



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipelines  
in the Township of Alnwick/Haldimand.**

**DECISION ON CONFIDENTIALITY  
AND PROCEDURAL ORDER NO. 1  
May 11, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on March 11, 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 7.8 kilometers of natural gas pipelines in the Township of Alnwick/Haldimand. Enbridge Gas has also applied for approval of the form of agreement it will offer to landowners for the routing and construction of the proposed pipeline.

Enbridge Gas states that the pipelines are needed to supply natural gas to approximately 112 new residential customers in the community of Haldimand Shores who currently do not have access to natural gas service. Enbridge Gas states that it intends to charge the OEB - approved System Expansion Surcharge to all new customers taking service from the project.

A Notice of Hearing was issued on March 31, 2022.

**Pollution Probe's Request for Intervenor Status and Cost eligibility**

By letter dated April 22, 2022, Pollution Probe applied for intervenor status and cost eligibility. In addition, Pollution Probe stated that it has concerns with Enbridge Gas's request for confidentiality and wishes to make submissions on the matter. Pollution Probe also asked that the Environmental Report referenced in the application be placed on the public record.

On April 26, 2022, Enbridge Gas filed its letter in response to the matters raised by Pollution Probe. Enbridge Gas stated that it does not object to Pollution Probe's request for intervenor status and cost eligibility. With respect to the Environmental Report, Enbridge Gas clarified that the Environmental Report has been filed and is available on the public record. With respect to Pollution Probe's concerns about confidentiality, Enbridge Gas confirmed that the redacted information in evidence is the personal information (names, addresses, contact information, etc.) of landowners who are either

directly or indirectly impacted by the project and those that participated in the various consultation activities for the project. Enbridge Gas also noted that the redacted information qualifies as personal information, is similar to information that has previously been treated as personal information by the OEB and in accordance with the *Freedom of Information and Protection of Privacy Act* (FIPPA), the redacted information should not be disclosed. With respect to Pollution Probe's request to file submissions on the confidentiality request, Enbridge Gas stated that the request should be disregarded because pursuant to section 10.1.2 of the [Practice Direction on Confidential Filings](#), such requests are to be reviewed only by OEB staff and there is no provision for intervenors to make submissions on the matter.

Pollution Probe is approved as an intervenor. Pollution Probe is eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues. Pollution Probe should also be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

### **Redacted and Confidential Information**

The OEB is satisfied that in accordance with Part 10 of the [Practice Direction on Confidential Filings](#), Enbridge Gas has redacted from its application the personal information (names, addresses and contact information) of directly and indirectly affected landowners and those that were consulted as part of the project.

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.

### **Interrogatories**

At this time, provision is being made for written interrogatories and submissions. In preparing their interrogatories, parties should refer to the OEB's [standard Issues List](#) for natural gas leave to construct applications and not engage in exploration of items that do not appear to be material. Parties should also consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other 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 Pollution Probe 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 25, 2022**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on Pollution Probe by **June 8, 2022**.
3. Any written submissions from OEB staff and Pollution Probe, shall be filed with the OEB and served on all parties by **June 22, 2022**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on Pollution Probe by **July 6, 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-2022-0088** 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](mailto: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, Zora Crnojacki at [Zora.Crnojacki@oeb.ca](mailto:Zora.Crnojacki@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **May 11, 2022**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**  
**PROCEDURAL ORDER NO. 1**  
**ENBRIDGE GAS INC.**  
**EB-2022-0088**  
**APPLICANT & LIST OF INTERVENORS**

May 11, 2022

**APPLICANT**

**Rep. and Address for Service**

**Enbridge Gas Inc.**

**Dave Janisse**

Technical Manager, Leave to Construct  
Enbridge Gas Inc.  
P.O Box 2001  
50 Keil Drive North  
Chatham, ON N7M5M1

Tel: 519-436-5442

Fax: Not Provided

[EGIRegulatoryProceedings@enbridge.com](mailto:EGIRegulatoryProceedings@enbridge.com)

**APPLICANT COUNSEL**

**Tania Persad**

Senior Legal Counsel  
Enbridge Gas Inc.

500 Consumers Road  
North York ON M2J 1P8

Tel: 416-495-5891

Fax: 416-495-5994

[tania.persad@enbridge.com](mailto:tania.persad@enbridge.com)

**INTERVENORS**

**Rep. and Address for Service**

**Pollution Probe**

**Michael Brophy**

Consultant for Pollution Probe  
Michael Brophy Consulting Inc.

28 Macnaughton Road  
Toronto ON M4G 3H4

Tel: 647-330-1217

Fax: Not Provided

[michael.brophy@rogers.com](mailto:michael.brophy@rogers.com)