



Enbridge Gas Inc.

Application for leave to construct two natural gas pipelines and associated facilities in the City of Toronto.

DECISION AND PROCEDURAL ORDER NO. 1

April 29, 2022

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on February 24, 2022, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct two (2) new gas pipelines: a temporary 190 metre 20-inch diameter pipeline (Temporary Bypass) and a permanent 160 metre 20-inch diameter pipeline (Permanent Relocation) in the City of Toronto. The proposed pipelines would facilitate the abandonment of approximately 155 metres of existing NPS 20 pipeline which is located on and near the Keating Railway Bridge and conflicts with the construction of Waterfront Toronto's Port Lands Flood Protection and Enabling Infrastructure 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 new pipelines.

A Notice of Hearing was issued on March 16, 2022. Each of the City of Toronto, Energy Probe, Environmental Defence, Pollution Probe, School Energy Coalition (SEC) and Waterfront Toronto applied for intervenor status. Energy Probe, Environmental Defence, Pollution Probe and SEC also applied for cost eligibility. No objection was received from Enbridge Gas.

The City of Toronto, Energy Probe, Environmental Defence, Pollution Probe, SEC and Waterfront Toronto are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Energy Probe, Environmental Defence, Pollution Probe and SEC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). Parties should focus on material issues and in making its decision on cost awards the OEB will consider whether cost eligible intervenors made reasonable efforts to focus their participation on material issues.

Redacted and Confidential Information

In accordance with the OEB's [Practice Direction on Confidential Filings](#), Enbridge Gas redacted from its application information related to the names and contact information of property owners.

The OEB finds that the redacted information is "personal information" as defined in the Freedom of Information and Protection of Privacy Act and shall remain redacted. Aside from the redactions for personal information, the OEB notes that there are no requests for confidential treatment for any other information in the application so there is no need for the OEB to address any confidentiality request at this time.

Issues List

As set out in the OEB's [Natural Gas Facilities Handbook](#)¹, when determining whether a pipeline 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. The OEB has developed a standard issues list for leave to construct (LTC) applications that is designed to capture all the issues that are within the scope of a typical LTC proceeding. The OEB recognizes that some cases can raise unique issues, and the schedule for complex LTC proceedings contemplates that submissions on the issues list may be needed, and that in some cases new issues will be added to the standard issues list.

The OEB notes that the current application is related to an earlier application that was withdrawn by Enbridge.² In its decision approving withdrawal of the earlier application, the OEB stated that, if Enbridge files a new application, the OEB would have the following expectations:³

- 1) Enbridge Gas would assess all feasible alternatives with a focus on protecting the interests of ratepayers with respect to prices and the reliability and quality of gas service
- 2) Ratepayers would not be asked to pay any amount that exceeds the benefits being delivered to them
- 3) Issues between Enbridge Gas and Waterfront Toronto and/or the City of Toronto regarding schedule, legal rights and cost responsibility would be resolved before the new application is filed

¹ Natural Gas Facilities Handbook, March 31, 2022,

² EB-2020-0198

³ Decision and Order, EB-2020-0198, February 19, 2021/ p 13.

- 4) Enbridge Gas would allow sufficient time for the OEB to conduct a proper review of the new application

Items #3 and #4 are addressed in the current application as filed and do not need to be added to the standard issues list in this proceeding. Item #1 can be addressed under “project alternatives” and item #2 can be addressed under “project cost and economics”. Therefore, there is no need to make changes to the standard issues list for this proceeding.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should refer to the OEB’s standard Issues List for the issues that are within the scope of this proceeding. Pursuant to Rule 26.02 of the OEB’s Rules of Practice and Procedure, parties must group their interrogatories in accordance with the approved Issues List. In addition, parties should not engage in detailed exploration of items that do not appear to be material. Parties should consult sections 26 and 27 of the OEB’s [Rules of Practice and Procedure](#) regarding the other naming and numbering conventions and matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS 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 **May 12, 2022**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **May 26, 2022**.
3. Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by **June 9, 2022**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by **June 23, 2022**.

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-2022-0003** 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 [File documents online 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 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, Ritchie Murray at ritchie.murray@oeb.ca and OEB Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **April 29, 2022**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
ENBRIDGE GAS INC.
EB-2022-0003
APPLICANT & LIST OF INTERVENORS

Enbridge Gas Inc.
EB-2022-0003

APPLICANT & LIST OF INTERVENORS

April 29, 2022

APPLICANT

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APPLICANT & LIST OF INTERVENORS

April 29, 2022

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Rep. and Address for Service

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**Enbridge Gas Inc.
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APPLICANT & LIST OF INTERVENORS

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APPLICANT & LIST OF INTERVENORS

April 29, 2022

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APPLICANT & LIST OF INTERVENORS

April 29, 2022

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