



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipeline  
and ancillary facilities in the Township of Dawn-  
Euphemia and St. Clair Township**

**PROCEDURAL ORDER NO. 2 AND DECISION ON CONFIDENTIALITY  
July 12, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on March 21, 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 approximately 20 kilometres of natural gas pipeline from its Dawn Operations Centre in the Township of Dawn-Euphemia to its Corunna Compressor Station in St. Clair Township. The project also includes station work at the Dawn Operations Centre and the Corunna Compressor Station, required to tie-in the new pipeline. Enbridge Gas 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 project.

The OEB issued the Notice of Hearing on April 12, 2022, and Procedural Order No. 1 on May 24, 2022. In Procedural Order No. 1, the Canadian Association of Energy and Pipeline Landowner Associations and its subcommittee, the Dawn Corunna Landowner Committee (CAEPLA-DCLC), Canadian Manufacturers & Exporters (CME), Chippewas of Kettle and Stony Point First Nation and Southwind Corporate Development Inc. (CKSPFN), Energy Probe Research Foundation (Energy Probe), Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO), Ontario Federation of Agriculture (OFA), Pollution Probe, School Energy Coalition (SEC) and TransCanada PipeLines Limited (TCPL) were approved as intervenors. In addition, CAEPLA-DCLC, CME, CKSPFN, Energy Probe, Environmental Defence, FRPO, Pollution Probe, and SEC were granted eligibility to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

In accordance with Procedural Order No. 1, intervenors and OEB staff filed interrogatories on June 10, 2022.

On June 22, 2022, Enbridge Gas requested an extension to the due date for filing interrogatory responses. Enbridge Gas noted that it had received over 400 questions covering a broad range of topics and some with a high level of complexity. On June 23,

2022, the OEB approved Enbridge Gas's request and extended the due date for filing interrogatory responses from June 24, 2022, to June 30, 2022.

Enbridge Gas filed its interrogatory responses on June 30, 2022. Enbridge Gas requested confidential treatment for two of its interrogatory responses as discussed below.

### **Oral vs Written Hearing**

Enbridge Gas requested that the application be processed by way of a written hearing.

In their intervention requests, CKSPFN, FRPO, Pollution Probe and SEC recommended that the OEB wait until after the interrogatory phase of the proceeding is complete to determine if oral hearing elements are required or if a written approach is sufficient.

In its intervention request, CAEPLA-DCLC requested that an oral hearing be held preceded by a written discovery process and a settlement conference.

In its intervention request, Energy Probe submitted that a written hearing consisting of a single round of interrogatories followed by the submission of arguments would not result in an adequate evidentiary record for the OEB to reach a decision on the issues in this case. Considering the evidence filed by Enbridge Gas Inc. and its importance, Energy Probe suggested that an appropriate regulatory process would include interrogatories, a virtual technical conference, responses to undertakings from the technical conference, and submission of written arguments.

Having considered the submissions of the parties on the form of hearing, the OEB has determined that it will proceed by way of a written hearing. However, the OEB has decided to provide for a technical conference as a forum for the parties to seek clarification on Enbridge Gas's responses to interrogatories.

### **Technical Conference**

The OEB will hold a transcribed technical conference for parties to ask clarification questions related to interrogatory responses filed by Enbridge Gas. Parties will be required to indicate in advance the topics they intend to address, and time needed at the technical conference. Parties are reminded that they are expected to work cooperatively to ensure the time reserved for the technical conference allows for all parties to ask questions without duplication.

The technical conference will be held virtually. Details and instructions regarding participation will be circulated in advance of the technical conference.

## Request for Confidential Treatment of Certain Interrogatory Responses

Enbridge Gas requested confidential treatment of the geographic coordinates of an Enbridge Gas pipeline, which were provided as part of its interrogatory response to CAEPLA-DCLC.4. Enbridge Gas stated that this information should be granted confidential treatment in order to protect public safety.

Enbridge Gas also requested confidential treatment of certain information in its interrogatory response to FRPO.19 at Attachment 1. Enbridge Gas stated that the information is commercially sensitive to DNV Canada Ltd. and consists of DNV pricing for the Corunna Compressor Station Study and a list of DNV Canada Ltd.'s projects for other clients, which are not related to this proceeding.

Parties that wished to make submissions on the confidentiality request were to follow the timelines and process in sections 5.1.6, 5.1.7 and 5.1.8 of the [Practice Direction on Confidential Filings](#). No parties filed submissions.

The OEB finds that the geographic coordinates of an Enbridge Gas pipeline, provided as part of an interrogatory response to CAEPLA-DCLC.4, are properly considered confidential. The OEB notes that the pipeline coordinates are to an area of Enbridge Gas's pipeline that currently has insufficient depth of cover. The OEB finds that the public disclosure of this information could give rise to a legitimate safety concern. Therefore, this information will not be made available on the public record of the current proceeding. The OEB also notes that the geographic coordinates are not germane to any of the issues in this proceeding.

The OEB finds that the pricing information contained in the interrogatory response to FRPO.19 at Attachment 1 is commercially sensitive.

### Next Steps

The OEB has scheduled a transcribed technical conference, written submissions by parties and a reply submission by Enbridge Gas. This will complete the record for the proceeding.

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. Enbridge Gas's request for the confidential treatment of the information contained in its responses to DCLC.4 and FRPO.19 (Attachment 1) is granted. The redacted information in these exhibits shall only be provided to individuals that have signed and filed the OEB's form of Declaration and Undertaking regarding confidentiality.
2. A virtual, transcribed technical conference will be convened on **July 27, 2022** beginning at 9:30 a.m. The format for this event will be conducted by way of a virtual hearing. Further information on how to connect to the proceeding will be communicated to parties closer to the date.
3. Parties intending to participate in the technical conference are required to notify Enbridge Gas, and copy all parties, of the topic areas for questioning by **July 18, 2022**.
4. Enbridge Gas shall file with the OEB complete written responses to all undertakings from the technical conference and serve them on all intervenors by **August 12, 2022**.
5. Enbridge Gas shall file its argument-in-chief with the OEB and send to all parties by **August 17, 2022**.
6. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **August 31, 2022**.
7. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all parties by **September 14, 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-2022-0086** 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, Ritchie Murray at [ritchie.murray@oeb.ca](mailto:ritchie.murray@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, **July 12, 2022**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar