



BY EMAIL and RESS

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January 7, 2022
Our File: EB-2020-0293

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

Attn: Nancy Marconi, Acting Registrar

Dear Ms. Marconi:

Re: EB-2020-0293 Enbridge St. Laurent – Proposal for Intervenor Witness Panel

We are counsel for the School Energy Coalition (SEC). We are in receipt of the Applicant's letter of January 7th, and in this letter provide brief comments in reply.

We note that the Applicant anticipates its Final Argument in this proceeding, i.e. that declining demand served by this pipeline is not going to happen (I.ED.6, which we note complains that there is no basis for that assumption) and in any case is not an appropriate consideration by the Board. SEC and the other Sponsors do not agree.

While we believe that the appropriate time to make those arguments is in our own Final Arguments, when all of the evidence has been presented, we do note the incongruity of claiming that "the existing pipeline poses serious safety and material reliability concerns" when the Applicant has been studying this pipeline and its integrity since 2006 (I.STAFF.4, p. 4). We also note in this regard that the Applicant projects 40.9 corrosion leaks in the next 40 years on this pipeline (I.STAFF.5, p. 2), and less than one leak between now and 2030 (I.EP.13, p.2). It may also be relevant that there were no corrosion leaks in this pipeline from 2007 to 2019 (I.EP.11, p. 3).

Further, we note that replacement is not in fact required, as the Applicant admits in its comparison of the Repair vs. Replace options at pages 44-47 of Exhibit B/1/1 and I.ED.3, Attach. 1. Replacement is the Applicant's "preferred" option, not its only option.

More than these comments, however, SEC notes that the thrust of the Applicant's objection appears to be to either a) prevent the major customers on this pipeline from providing evidence to the Board, or b) prevent the Board from hearing from those affected customers directly.

SEC has no procedural objection to the Applicant's proposal to have the customer evidence presented in a rescheduled Technical Conference, nor any objection to Enbridge providing reply evidence if it feels that is appropriate. We do have a significant concern with the notion that, when



customers have expressed a desire to speak directly to the Board on issues that matter to them, and on which they have specific factual knowledge, the Board should instead refuse to hear from them, and insist on a written hearing. This is, in our view, inconsistent with the Board's goals of openness, transparency, and customer focus. Affected customers want to speak to the Board. The Board should hear them.

All of which is respectfully submitted.

Yours very truly,
Shepherd Rubenstein P.C.

A handwritten signature in black ink, appearing to read "Jay Shepherd", written over a light blue horizontal line.

Jay Shepherd

cc: Ted Doherty, SEC (by email)
Mike Brophy, Pollution Probe (by email)
Mike Fletcher, City of Ottawa (by email)
Guri Pannu, Enbridge (by email)
Interested Parties (by email)