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BY EMAIL

September 1, 2022

To: All Parties in EB-2022-0086

**Re: Pollution Probe request for extension to procedural schedule
Enbridge Gas Inc. Dawn to Corunna Replacement Project
Ontario Energy Board File Number: EB-2022-0086**

This letter responds to Pollution Probe's request for an extension to the schedule for this proceeding. The OEB finds that a change to the procedural schedule is not required.

Pollution Probe filed a letter on August 26, 2022. In its letter, Pollution Probe referenced a letter issued by the OEB on the same date in which the OEB extended the deadline for Enbridge Gas and the Canadian Association of Energy and Pipeline Landowner Associations and its subcommittee the Dawn Corunna Landowner Committee (CAEPLA-DCLC) to file a joint letter outlining the status of their negotiations and any outstanding issues by nine days from the original due date.

In its letter, Pollution Probe requested that the OEB also adjust the deadlines set out in Procedural Order No. 4 for Enbridge Gas's argument in chief, intervenor and OEB staff submissions, and Enbridge Gas's reply submissions by nine days. Pollution Probe submitted that this would enable parties to work from the most current information. Pollution Probe noted that if Enbridge Gas does not include all relevant and current issues in its argument in chief, then only Enbridge Gas's reply submission would remain to address those issues. Pollution Probe submitted that procedural fairness could be jeopardized, resulting in the need for parties to make incremental submissions following Enbridge Gas's reply submission. Pollution Probe submitted that a more efficient approach would be to adjust the remaining procedural dates.

On August 30, 2022, Enbridge Gas filed a response to Pollution Probe's letter. Enbridge Gas noted that, according to Procedural Order No. 4, Enbridge Gas's argument in chief is due September 6, 2022. Enbridge Gas stated that its argument in chief will deal with its current position related to the land agreements, since it will not have the benefit of discussions with CAEPLA-DCLC at the time of filing. Enbridge Gas noted CAEPLA-

DCLC's and all other intervenor submissions are due on September 20, 2022. Enbridge Gas submitted that the filing of the joint letter on September 15, 2022 (five days before intervenor submissions are due) will provide sufficient time for CAPELA-DCLC and other intervenors to reflect the status of any agreement or outstanding issues described in the joint letter in their submissions (together with a reply to any relevant submissions made by Enbridge Gas in its argument in chief). Enbridge Gas submitted that it will be able to respond to those submissions in its reply argument, which is due by October 4, 2022. Therefore, Enbridge Gas submitted that no party is prejudiced by the change in the filing date of the joint letter and Pollution Probe's request should be denied.

There are three possible outcomes to the settlement discussions between Enbridge Gas and CAEPLA-DLC:

1. No settlement is reached. Enbridge Gas's argument in chief will already have set out Enbridge Gas's position on the landowner issues. Intervenors may make responding submissions in the normal course, followed by any reply from Enbridge Gas.
2. Partial settlement is reached. Enbridge should include any submissions it may wish to make on the unsettled issues in the joint letter. In accordance with the schedule in Procedural Order No. 4, CAEPLA-DCLC may make submissions on the unsettled matters and the other intervenors may make submissions on both the settled and unsettled issues, as informed by the joint letter. Enbridge Gas will be restricted to reply submissions.
3. Full settlement is reached. Intervenors may make submissions on the settlement as informed by the joint letter. Enbridge Gas will be restricted to reply submissions.

On this basis, the OEB finds that no party will be prejudiced by the change in the filing date of the joint letter and therefore a change to the remaining procedural schedule set in Procedural Order No. 4 is not required.

Please direct any questions relating to this letter to the Case Manager, Ritchie Murray, at 416-544-5182 or ritchie.murray@oeb.ca.

Yours truly,

Nancy Marconi
Registrar