



Ontario
Energy
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de l'énergie
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BY EMAIL

July 12, 2023

Kent Elson
Elson Advocacy Professional Corporation
1062 College Street, Lower Suite
Toronto, ON M4H 1A9
kent@elsonadvocacy.ca

Dear Mr. Elson:

Re: **Environmental Defence
Motion to Review OEB Decision on Intervenor Evidence, dated April 17,
2023, EB-2022-0156/EB-2022-0248/EB-2022-0249
Ontario Energy Board File No. EB-2023-0190**

On April 25, 2023, Environmental Defence filed a motion to review a decision in which the OEB denied Environmental Defence's request to file evidence in three related community expansion leave to construct proceedings¹. At that time Environmental Defence requested that the motion be held in abeyance pending the completion of the discovery process, in the hope that the evidence it sought to file could instead be solicited through interrogatories. On June 30, 2023, following the completion of the discovery process, Environmental Defence asked that the OEB proceed to adjudicate the motion.

Environmental Defence stated that its motion could be adjudicated now or "heard following a decision by the hearing panel on the merits of the case, with that decision being subject to review". The OEB has determined that the appropriate time to consider the motion is once the current hearing panel has made its final decisions.

Final submissions have yet to be filed, and the current hearing panel has not yet made its final decisions on the applications. The OEB lacks information on how the current hearing panel will consider the forthcoming submissions from the parties (including any additional information filed by Enbridge Gas) and how the current hearing panel will

¹ EB-2022-0156/EB-2022-0248/EB-2022-0249

consider the impact of cold climate heat pumps on the economics of the proposed natural gas expansion projects without the evidence from Environmental Defence. Further, if the applications are approved, it is not known what if any conditions of approval may be ordered to address financial risks and to protect new and existing customers.

Based on this lack of information, the OEB concludes that the appropriate time to consider any motion is once the current hearing panel has issued its final decisions for the proceedings. New information from these decisions would likely be relevant to any motion, and Environmental Defence could decide to revoke, amend, or file a new motion, and the OEB can determine at that time how it would consider any motion.

Please direct any questions relating to this application to the Case Manager, Zora Crnojacki, at 416-440-8104 or Zora.Crnojacki@oeb.ca.

Yours truly,

Nancy Marconi
Registrar

c: EGIRegulatoryProceedings@enbridge.com
All parties in EB-2022-0156, EB-2022-0248, EB-2022-0249