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March 24, 2022

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

Dear Ms. Marconi,

**RE: EB-2020-0293 Enbridge Gas St. Laurent Ottawa North Replacement Project
Argument Submission of Energy Probe**

Attached is the argument submission of Energy Probe Research Foundation (Energy Probe) in the EB-2020-0293 Enbridge Gas St Laurent Ottawa North Replacement Project Leave to Construct proceeding.

Respectfully submitted on behalf of Energy Probe.

Tom Ladanyi
TL Energy Regulatory Consultants Inc.

cc. Patricia Adams (Energy Probe)
Roger Higgin (Sustainable Planning Associates Inc.)
Zora Crnojacki (OEB Staff)
James Sidlofsky (OEB Staff)
Adam Stiers (Enbridge Gas Inc.)
Intervenors of Record

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ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998,
S.O. 1998, c. 15, (Schedule B) (the “Act”);

AND IN THE MATTER OF an Application by Enbridge
Gas Inc. for an order granting leave to construct in the City
of Ottawa, under section 90 of the Act.

AND IN THE MATTER OF an Application by Enbridge
Gas Inc. for an order approving the forms of Working Area
Agreement and Transfer of Easement agreement, under
section 97 of the Act.

Enbridge Gas Inc. St. Laurent Ottawa North Leave to Construct Application
Energy Probe Argument Submission

March 24, 2022

Executive Summary

Based on the evidence presented by Enbridge Gas and other parties on the issues in this case Energy Probe submits that the OEB should approve the St. Laurent Ottawa North project. To obtain Leave to Construct order under Section 90 of the OEB Act, an applicant needs to demonstrate to the OEB that the purpose, the need, and the timing for the project, and its cost estimate and route selection are appropriate. Based on the record in this proceeding, Energy Probe has concluded that Enbridge Gas has demonstrated that they are.

Issues List

In the Notice for this proceeding and in PO No.1 the OEB indicated that it intends to follow its standard Issues List for natural gas leave to construct applications which is quoted below in bold italics.

When determining whether a project is in the public interest, the OEB typically examines the need for the project, project alternatives, project cost and economics, environmental impacts, land matters, and Indigenous consultation. This standard issues list is intended to capture all of the issues that are within the scope of a typical hydrocarbon pipeline leave to construct application under section 90 or 91 of the OEB Act.

Section 90 and Section 91 Leave to Construct Issues List

1.0: Need for the Project

1.1: Has the applicant demonstrated that the project is needed? What factors are driving the need (e.g., new customer demand, increased system capacity requirement, reliability of service, need for pipeline relocation, operational risks, integrity issues)? Has sufficient evidence demonstrating need been provided (e.g., customer or volumetric forecast, system capacity analysis, engineering reports)?

1.2: Has the applicant demonstrated how the project fits within any relevant growth plans for the area and/or the applicant's asset management plans (e.g., what are the dependencies between the proposed project and previously approved LTC projects or in the case of a large project, between the proposed project and future phases of the project)?

2.0: Project Alternatives

2.1: Has the applicant demonstrated that the identified need is best addressed by the proposed project, having adequately considered all viable alternatives (e.g., other pipeline solutions or non-pipeline solutions including integrated resource planning alternatives)?

2.2: Has the applicant compared the alternatives using appropriate metrics including cost and cost savings, feasibility (Profitability Index, Net Present Value), timing, reliability, safety, land use requirements, permitting requirements, stakeholder impacts (e.g., municipalities, landowners, Indigenous communities) and environmental impacts?

3.0: Project Cost and Economics

3.1: Has the applicant provided sufficient information to demonstrate that the estimates of the project costs are reasonable? How do the costs of the project compare with recent similar projects, where applicable?

3.2: Has the applicant adequately identified and described any risks associated with the proposed project? Is the proposed contingency budget appropriate and consistent with these identified risks?

3.3: Has the applicant demonstrated that the project's economics meet the OEB's economic tests using the methodology outlined in Energy Board Order (EBO) 188 and EBO 134, as applicable? Where a contribution in aid of construction is required, is the amount of the contribution reasonable and consistent with OEB policies?

3.4: If the OEB-approved System Expansion Surcharge (SES) or Temporary Connection Charge (TCS) is requested, has the applicant demonstrated that project is eligible for a SES or TCS and that the duration of the SES or TCS is appropriate?

