

Ms. Nancy Marconi
OEB Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

June 22, 2023

EB-2022-0200 Enbridge 2024 Rebasing Application
Pollution Probe Letter on Evidence Updates and Oral Hearing

Dear Ms. Marconi:

Pollution Probe is in receipt of Enbridge's letters dated June 19 and 22, 2023 and Enbridge's Capital Evidence Update dated June 16, 2023, in addition to correspondence from several parties related to these issues.

Similar to other parties to this proceeding, Pollution Probe recently became aware that Enbridge intended to file updated Capital Evidence. The updated Schedule 2 filed by Enbridge on June 16, 2023 consists of 911 pages, but the record parties have been relying on throughout this proceeding contains much more material related to Capital issues including Interrogatories and Undertaking. Enbridge has acknowledged the challenges posed by providing significant Capital evidence updates this late in the process. There was no contemplation of a Capital Update in the procedural schedule set and it would be challenging to replicate the discovery processes built into the existing schedule this late in the proceeding.

To be efficient, parties including Pollution Probe have been cataloguing materials throughout the proceeding in order to manage the large amount of information. It is unclear what related materials remain current based on the Capital Update filed and it would be inefficient to explore during the oral hearing what evidence Enbridge currently considers accurate. Pollution Probe supports the request for Enbridge to catalogue all Interrogatory and Undertaking responses filed that would be impacted by the Capital Update filed and provide updates for those materials impacted.

It is expected that the OEB will issue a procedural order shortly outlining steps and timing heading into the oral hearing phase of the proceeding. Certainty of procedural timing is critical for all parties, including the timing related to the index and updated material requested by stakeholders. Issuing date requirements for the index of all impacted Interrogatories and Undertakings, followed by an update of those relevant materials (i.e. Interrogatories and Undertakings) prior to the hearing, will help mitigate the challenges identified and enable an efficient oral hearing. Ideally this material would be made available by June 30, 2023 to enable parties to reorganize relevant reference materials for the hearing.

Pollution Probe is aware that the oral hearing portion of the proceeding is scheduled to commence July 10, 2023 and may progress for three weeks from that date in order to cover the significant number of residual issues in the proceeding, including capital related issues on the Issues List. Pollution Probe

recommends that it could be most efficient to commence with Energy Transition and Integrated Resource Planning issues, followed by Capital issues to enable Enbridge to file the information requested by stakeholders and also enable stakeholders adequate time to review the information and prepare oral hearing materials (e.g. reference compendiums).

On a related manner, Enbridge has indicated that it proposes to update its Asset Management Plan (AMP) in fall 2023¹ as part of this proceeding. Pollution Probe understands that this is intended for administrative purposes to simply meet an OEB requirement that Enbridge file an AMP update in 2023. Filing an Updated AMP following the oral hearing could lead to additional challenges given that the AMP underpins Enbridge's proposed capital plan. Pollution Probe suggests that the OEB consider delaying the filing of an Updated AMP until after Phase 1 of this proceeding has concluded (i.e. Decision issued).

Respectfully submitted on behalf of Pollution Probe.



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¹ 2.5-PP-31 & 2.6-STAFF-82