



Enbridge Gas Inc.

**Application for leave to construct natural gas pipelines
in the City of Toronto**

PROCEDURAL ORDER NO. 1

February 14, 2023

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on December 7, 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 831 metres of natural gas pipelines in the City of Toronto. Enbridge Gas also plans to relocate a district station and bollard protection system onto a permanent easement. Enbridge Gas states that the project is needed to accommodate the construction of the Scarborough Subway Extension Transit Project, which is a collaboration between the Province of Ontario, the City of Toronto, and Metrolinx. 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 January 13, 2023. Environmental Defence and Pollution Probe applied for intervenor status and cost eligibility.

No objection was received from Enbridge Gas.

Environmental Defence and Pollution Probe are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Environmental Defence 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 3). 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). Per section 10.1.2 of the Practice Direction, OEB staff will review the information and further steps if any, will be determined by the OEB.

Interrogatories

At this time, provision is being made for written interrogatories. In preparing their interrogatories, parties should refer to the OEB's [standard Issues List](#) for natural gas leave to construct applications. 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.

Submissions

At this time, the OEB is also setting a schedule for written submissions.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. 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, **February 24, 2023**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **March 10, 2023**.
3. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by, **March 24, 2023**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **April 6, 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-2022-0247** 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, Judith Fernandes at Judith.Fernandes@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 14, 2023

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A

LIST OF APPLICANTS AND INTERVENORS

**Enbridge Gas Inc.
EB-2022-0247**

February 14, 2023

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APPLICANT & LIST OF INTERVENORS

February 14, 2023

APPLICANT

Rep. and Address for Service

Enbridge Gas Inc.

Eric VanRuymbeke

Sr. Advisor, Leave to Construct Applications
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Fax: Not Provided

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APPLICANT COUNSEL

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INTERVENORS

Rep. and Address for Service

**Environmental Defence
Canada Inc.**

Jack Gibbons

Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto ON M5V 2E5

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Fax: Not Provided

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**Enbridge Gas Inc.
EB-2022-0247**

APPLICANT & LIST OF INTERVENORS

February 14, 2023

**Environmental Defence
Canada Inc.**

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Pollution Probe

Michael Brophy

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