3.5: If the OEB-approved Hourly Allocation Factor (HAF) is requested, has the applicant demonstrated that the project is eligible for an HAF? Is the proposed amount of the HAF reasonable and consistent with OEB policies?

4.0: Environmental Impacts

4.1: Has the applicant filed an Environmental Report which meets the requirements of the OEB's Environmental Guidelines¹ and appropriately identified the environmental impacts associated with construction of the project and adequately described how it intends to mitigate and manage these impacts?

5.0: Route Map and Form of Landowner Agreements

5.1: Has the applicant demonstrated that any proposed forms of landowner agreements under section 97 of the OEB Act are appropriate?

5.2: Does the route map provided pursuant to section 94 of the OEB Act show the general location of the proposed work and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed work is to pass?

6.0: Indigenous Consultation

6.1: To the extent that the project triggers the Constitutional duty to consult, has the proponent followed the Indigenous consultation requirements from the Environmental Guidelines? Has the duty to consult been discharged sufficiently to allow the OEB to approve the application?

7.0: Conditions of Approval

7.1: The OEB's standard conditions of approval are attached as Schedule 1². If the OEB approves the proposed project, what additional or revised conditions, if any, are appropriate?

¹ Ontario Energy Board Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition, 2016

² Schedule 1 is not attached but can be seen at [Issues List - Leave to Construct - Natural Gas \(oeb.ca\)](#)

Energy Probe Argument Submissions

In its argument submissions Energy Probe will follow the Issues List.

1.0: Need for the Project

1.1: Has the applicant demonstrated that the project is needed? What factors are driving the need (e.g., new customer demand, increased system capacity requirement, reliability of service, need for pipeline relocation, operational risks, integrity issues)? Has sufficient evidence demonstrating need been provided (e.g., customer or volumetric forecast, system capacity analysis, engineering reports)?

Enbridge Gas filed a Leave to Construct application with the OEB for the St. Laurent Ottawa North Replacement Phase 3 Project on March 2nd, 2021, under docket number EB-2020-0293. A revised Leave to Construct application was filed on September 10th, 2021. According to Enbridge this project is needed to replace approximately 16 km of NPS 12 extra high pressure (XHP) steel gas main and approximately 400 m of NPS 16 XHP steel gas main in the city of Ottawa. Phase 2 of the project was approved by the OEB in the EB-2019-0006 proceeding and was placed into service in September 2020. Enbridge Gas has determined that the replacement of the St. Laurent Pipeline is needed to ensure the safe and reliable supply of natural gas to customers in Ottawa and Gatineau.³

According to Enbridge the need for the project is driven by integrity issues and Enbridge has filed engineering reports that support that claim.

“Enbridge Gas’s Asset Management Plan (“AMP”) has repeatedly identified the St. Laurent pipeline system,1 installed in 1958, as possessing the physical characteristics and being exposed to the external environmental risks typical of vintage steel gas mains (pipelines installed in the 1970s or prior thereto), including but not limited to: corrosion, dents, compression couplings on mains and services, reduced depth of cover, shallow blow-off valves, past deficient cathodic protection, live stubs, mitered bends, failed installation welds and poor internal fusion, stray current from hydro infrastructure and contaminated soil. Classification of the St. Laurent system as vintage steel (having been installed in 1958), combined with evidence of the deteriorated condition of the existing pipeline(s), and considering the risk and consequences of failure, are driving the need for the proposed replacement Project.”⁴

Enbridge had identified integrity concerns regarding this pipeline in prior proceedings.⁵

³ Exhibit B, Tab 2, Schedule 1, pages 26 and 27.

⁴ Exhibit I.STAFF.1

⁵ Exhibit I.ED.10(b), pages 1 and 2

The alternative to the replacement is continued maintenance of the existing pipelines combined with frequent in line inspection (ILI). Enbridge evaluated that alternative and determined that it would not adequately deal with the integrity issues. This was further explored by the consultant for FRPO in relation to new ILI technology. Enbridge indicated that they had considered this technology for St Laurent but decided that it would not work ⁶.

Three parties identified in the proceeding as the Sponsors, filed a large amount of evidence that they did not relate to any issue in this case. When asked by Energy Probe the Sponsors indicated that their evidence deals with the need for the project in addition to other matters.⁷ Since the only issue that deals with need is Issue 1.1, one can assume that is the issue they meant.

Sponsors evidence includes the City of Ottawa's Energy Evolution Plan the aims of which are indicated in the following statement.

