

Ms. Nancy Marconi  
Acting Registrar  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

March 21, 2022

**EB-2022-0003 – Waterfront NPS 20 Leave to Construct  
Pollution Probe Intervention Request**

Dear Ms. Marconi:

Pollution Probe received the notice for the above noted proceeding and hereby applies for intervenor status and requests that it be eligible for the recovery of reasonably incurred costs for its participation. Pollution Probe represents a direct consumer and policy interest related to this proceeding.

Pollution Probe is a frequent intervenor in Board proceedings, including facility Leave to Construct applications and a copy of our current Annual Filing can be found on the Board's website at the following location:

<https://www.rds.oeb.ca/CMWebDrawer/Record/724793/File/document>

The Waterfront project was previously considered by the OEB in EB-2020-0198 and Pollution Probe was a participant in that proceeding. Many of the issues examined by the OEB in that proceeding appear to remain relevant to this proceeding and it is unclear whether the OEB will rely on some of the precedent decisions from the EB-2020-0198 proceeding or re-examine them again in this proceeding (e.g. limits of OEB jurisdiction). It would be helpful for the OEB to provide clarity on these issues in Procedural Order No. 1 to avoid confusion. It may also be useful to request comments from stakeholders on the scope (i.e. Issues List) for the proceeding to ensure all relevant issues are adequately identified.

Enbridge has indicated a desire for confidential treatment of certain information in its application. Pollution Probe has not included comments in this letter related to confidential treatment by Enbridge. Pollution Probe understands that would be part of the process outlined by the OEB in this proceeding. If that is not a correct assumption, Pollution Probe will submit comments as determined by the OEB on confidential treatment of the information requested by Enbridge.

The application indicates that the Environmental Report was included. However, EB-2022-0003 Exhibit F, Tab 1, Schedule 1, Attachment 1 includes only a link to the Environmental Report and Pollution Probe has been unable access the project evidence through the web link and requests that a copy be filed in this proceeding. The OEB underwent significant RESS upgrades over the past few years to ensure that all evidence can be publicly posted for each proceeding. For some past applications OEB Staff has posted large reports on the OEB web docket for Enbridge, but Pollution Probe understands that work-around is no longer required.

As evidenced in the previous proceeding related to this project, there are significant issues for consideration that may result in the need for an oral hearing (in part or whole). There are additional OEB requirements since the previous proceeding that would also need to be considered (e.g. compliance with the OEB IRP requirements, particularly in relation to the proposed permanent pipeline). Pollution Probe recommends that the decision on an oral hearing be made following the interrogatory phase.

### **Goals and Objectives**

Pollution Probe intends to actively participate in all aspects of this proceeding, including the following aspects. Project costs, capital treatment, routing, project alternatives and Environmental and Socio-economic issues related to the proposed project. This is a busy multi-use location near the Don River and downtown core. The project area includes critical roadways and recreational infrastructure that is highly traveled and an integrated access point to several other waterfront corridors. This project area is also contaminated both within road allowance and on the adjacent lands. Special consideration is required to mitigate environmental and socio-economic impacts related to the proposed project.

### **Intention to Seek Cost Awards**

Pollution Probe is a not-for-profit charitable organization. We receive individual donations as well as funding for consumer and research projects, such as on community energy planning, future of natural gas and regulated utility innovation, from a variety of public and private sources. Without the prospect of an award of costs, Pollution Probe's ability to participate in the consultation process would not be possible.

Pollution Probe has been an active and valuable participant in proceedings before the Ontario Energy Board and will continue to coordinate its activities, where appropriate, with other parties which represent consumer, municipal and environmental interests in Ontario.

Pollution Probe respectfully requests your acceptance of this request to participate and confirmation that it will be eligible for its costs.

### **Notice**

Pollution Probe requests that further communications with respect to this matter be sent to:

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Consultant for Pollution Probe  
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Respectfully submitted on behalf of Pollution Probe.

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Cc: Dave Janisse, Enbridge (via email)  
Guri Pannu, Enbridge Legal (via email)  
Scott Stoll, Aird & Berlis (via email)  
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