



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipeline  
and associated facilities in the Municipality of Chatham  
Kent**

**PROCEDURAL ORDER NO. 1  
October 31, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on August 30, 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 5.7 kilometres of natural gas pipeline in Blenheim, in the Municipality of Chatham Kent. The proposed pipeline will connect Waste Connections of Canada Inc.'s planned renewable natural gas (RNG) facility at Ridge Landfill to Enbridge Gas's distribution system and will be used to transport the RNG that is produced at the facility. In addition, Enbridge Gas plans to construct a RNG injection station. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners affected by the routing and construction of the project.

A Notice of Hearing was issued on September 23, 2022. Each of Federation of Rental-housing Providers of Ontario (FRPO), Ontario Petroleum Institute (OPI) and Pollution Probe applied for intervenor status. FRPO and Pollution Probe also applied for cost eligibility.

No objection was received from Enbridge Gas.

FRPO, OPI and Pollution Probe are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. FRPO and Pollution Probe are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Parties should not engage in detailed exploration of items that do not appear to be material. 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.

Cost eligible intervenors should 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.

### **Request for Confidentiality**

Enbridge Gas has requested confidential treatment for personal information in the Environmental Report (Exhibit F/Tab 1/Schedule 1/Attachment 1) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/Attachment 4). The OEB will review this request in accordance with the process set out in Part 10 of the OEB's [Practice Direction on Confidential Filings](#) (Practice Direction).

Enbridge Gas has also requested confidential treatment for certain information relating to load profiles, energy usage and billing in the Executed M13 Contract (Exhibit E/Tab 1/Schedule 1/Attachment 1), on the grounds that the information is categorized as presumptive confidential information. In its intervention request, Pollution Probe submitted that the information is typical business information relating directly to the principal purpose of the proposed pipeline and that the basis for confidentiality is unclear.

Per section 5.1.5 of the Practice Direction, Enbridge Gas shall provide a copy of its confidentiality request to all parties in this proceeding. Parties will be provided access to the confidential documents per the process outlined in Part 6 of Practice Direction. Parties that wish to make submissions on the confidentiality request should refer to Part 4 of the Practice Direction and follow the timelines in sections 5.1.6, 5.1.7 and 5.1.8 of the Practice Direction.

### **Issues and Interrogatories**

The OEB has developed a [standard Issues List](#) for natural gas leave to construct applications. The standard Issues List is intended to ensure that the OEB's review is focused and aligned with its mandate. The OEB may amend the standard Issues List, as necessary.

At this time, provision is being made for written interrogatories. In preparing their interrogatories, parties should refer to the OEB's standard Issues List and 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.

## Filing of Intervenor Evidence

In its letter of intervention, OPI requested to reserve the right to submit evidence and make any other representations deemed necessary by its members.

Any intervenor wishing to file evidence in this proceeding shall file a letter with the OEB describing the nature of the evidence, whether an expert will be retained, whether the expert evidence will be commissioned jointly with other intervenors, and the time needed to prepare and file the evidence. In addition, cost eligible intervenors must also provide the estimated cost of preparing the evidence. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of an expert in the proceeding and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence. After reviewing this material, the OEB will consider whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB's Practice Direction on Cost Awards. If the OEB makes provision for the filing of intervenor evidence, it will amend the timelines below as necessary.

## Type of Hearing

In its letter of intervention, FRPO stated that while it is not opposed to the OEB proceeding by way of a written hearing, it believes the best time for that determination is after discovery.

The OEB will make its determination on the type of hearing at a later date.

Further procedural orders may be issued by the OEB.

## THE ONTARIO ENERGY BOARD ORDERS THAT:

1. If OEB staff and intervenors have any objections to Enbridge Gas's request for confidentiality for information in the Executed M13 Contract (Exhibit E/Tab 1/Schedule 1/Attachment 1), they shall file their written submissions within the timelines specified in sections 5.1.6 and 5.1.7 of the Practice Direction.
2. If Enbridge Gas wishes to respond to the submissions on confidentiality, it must file its written reply submission with the OEB and serve it on all intervenors within the timelines specified in section 5.1.8 of the Practice Direction.
3. 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, **November 16, 2022.**

4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **November 30, 2022.**
5. Intervenors who wish to file evidence in this proceeding shall inform the OEB by letter of their plans to file evidence by **December 6, 2022.**
6. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by, **December 16, 2022.**
7. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **January 9, 2023.**

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-2022-0203** 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, Catherine Nguyen at [Catherine.Nguyen@oeb.ca](mailto:Catherine.Nguyen@oeb.ca).

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

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

**DATED** at Toronto, October 31, 2022

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**  
**LIST OF APPLICANTS AND INTERVENORS**

**Enbridge Gas Inc.**

**EB-2022-0203**

**October 31, 2022**

**Enbridge Gas Inc.  
EB-2022-0203**

**APPLICANT & LIST OF INTERVENORS**

October 31, 2022

**APPLICANT**

**Rep. and Address for Service**

**Enbridge Gas Inc.**

**Brittany Zimmer**

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**APPLICANT COUNSEL**

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**INTERVENORS**

**Rep. and Address for Service**

**Federation of Rental-housing  
Providers of Ontario**

**Dwayne Quinn**

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Enbridge Gas Inc.  
EB-2022-0203

**APPLICANT & LIST OF INTERVENORS**

October 31, 2022

**Ontario Petroleum Institute**

**Scott Lewis**

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**Pollution Probe**

**Michael Brophy**

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