“It aims to reduce corporate city of Ottawa emissions to zero by 2040 and community wide emissions – that is, emissions from all entities within the City of Ottawa - to zero by 2050. Translating those GHG reduction targets to natural gas usage reductions means that, by 2050, renewable natural gas is expected to provide approximately 12% of the city's energy requirements, versus the 50% which is provided by fossil derived natural gas currently.”⁸

Energy Probe sought an explanation of what Sponsors mean by the term “all entities within the City of Ottawa” and received this puzzling answer.⁹

“All entities within the City of Ottawa” means all individuals or groups which have or have the potential to create greenhouse gas emissions.

The response mentions greenhouse gas emissions by individuals or groups living in Ottawa but does not mention emissions from residential, commercial, industrial or transportation appliances and equipment. It is ordinary understanding that individuals are humans and groups of individuals are groups of humans. To survive humans inhale air that contains oxygen and exhale air that contains carbon dioxide. The concentration of carbon dioxide in exhaled human breath ranges from 35,000 ppm to 50,000 ppm.¹⁰ Energy Evolution aims to reduce the concentration of carbon dioxide in air that is exhaled by individuals or groups in the City of Ottawa. There is no explanation of how this would be achieved.

Energy Evolution Plan claims that existing and new private and public buildings in Ottawa will use electricity for heating either directly or indirectly using heat pumps or will use renewable

⁶ Technical Conference Transcript Vol.1, March 4, 2022, pages 32 to 42

⁷ Exhibit I, Sponsors-1.1-Energy Probe-1(a)

⁸ Sponsors Evidence, page 4

⁹ Exhibit I, Sponsors-1.1-Energy Probe-2

¹⁰ https://www.energy.wsu.edu/Portals/0/Documents/Measuring_CO2_Inside_Buildings-Jan2013.pdf

natural gas manufactured using electricity at the City’s wastewater plant¹¹. The additional electrical load will be distributed by Hydro Ottawa from electricity generated elsewhere and transmitted to Ottawa by Hydro One, and by electricity generated in the City of Ottawa by solar and wind power facilities combined with large scale battery storage facilities.¹² According to the Energy Evolution Plan non-renewable natural gas currently distributed by Enbridge will no longer be needed.

To make all this happen, Energy Evolution will need Hydro Ottawa to distribute greater electricity load that will be needed to replace energy now provided by natural gas. However, Energy Evolution planners were unable to provide the technical information required by Hydro Ottawa in 2020 as can be seen in these responses to an interrogatory in a Hydro Ottawa proceeding.¹³

Interrogatory PP-9a

Please provide specific details on any cost savings or capital efficiencies Hydro Ottawa plans to achieve over the Custom IR period through coordination with the City of Ottawa on activity related to Energy Evolution, the City of Ottawa’s Energy and Emissions Plan (including projects, customer outreach, social media, DER planning, CDM, etc.). Please indicate the estimated costs savings to Ratepayers associated with these efforts by year.

Response by Hydro Ottawa

As noted in the response to interrogatory OEB-68, the full scope and implementation plan for the City of Ottawa’s “Energy Evolution” initiative has not yet been finalized. Key inputs that remain pending at the time of writing include a final energy and emissions model, financial and affordability analysis of the model, descriptions of the proposed projects, and an action plan. These items are set to be submitted to Ottawa City Council for approval later this year, along with the final policy design report on Energy Evolution. As a result, there are currently no capital or operational investments or projects in Hydro Ottawa’s 2021-2025 Custom IR rate plan that are being driven or defined by Energy Evolution. Hydro Ottawa will continue to engage in the implementation of Energy Evolution and will collaborate with the City of Ottawa and other stakeholders on potential opportunities and projects that are planned under the scope of the initiative.

Interrogatory PP-9b

Please confirm if Hydro Ottawa has compared its Custom IR period load forecast against the City of Ottawa’s forecast for its Energy Evolution plan. If yes, please identify any areas where these forecasts vary and the drivers (e.g., EVs, DER, CDM, customer growth, load growth, etc.).

¹¹ Technical Conference Transcript Vol.2, March 7, 2022, pages 15 to 17

¹² Sponsors Evidence Section 4.5.4 “Achieving 100% Scenario”, pages 135-136

¹³ Technical Conference Undertaking JT2.1, IRR PP-9

Response by Hydro Ottawa

No, Hydro Ottawa has not compared its load forecast for the 2021-2025 rate term against the City of Ottawa's forecasts under Energy Evolution. As noted in the response to part (a) above, the modelling and forecasting components of Energy Evolution have not yet been finalized.

The above responses were filed on 2020-06-05.¹⁴ Any projects that Hydro Ottawa would need to undertake are not likely to start before 2026. There is no evidence that a full scope and implementation plan for Energy Evolution has been developed since the time of that response at the level of detail that Hydro Ottawa could use to plan its capital program, its operation and maintenance and its load forecast. Moreover, there are no progress reports¹⁵ of what has been implemented to date.

The only accomplishment towards eventual elimination of natural gas is the conversion of one 4-unit townhouse complex from natural gas heating to electric heat pump heating¹⁶ by Ottawa Community Housing Corporation that owns a total of 78 buildings. None of its other buildings were converted. However, after they are converted, larger buildings will retain natural gas for back-up until 2040.¹⁷

There are 385,074 dwelling units in Ottawa¹⁸. Owners of those dwellings are free to install whatever type of heating system is available to them in the competitive market. Apart from the 4-unit townhouse complex mentioned above, there is no evidence that any other dwellings have so far converted from gas heating to any other type of heating. There is also no evidence that any schools have either.¹⁹ Yet, Energy Evolution Plan assumes that all 385,074 dwellings will no longer use natural gas by 2050. Even if conversions accelerate, it is likely that many dwellings will continue using natural gas delivered by Enbridge for many years. That gas may contain some hydrogen or renewable natural gas.

According to the Sponsors, renewable natural gas will be produced at the City's wastewater treatment plant which is in the east end of the city²⁰. Energy Probe believes that pipelines included in the St Laurent Ottawa North replacement project will be needed to deliver this gas from the wastewater plant to customers in the north end and to downtown Ottawa.

This is confirmed by Sponsors evidence which shows that there will be a need for gas distribution infrastructure in Ottawa for the delivery of gaseous fuel to customers. That gas may

¹⁴ EB-2019-0261 Proceeding

¹⁵ Technical Conference Transcript Day 2, pages 57 to 63, and Exhibit I.1/2.EGI.9

¹⁶ Exhibit I, Sponsors-1.1-Energy Probe-6

¹⁷ Exhibit I, Sponsors-1.1-Energy Probe-6(b)

¹⁸ Exhibit I, Sponsors-1.1-Energy Probe-4(a)

¹⁹ Exhibit I, Sponsors-1.1-Energy Probe-4(g)

²⁰ Technical Conference Transcript Vol.2, March 7, 2022, pages 15 to 17

be renewable natural gas produced at the city’s wastewater facility, or natural gas mixed with hydrogen.²¹

Sponsors indicated that renewable natural gas may be delivered by means other than pipelines.²² Energy Probe submits that are only two methods of delivering gaseous fuel to customers in Ottawa: gas pipelines or compressed gas bottles delivered by truck. Delivery of compressed gas bottles or cylinders by truck to many customers would not be practical and would likely be very costly and create safety issues. Therefore, the only realistic method of serving customers with a gaseous fuel is by using the gas distribution system in Ottawa that is owned and operated by Enbridge Gas.

Sponsors also indicate that the Federal Government is converting its Cliff Street Plant from steam heating to hot water heating. After conversion the plant will continue to use natural gas and may use some renewable natural gas at some point in the future, which will be supplied by the existing gas distribution network²³. This is confirmed by Enbridge evidence that indicates that Cliff Street Plant has contracted for gas supply.²⁴ Architectural design of the new Cliff Street Plant in Sponsors’ evidence shows two stainless steel stacks confirming that the new plant will be burning some type of gas fuel.²⁵

Sponsors reluctantly admitted that there is public opposition to the Energy Evolution Plan²⁶, including public appearances by opponents before City Council²⁷. They also admitted that the plan may not be implemented as currently planned if conditions change or new information becomes available. This is indicated by the below response to an Energy Probe interrogatory.²⁸

Energy Probe Interrogatory 8c

“Please confirm that the City of Ottawa is proceeding with its plan no matter what the cost to City’s taxpayers and energy users? If the answer is yes, please describe how the city has informed its residents that it is proceeding with a “cost is no object plan”. If the answer is no, please provide the upper limit on the cost of the plan that would cause the City of Ottawa to abandon it.”

Response by Sponsors

“At no time has the City suggested that it will achieve the goals set out in its plan no matter what the cost. The cost to achieve the goals is expected to evolve over time, and the reasonableness of the cost will be tested regularly by the City government during the course of implementation.

²¹ Exhibit I, Sponsors.1.1-Energy Probe 2(b) and (c).

²² *Ibid.*

²³ Exhibits I, Sponsors-1.1-Energy Probe-3, and 2.1-Staff-4(a)

²⁴ Exhibit I, Energy Probe.2, and Technical Conference Transcript Vol.1, March 4, 2022, page 208

²⁵ Sponsors Evidence, pages 189 to 190 (“*Connecting to Ottawa’s Emerging Downtown Districts*” slides 6, to 8)

²⁶ Technical Conference Transcript, Vol.2, March 7, 2022, page 6

²⁷ Technical Conference Transcript Vol.2, March 7, 2022, pages 46-47

²⁸ Exhibit I, Sponsors-1.1-Energy Probe-8(c)

Factors such as the cost of alternatives, the costs associated with fossil fuels (including their GHGs), and technological advances, will all be relevant to the City's ongoing legislative and administrative determinations. There is insufficient information at the present time to establish an estimate, or an upper or lower limit. Since the city of Ottawa's Energy Evolution study determined that the energy transition in Ottawa will have a positive net present value, we believe that a discussion of it being cost prohibitive is not constructive, nor consistent with the basis on which it was developed."

Energy Probe believes that what is described in the Energy Evolution Plan may never be implemented because of technological issues, costs, and public opposition. Even if it were to be implemented it would require gas distribution infrastructure to deliver renewable natural gas to consumers in the City of Ottawa as confirmed by the Sponsors.²⁹ That gas distribution infrastructure includes the St Laurent Ottawa North pipelines proposed for replacement by Enbridge in this application due to integrity issues. Energy Evolution Plan is not a credible alternative to the St Laurent Ottawa North Project because it does not deal with integrity issues that Enbridge has identified.

Based on the evidence on the record, Energy Probe submits that the need for the project as specified by Issue 1.1 has been established by Enbridge.

1.2: Has the applicant demonstrated how the project fits within any relevant growth plans for the area and/or the applicant's asset management plans (e.g., what are the dependencies between the proposed project and previously approved LTC projects or in the case of a large project, between the proposed project and future phases of the project)?

This application is for Phases 3 and 4 of a four-phase construction project needed to replace St. Laurent Pipeline due to integrity issues. Phases 1 and 2 were approved by the OEB in the EB-2019-0006 proceeding. Phases 1 and 2 have been completed and are in service. Enbridge Gas requested in this application approval under section 90 for Phase 3 and Phase 4 of the Project.³⁰

2.0: Project Alternatives

2.1: Has the applicant demonstrated that the identified need is best addressed by the proposed project, having adequately considered all viable alternatives (e.g., other pipeline solutions or non-pipeline solutions including integrated resource planning alternatives)?

²⁹ Exhibit I, Sponsors-1.1-Energy Probe-9(b)

³⁰ Exhibit I.STAFF.2

Enbridge determined that IRP alternatives are not warranted for this project.³¹ Enbridge considered the repair of leaks as they occur as the alternative to the replacement option. to address the integrity issues³². Energy Probe has reviewed the evidence and believes that Enbridge has adequately justified its decision to proceed with the replacement option.

2.2: Has the applicant compared the alternatives using appropriate metrics including cost and cost savings, feasibility (Profitability Index, Net Present Value), timing, reliability, safety, land use requirements, permitting requirements, stakeholder impacts (e.g., municipalities, landowners, Indigenous communities) and environmental impacts?

Enbridge has compared alternatives with appropriate metrics including cost savings, NPV analysis, reliability, and safety.³³ Enbridge has addressed other impacts of the alternatives if appropriate. Energy Probe believes that Enbridge has met the requirements of Issue 2.2.

3.0: Project Cost and Economics

3.1: Has the applicant provided sufficient information to demonstrate that the estimates of the project costs are reasonable? How do the costs of the project compare with recent similar projects, where applicable?

Enbridge has estimated total project costs of \$122,020,240. This total includes \$20,875,492 of Indirect Overheads.³⁴ While Energy Probe has argued against inclusion of allocated of Indirect Overheads in costs that would be collected through an ICM rate rider, it has no objection to the inclusion of Indirect Overheads in project costs if ICM is not an issue. In the EB-2021-0148 proceeding Energy Probe had several concerns with the request for approval for ICM funding for this project³⁵. However, these concerns are not the subject of this proceeding since it does not deal with ICM funding issues.

