongoing IRP proceeding. In the interim, however, the OEB believes that all parties would be assisted if Enbridge Gas would, in the future, undertake in-depth quantitative and qualitative analyses of alternatives that specifically include the impacts of DSM programs on the need for, or project design of facilities for which Enbridge Gas has applied for leave to construct”⁶.

² This appears to be a change since the original project was proposed to provide ex-franchise capacity to Quebec.

³ EB-2020-0091 Decision, Page 90.

⁴ EB-2020-0091 Decision, Page 95.

⁵ EB-2020-0091 Decision, Page 9.

⁶ EB-2020-0192 OEB Decision, Page 20

The IRP Decision is relatively recent, but requirements for Enbridge to adequately assess IRP alternatives have been in place for years. In EB-2014-0134, the Report of the Board on the Gas DSM Framework, the Board indicated that,

“As part of all applications for leave to construct future infrastructure projects, the gas utilities must provide evidence of how DSM has been considered as an alternative at the preliminary stage of project development”.

These requirements are not new, but recently reinforced by the OEB in its IRP Decision. Pollution Probe continues to recommend that the OEB convene a Stakeholder Conference prior to reconvening the proceeding and issuing procedures for this proceeding. This is not a straight forward application and it is not clear if it meets the OEB requirements. Pollution Probe also understands that other community witnesses may be interested in appearing before the OEB. A stakeholder Conference would also ensure all relevant issues are identified so that an issues list can be developed to guide the proceeding in an efficient and comprehensive manner. This approach will save time and costs throughout the process and ensure an open and transparent proceeding.

Respectfully submitted on behalf of Pollution Probe.



Michael Brophy, P.Eng., M.Eng., MBA
Michael Brophy Consulting Inc.
Consultant to Pollution Probe
Email: Michael.brophy@rogers.com

cc: Enbridge (email via EGIRegulatoryProceedings@enbridge.com)
Guri Pannu, Enbridge Legal (via email)
All Parties (via email)
Richard Carlson, Pollution Probe (via email)