

Elson Advocacy

April 25, 2023

BY RESS

Nancy Marconi

Registrar

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

Re: EB-2022-0156 – Enbridge Gas Inc. – Selwyn Pipeline Project
EB-2022-0248 – Enbridge Gas Inc. – Mohawks of the Bay of Quinte First
Nation Pipeline Project
EB-2022-0249 – Enbridge Gas Inc. – Hidden Valley Pipeline Project

I am writing on behalf of Environmental Defence regarding the OEB's *Decision on Intervenor Evidence* dated April 17, 2023.

The decision states that “the impact of cold climate heat pumps on, and relevance to, the economics of the proposed natural gas expansion projects may be explored without the necessity of the Environmental Defence evidence, but rather through interrogatories or by further discovery or follow-up as the OEB may require.” Environmental Defence wishes to pursue further discovery on this topic. As a first step, we plan to submit supplementary interrogatories by the end of this week. We ask for the OEB's guidance should it wish to set a different date for the delivery of any supplementary interrogatories.

The decision refers not only to interrogatories, but also to “further discovery or follow-up as the OEB may require.” Environmental Defence may seek further discovery or follow-up, but proposes that a decision on the necessity of further discovery or follow-up be determined following receipt of the supplementary interrogatory responses.

Finally, we enclose a notice of motion to review the decision that the proposed evidence is inadmissible. However, we ask that this motion be held in abeyance and we hope that a review motion can be avoided. We are submitting the notice of motion now to ensure that we meet the 20-day review deadline set out in Rule 40.03, as necessary to protect Environmental Defence's review rights. However, we hope that the outcome of additional discovery will be sufficiently robust, balanced, and responsive such that the incremental value of intervenor evidence on the topic does not warrant a motion. We seek an abeyance of the motion until the outcome of additional discovery is on the record in the hope that we can advise the OEB at that time that the motion is not necessary and can be withdrawn.

Please let us know if anything further is required of us at this time.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Elson', with a stylized, cursive script.

Kent Elson

cc: Applicant and intervenors in the above applications