The total cost estimate also includes Interest During Construction (IDC) of \$1,022,093. It is likely that the project will have an accelerated construction schedule and that actual IDC will be lower. Energy Probe submits that Enbridge should indicate the appropriate amount of IDC in its reply argument.

Having said that, Energy Probe believes that Enbridge has met the requirements of Issue 3.1.

³¹ Exhibit B, Tab 1, Sch. 1, page 11

³² *Ibid.*, pages 34 to 50

³³ *Ibid.*

³⁴ Exhibit D, Tab 1, Schedule 1, page 10

³⁵ EB-2021-0148, Energy Probe Argument

3.2: Has the applicant adequately identified and described any risks associated with the proposed project? Is the proposed contingency budget appropriate and consistent with these identified risks?

Enbridge has identified and described risks with the proposed project. The contingency budget is consistent with similar projects approved by the OEB.

3.3: Has the applicant demonstrated that the project's economics meet the OEB's economic tests using the methodology outlined in Energy Board Order (EBO) 188 and EBO 134, as applicable? Where a contribution in aid of construction is required, is the amount of the contribution reasonable and consistent with OEB policies?

As this is not a system expansion project, economic tests for such projects are not applicable.

3.4: If the OEB-approved System Expansion Surcharge (SES) or Temporary Connection Charge (TCS) is requested, has the applicant demonstrated that project is eligible for a SES or TCS and that the duration of the SES or TCS is appropriate?

Enbridge has not requested a SES or a TCS.

3.5: If the OEB-approved Hourly Allocation Factor (HAF) is requested, has the applicant demonstrated that the project is eligible for an HAF? Is the proposed amount of the HAF reasonable and consistent with OEB policies?

Enbridge has not requested HAF.

4.0: Environmental Impacts

4.1: Has the applicant filed an Environmental Report which meets the requirements of the OEB's Environmental Guidelines³⁶ and appropriately identified the environmental impacts associated with construction of the project and adequately described how it intends to mitigate and manage these impacts?

Enbridge has filed an Environmental Report³⁷ which meets the requirements of the OEB's Environmental Guidelines and appropriately identified the environmental impacts associated

³⁶ Ontario Energy Board Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition, 2016

³⁷ Exhibit C, Tab 1, Schedule 1, Attachment 1

with the construction of the project and adequately described how it intends to mitigate and manage these impacts.³⁸ Energy Probe believes that Enbridge has met the requirements of Issue 4.1.

5.0: Route Map and Form of Landowner Agreements

5.1: Has the applicant demonstrated that any proposed forms of landowner agreements under section 97 of the OEB Act are appropriate?

Energy Probe believes that Enbridge has met the requirements of Issue 5.1³⁹.

5.2: Does the route map provided pursuant to section 94 of the OEB Act show the general location of the proposed work and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed work is to pass?

Energy Probe believes that the route map filed by Enbridge meets the requirements of Issue 5.2.

6.0: Indigenous Consultation

6.1: To the extent that the project triggers the Constitutional duty to consult, has the proponent followed the Indigenous consultation requirements from the Environmental Guidelines? Has the duty to consult been discharged sufficiently to allow the OEB to approve the application?

Enbridge has provided evidence of its Indigenous Consultation for the project.⁴⁰ Energy Probe believes that the duty to consult has been sufficiently discharged to allow the OEB to approve the project.

7.0: Conditions of Approval

7.1: The OEB's standard conditions of approval are attached as Schedule 1. If the OEB approves the proposed project, what additional or revised conditions, if any, are appropriate?

Energy Probe believes that no additional issues are appropriate.

³⁸ Exhibit C, Ta 1, Schedule 1, pages 1 to 12

³⁹ Exhibit A, Tab 2, Attachment 1

⁴⁰ Exhibit F, Tab 1, Schedule 1 plus Attachments

Conclusion

Based on the evidence presented by Enbridge Gas and other parties on the issues in this case Energy Probe submits that the OEB should approve the St. Laurent Ottawa North project as filed.

Energy Probe believes that it has participated efficiently and responsibly in this proceeding and requests that it be allowed to recover 100% of its reasonably incurred costs.

Respectfully submitted on behalf of Energy Probe by,

Tom Ladanyi
TL Energy Regulatory Consultants Inc.