



Enbridge Gas Inc.

Application for leave to construct natural gas pipeline and associated facilities in the Tyendinaga Mohawk Territory and the Township of Tyendinaga, Hastings County

PROCEDURAL ORDER NO. 5

July 14, 2023

Enbridge Gas Inc. (Enbridge Gas) has filed an application with the Ontario Energy Board (OEB) 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 17.3 kilometres of natural gas pipeline and associated facilities in the Tyendinaga Mohawk Territory and the Township of Tyendinaga, Hastings County. The proposed natural gas pipeline consists of approximately 2.8 kilometres of Nominal Pipe Size (NPS) 4-inch polyethylene (PE) distribution pipeline, and approximately 14.5 kilometres of NPS 2-inch PE distribution pipeline. According to Enbridge Gas the project is needed to supply natural gas to approximately 151 customers in the community of Mohawks of the Bay of Quinte and approximately 28 customers in the community of Shannonville in the Township of Tyendinaga. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of project.

The project was selected to be eligible to receive funding assistance as part of Phase 2 of the Government of Ontario's Natural Gas Expansion Program (NGEP), which provides financial support to help utilities expand natural gas distribution into communities that are not currently connected to the natural gas system.

On June 28, 2023, the OEB issued Procedural Order No. 4, which among other matters, set the process for argument-in-chief by Enbridge Gas, written submissions by OEB staff and intervenors, and written reply submission by Enbridge Gas.

On July 10, 2023, the OEB issued a letter suspending the dates for final argument established in Procedural Order No. 4 pending further direction with respect to the consideration of the Notice of Motion filed by Environmental Defence to review the OEB's Decision on Intervenor Evidence (Environmental Deference motion).¹

¹ In the July 10, 2023 letter, the OEB placed the proceeding in abeyance as of June 30, 2023.

Environmental Defence's motion relates to three applications for leave to construct currently before the OEB: Selwyn Pipeline Community Expansion Project, EB-2022-0156; Mohawks of the Bay of Quinte and Shannonville Community Expansion Project, EB-2022-0248; and Hidden Valley Community Expansion Project, EB-2022-0249 (related applications).

On July 12, 2023, the OEB concluded that the appropriate time to consider any motion is after the OEB has issued its final decisions in the leave to construct proceedings referenced above.² The OEB stated that new information from the noted decisions could 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

Next Steps

It is necessary to resume processing the application and the proceeding is no longer in abeyance effective today. The OEB is setting out a revised schedule for Enbridge Gas's argument-in-chief (including responses to the matters identified in Environmental Defence's correspondence as set out in Procedural Order No. 4), written submissions by OEB staff and intervenors and written reply by Enbridge Gas.

The OEB will also allow Enbridge Gas the option to file a single argument-in-chief for all three community expansion projects.³ Similarly, if OEB staff or intervenors wish to file a single written submission for all three community expansion projects they may do so.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas shall file an argument-in-chief with the OEB and serve it on all parties by **July 25, 2023**.
2. Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by **August 9, 2023**.
3. Any written reply submission from Enbridge Gas shall be filed with the OEB and served on intervenors by **August 23, 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

² OEB letter, dated July 12, 2023, EB-2023-0190

³ Selwyn Pipeline Community Expansion Project, EB-2022-0156; Mohawks of the Bay of Quinte and Shannonville Community Expansion Project, EB-2022-0248; Hidden Valley Community Expansion Project, EB-2022-0249

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-2022-0248** 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, Zora Crnojacki at Zora.Crnjacki@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, **July 14, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar