



Sun-Canadian Pipe Line Company Limited

Application for leave to construct the NPS 12 East Sixteen Mile Creek Pipeline Replacement Project in the Town of Milton, Ontario

PROCEDURAL ORDER NO. 2

April 06, 2022

Sun-Canadian Pipe Line Company Limited (Sun-Canadian) applied to the Ontario Energy Board (OEB) on January 17, 2022, under sections 90(1) and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 480 meters of 12-inch pipeline in the vicinity of the East Sixteen Mile Creek crossing, in the Town of Milton, Ontario (the Project). Sun-Canadian 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 proposed pipeline.

The OEB issued a Notice of Hearing on February 10, 2022. The Haudenosaunee Development Institute (HDI) applied for intervenor status and cost eligibility. No objection was received from Sun-Canadian. On March 22, 2022, the OEB issued Procedural Order No. 1 confirming that HDI is approved as an intervenor and is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

Procedural Order No. 1 required HDI to file a letter with the OEB by April 1, 2022 providing more information on the areas HDI's evidence is expected to cover, whether an expert will be retained, the estimated cost of preparing the evidence and the proposed timing for filing the evidence, and any other relevant information (Evidence Letter). Procedural Order No. 1 also made provision for the filing of written interrogatories and interrogatory responses on Sun-Canadian's evidence on April 5, 2022 and April 18, respectively.

On March 31, 2022, Sun-Canadian filed a letter regarding an extension to the date for the filing of the Evidence Letter by HDI. Sun-Canadian stated that it had met with HDI on March 29, 2022, and further to that meeting and in response to a request from HDI, Sun-Canadian is willing to consent to an extension to the deadline for HDI to file the Evidence Letter to April 8, 2022.

On April 1, 2022, counsel for HDI contacted the OEB confirming the request for an extension to file the Evidence Letter and also requested an extension of time to April 12, 2022 to file written interrogatories on Sun-Canadian's evidence. HDI stated that the preparation and scope of written interrogatories is contingent on the expected evidence to be set out in the Evidence Letter and therefore a few days time is required to draft the written interrogatories after submission of the Evidence Letter.

On April 5, 2022, Sun-Canadian informed the OEB that it consents to the extension to the deadline for HDI to file written interrogatories to April 12, 2022. Sun-Canadian also requested an extension to the deadline to file interrogatory responses to April 25, 2022, as a result of HDI's extension on filing written interrogatories.

The OEB grants HDI's requests for the extension of the deadlines for filing of the Evidence Letter to April 8, 2022 and for the filing of the interrogatories by HDI on Sun-Canadian's evidence to April 12, 2022. The OEB also grants Sun-Canadian's requested extension to file interrogatory responses to April 25, 2022. Consequently, the dates set out in Procedural No.1 for the filing of the Evidence Letter, interrogatories from HDI on Sun-Canadian's evidence and responses to all interrogatories by Sun-Canadian are superseded by the dates set out in this procedural order.

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:

Interrogatories

1. If HDI seeks information from Sun-Canadian that is in addition to the evidence filed with the OEB and that is relevant to the hearing, they shall request the information by means of written interrogatories filed with the OEB and delivered to all parties by **April 12, 2022**. All interrogatories and responses must include a specific reference to the evidence on which the interrogatory is based.
2. Sun-Canadian shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **April 25, 2022**.

Intervenor Evidence

3. If HDI wishes to file evidence, it must file a letter with the OEB by **April 8, 2022**, providing more information on the areas HDI's evidence is expected to cover, whether an expert will be retained, the estimated cost of preparing the evidence, the proposed timing for filing the evidence, and any other relevant information.

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-2022-0012** 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 for assistance
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar at the address below and be received no later than 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, Judith Fernandes at judith.fernandes@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-888-632-6273 (Toll free)

Fax: 416-440-7656

DATED at Toronto, **April 06, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar