



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipeline  
and associated facilities in the City of Ottawa**

**PROCEDURAL ORDER NO. 1**

**November 8, 2021**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on March 2, 2021, under section 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 19.8 kilometres of natural gas pipeline and associated facilities in the City of Ottawa. The proposed natural gas pipeline will replace the existing St. Laurent Pipeline in two final phases of its multiple year project. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of the project.

On March 16, 2021, the OEB issued a letter stating that it had completed its preliminary review and had started to process the application. A Notice of Hearing was issued on March 19, 2021, and the deadline to apply for intervenor status and cost eligibility was April 13, 2021. Each of Energy Probe Research Foundation (Energy Probe), Environmental Defence Canada Inc. (Environmental Defence), Federation of Rental Housing Providers of Ontario (FRPO), Industrial Gas Users Association (IGUA), Pollution Probe and School Energy Coalition (SEC) applied for intervenor status and cost eligibility.

On April 9, 2021, the Ministry of Transportation (Ministry) filed a letter informing the OEB that the proposed route “follows our property line at the westbound on-ramp at Vanier Parkway” and that the Ministry has concerns with the route because “it places constraints on the Ministry’s future ramp, highway and bridge maintenance, repair and construction. The Ministry does not allow utilities to run parallel to freeways.” By letter dated May 5, 2021, Enbridge Gas advised the OEB that it was consulting with the Royal Canadian Mounted Police (RCMP) and the Ministry to address the Ministry’s concerns and would file an updated application after the issues were resolved. On May 20, 2021, the OEB issued a letter and placed the application in abeyance pending resolution of the concerns raised by the Ministry. On August 11, 2021, Enbridge Gas filed a letter informing the OEB that after discussions with the Ministry and the RCMP, Enbridge Gas had arrived at mutually acceptable compromise where a small segment of the route that

was of concern to the Ministry would be moved as far as possible from the Ministry's property line and placed on an adjacent RCMP property along Vanier Parkway.

On September 10, 2021, Enbridge Gas filed an updated application with the OEB. The OEB issued a Notice of Hearing on September 30, 2021. By letters dated October 4, 2021, the OEB informed Energy Probe, Environmental Defence, FRPO, IGUA, SEC and Pollution Probe that they were not required to reapply for status in the updated application.

By letter dated September 10, 2021, Enbridge Gas stated that it did not object to the intervention requests. With respect to the request for additional procedural steps, Enbridge Gas stated that the OEB should reserve its decision on this matter until after the interrogatory process. With respect to concerns raised by potential intervenors about alternatives, including Integrated Resource Plan (IRP) alternatives, Enbridge Gas stated that these have been addressed in the updated application. With respect to matters of cost recovery raised by some potential intervenors, Enbridge Gas clarified that it is not seeking to recover the costs of the project in this leave to construct application and that issues related to cost recovery are the subject of Enbridge Gas's Incremental Capital Module application, EB-2021-0148, that was recently filed with the OEB.

On May 10, 2021, the City of Ottawa (Ottawa) filed a letter of comment with the OEB requesting that the OEB consider this project as part of Enbridge Gas's IRP pilots. In its September 10, 2021, letter, Enbridge Gas stated that it is "considering all future system needs/constraints identified across the Province, including in the Ottawa region, for future IRP pilot programs and IRP Plans and welcomes stakeholder engagement in accordance with the OEB's IRP Framework for Enbridge Gas." By letter dated October 1, 2021, Ottawa applied for intervenor status noting that it is seeking a thorough assessment of options for the project and a credible explanation as to why IRP is not being pursued.

Ottawa, Energy Probe, Environmental Defence, FRPO, IGUA, Pollution Probe and SEC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Energy Probe, Environmental Defence, FRPO, IGUA, Pollution Probe and SEC eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Intervenors are expected to focus on material issues, avoid duplication and coordinate their participation with other intervenors on common issues. Further, cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a

compelling reason is provided when cost claims are filed. Cost awards are made by way of OEB order at the end of a hearing.

### **Letters from Pollution Probe**

Following the filing of Enbridge Gas's updated application Pollution Probe filed a letter on September 13, 2021, reiterating some of the concerns it had raised in its intervention letter dated April 9, 2021, and noted others. In its letter, Pollution Probe reiterated its request that the OEB hold a stakeholder conference prior to determining other procedural steps and raised concerns about alternatives, including IRP alternatives, adequacy of the environmental assessment, need for a comprehensive issues list.

On September 22, 2021, Enbridge Gas filed its reply to Pollution Probe's letter stating that Pollution Probe had mis-stated facts in respect of how the OEB should process the application, its Phase 3 ICM proposal, applicability of the current environmental assessment and project classification and provided clarification for each.

On October 4, 2021, the OEB issued a letter advising Pollution Probe that it will consider the matters raised by Pollution Probe in Procedural Order No.1.

On October 13, 2021, Pollution Probe filed a letter to say that its comments in its September 13, 2021, letter remain relevant and that it is "unclear to Pollution Probe at what stage the OEB will review the application for completeness and whether the gaps identified would restrict the application from proceeding or if the OEB intends to resolve those gaps during the proceeding." Pollution Probe noted its concerns about IRP alternatives and adequacy of the environmental assessment in light of the route change. With respect to its request for a comprehensive issues list, Pollution Probe noted that the OEB's standard issues list is sufficiently broad and addresses its concerns. On October 21, 2021, Enbridge Gas responded to the Pollution Probe's letter of October 13, 2021, indicating that its comments in its September 22, 2021 letter, regarding matters raised by Pollution Probe remain unchanged.

The OEB has considered the matters raised by Pollution Probe and its request for a stakeholder conference in advance of other procedural steps. The OEB's Notice of Hearing provided a link to the [OEB's Standard Issues List](#) for natural gas leave to construct applications that the OEB intends to follow in its review of this application. In the OEB's view the OEB's Standard Issues List is sufficiently broad such that the issues raised by Pollution Probe can be canvassed through the interrogatory process. With respect to making provision for additional procedural steps, the OEB is of the view that it will be in the best position to make the decision after it has reviewed the interrogatory responses.

## 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.

## Oral vs Written Hearing

Enbridge Gas requested that the application be processed by a written hearing. No party requested an oral hearing. A number of intervenors noted that the OEB's determination on a type of hearing could be more appropriately made after interrogatories responses are filed by Enbridge Gas. The OEB will make its determination on the type of hearing after its review of the interrogatory responses.

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, **November 22, 2021**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **December 6, 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-2020-0293** 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, Zora Crnojacki at [Zora.Crnojacki@oeb.ca](mailto:Zora.Crnojacki@oeb.ca) and OEB Counsel, James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca)

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**DATED** at Toronto, November 8, 2021

**ONTARIO ENERGY BOARD**

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

*Original signed by*

Christine E. Long  
Registrar

**SCHEDULE A**  
**LIST OF APPLICANTS AND INTERVENORS**  
**ENBRIDGE GAS INC.**  
**EB-2020-0293**  
**November 8, 2021**

**Enbridge Gas Inc.  
EB-2020-0293**

**APPLICANT & LIST OF INTERVENORS**

November 8, 2021

**APPLICANT**

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**Enbridge Gas Inc.  
EB-2020-0293**

**APPLICANT & LIST OF INTERVENORS**

November 8, 2021

**INTERVENORS**

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**Enbridge Gas Inc.  
EB-2020-0293**

**APPLICANT & LIST OF INTERVENORS**

November 8, 2021

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**Enbridge Gas Inc.  
EB-2020-0293**

**APPLICANT & LIST OF INTERVENORS**

November 8, 2021

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**Pollution Probe**

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**School Energy Coalition**

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**APPLICANT & LIST OF INTERVENORS**

November 8, 2021

**School Energy Coalition**

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