



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON INTERIM COST AWARDS

EB-2022-0157

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

BEFORE: Patrick Moran
Presiding Commissioner

David Sword
Commissioner

Anthony Zlahtic
Commissioner

March 29, 2023

OVERVIEW

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.

The OEB granted the following parties intervenor status and cost award eligibility:

- Association of Power Producers of Ontario (APPrO)
- Middle Road Farms Limited and Courey Corporation (Courey Law)
- Energy Probe
- Environmental Defence (ED)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial gas Users Association (IGUA)
- Ontario Greenhouse Vegetable Growers (OGVG)
- Pollution Probe
- Three Fires Group (TFG)

The proceeding has been in abeyance since December 5, 2022. On February 3, 2023, the OEB issued Procedural Order No. 5 (PO#5) in which it set out the process for interim cost claims. In PO#5, the OEB permitted 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 OEB received interim cost claims from APPrO, Energy Probe, Environmental Defence, FRPO, IGUA, OGVG, Pollution Probe and TFG. Courey Law did not file an interim cost claim.

Findings

The OEB has reviewed the interim cost claims to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB finds that the interim cost claims of APPrO, Environmental Defence, Energy Probe, FRPO, IGUA, OGVG, and Pollution Probe are calculated accurately and shall be reimbursed by Enbridge Gas.

The cost claim made by Three Fires Group is \$32,929.33, which is significantly higher than other cost claims. While ED's cost claim of \$26,686.08 is the next highest claim; it includes 44.10 hours for the preparation of intervenor evidence. ED was the only party that filed intervenor evidence. The OEB will only approve a cost award of \$15,000 for Three Fires Group on an interim basis. At the conclusion of the hearing, it is open to Three Fires Group to seek recovery of the balance of its interim claim, along with any additional costs it may seek for the balance of the proceeding. Three Fires Group, along with every other intervenor, will have to establish the reasonableness of its claim at that time.

As the proceeding has not yet concluded, it is difficult for the OEB to assess the value of individual intervenor's participation. At the conclusion of the proceeding, the OEB will establish a process for the filing of final cost claims for the entire proceeding. The process will include the opportunity for Enbridge Gas to object to intervenor cost claims and for intervenors to reply. The OEB will conduct a comprehensive review of the cost claimed for the entire proceeding, including the interim costs awarded in this decision. The OEB will assess the reasonableness of the cost claims at that time.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Inc. shall immediately pay the following amounts to the intervenors for their costs:

- | | |
|---|-------------|
| • Association of Power Producers of Ontario | \$12,574.08 |
| • Energy Probe | \$7,029.00 |
| • Environmental Defence | \$26,686.08 |
| • Federation of Rental-housing Providers of Ontario | \$12,865.05 |
| • Industrial Gas Users Association | \$10,808.45 |
| • Ontario Greenhouse Vegetable Growers | \$11,336.16 |
| • Pollution Probe | \$13,051.52 |

- Three Fires Group \$ 15,000.00

DATED at Toronto March 29, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar