



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Municipality of Chatham
Kent, Municipality of Lakeshore, Town of Kingsville and
Municipality of Leamington**

Procedural Order No. 5

February 7, 2023

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 10, 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 19 kilometres of natural gas pipeline from its Dover Transmission Station in the Municipality of Chatham Kent to its existing pipeline in the Municipality of Lakeshore, and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington (Project). The Project also involves valve site station work required to tie in the proposed pipelines. Enbridge Gas also applied to the OEB for approval of the form of land-use agreements it has or will offer to landowners on the route of the Project.

On December 5, 2022, Enbridge Gas advised the OEB that, due to unexpected circumstances, it was not in a position to file its argument-in-chief by the deadline established in Procedural Order No. 3. Enbridge Gas and requested that the OEB place the application in abeyance. In Procedural Order No. 4, dated December 14, 2022, the OEB approved Enbridge Gas's request to place the application in abeyance as of December 5, 2022.

In Procedural Order No. 4, the OEB also ordered that Enbridge Gas confirm, no later than February 1, 2023, when it expected to file its amended application. On February 1, 2023, Enbridge Gas filed a letter informing the OEB that, based on actual 2022 attachments and on updated information on 2023 customer demand, it anticipated that incremental demand for Winter 2023/2024 could be met by the existing capacity. Enbridge Gas stated that the in-service date for the Panhandle Regional Expansion Project can be deferred to November 1, 2024.

Enbridge Gas submitted that it expects to complete and file evidence amendments no later than August 2023 and asked that the OEB continue to hold the application in abeyance until that time.

The application will remain in abeyance until Enbridge Gas files the amended application and the OEB issues a new procedural schedule. The OEB orders Enbridge Gas to file, no later than July 31, 2023, a letter confirming when it expects to file the amended application.

Interim Cost Awards

In most proceedings, cost claims would be filed with the OEB at the conclusion of the proceeding. In the current case, considering the continued prolonged abeyance of the application, the OEB will permit cost eligible intervenors to file interim cost claims for the period from application filing through to the date that the OEB placed the application in abeyance.

The interim cost claims are to be filed in accordance with the OEB's [Practice Direction on Cost Awards](#). The OEB does not intend to conduct a detailed review of the claims at this time, and does not require responding submissions from Enbridge Gas. OEB staff will review the accuracy of the calculations in the claims, and the OEB will determine the amount to be awarded on an interim basis.

The OEB will conduct a complete review of all cost claims at the conclusion of the proceeding pursuant to the OEB's Practice Direction on Cost Awards. An intervenor claiming costs will be required to submit a cost claim for the entire proceeding, with any amount received as an interim award applied as a credit against the total claimed. Enbridge Gas will have an opportunity to file objections at that time, and intervenors whose claims were subject to objections will have an opportunity to reply. The OEB will then determine an intervenor's entitlement to a cost award, including any amount received as an interim award, and interim awards of costs may be subject to adjustment at that time.

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:

1. Enbridge Gas Inc.'s application will remain in abeyance until it files the amended application and the OEB issues a new procedural schedule. The amended application must comply with the filing requirements set in the *OEB Natural Gas Facilities Handbook* and *OEB Rules of Practice and Procedure* and should include updated exhibits and responses to interrogatories and undertakings where those are materially affected by the amended application.
2. No later than **July 31, 2023** Enbridge Gas Inc. shall confirm the date it expects to file its amended application.
3. Cost eligible intervenors shall file their interim cost claims for costs incurred to the date that the application was placed in abeyance by **February 23, 2023**. A copy of each claim must be filed with the Ontario Energy Board and forwarded to Enbridge Gas Inc. At the conclusion of the proceeding, in accordance with the procedure provided at that time, intervenors shall file a complete cost claim for the entire proceeding, with any amount received as an interim award applied as a credit against the total claimed.

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-2022-0157** 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, Zora Crnojacki at Zora.Crnjacki@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **February 7, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar