



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline and
associated facilities in the Municipality of Chatham
Kent and Municipality of Lakeshore**

PROCEDURAL ORDER NO. 6

July 28, 2023

Enbridge Gas Inc. (Enbridge Gas) originally 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 a project which included 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 (Panhandle Loop) and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington (Leamington Interconnect). The project also involved 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.

On December 5, 2022, on the date Enbridge Gas was due to file its argument-in-chief, Enbridge Gas advised the OEB that, due to unexpected circumstances, it was not in a position to file its argument-in-chief by the deadline established in Procedural Order No. 3. Enbridge Gas requested that the OEB place the application in abeyance. In Procedural Order No. 4, dated December 14, 2022, the OEB approved Enbridge Gas's request to place the application in abeyance as of December 5, 2022.

On June 16, 2023, Enbridge Gas filed its amended application. In the amended application, Enbridge Gas stated that it reassessed the project and decided to remove the Leamington Interconnect. Enbridge Gas also updated the project demand forecast, project construction and in-service schedules, the costs and economics and the other evidence affected by the changes in the project's scope, schedule and costs.

Determination on Abeyance Status

The OEB reviewed the amended application and determined that it is complete and complies with the filing requirements set in the *OEB Natural Gas Facilities Handbook* and *OEB Rules of Practice and Procedure*.

The OEB, in Procedural Order No. 4, directed that Enbridge Gas address the applicability of EBO 134 and EBO 188 in its amended application, and the extent to which contributions in aid of construction should be required. The OEB directed that Enbridge Gas provide additional evidence on these issues. The OEB also noted that Enbridge Gas may wish to consider whether it should communicate with potentially affected customers regarding the position of some parties that contributions in aid of construction should be required. In response to the OEB's direction, Enbridge Gas included in the amended application updated evidence on these matters.

The OEB will resume processing the application.

Amended Notice of Application

Enbridge Gas is directed to conduct a search of title to identify any new landowners owning the properties or interest in properties and any new encumbrances since the Notice of Application was served on July 4, 2022. The OEB directs Enbridge Gas to serve the English and French versions of the amended Notice of Application on any identified new directly affected landowners along the proposed route of the Panhandle Loop.

The English and French versions of the amended Notice of Application are attached as Schedule A and B to this procedural order.

Request for Confidentiality

Enbridge Gas has requested confidential treatment for personal information in the Environmental Report (Exhibit F/Tab 1/Schedule 1/Attachment 1) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/Attachment 2).

The OEB has reviewed Enbridge Gas's request for the redaction of personal information. The OEB finds that the redacted information in the Environmental Report (Exhibit F/Tab 1/Schedule 1/Attachment 1) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/Attachment 2) is personal information as defined in the Freedom of Information and Protection of Privacy Act (FIPPA) and the OEB's [Practice Direction on Confidential](#)

[Filings](#) (Practice Direction). This information, which contains names and contact information of property owners, shall remain redacted and shall not be provided to the intervenors in this proceeding.

Next Steps

This procedural order establishes the timeline for written interrogatories, a virtual technical conference, Enbridge Gas's argument-in-chief, written submissions by the parties and a reply submission by Enbridge Gas.

At this time, provision is being made for written interrogatories. In preparing their interrogatories, parties should refer to the OEB's [standard Issues List](#) for natural gas leave to construct applications. Parties should also consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

To allow for an efficient discovery process, Enbridge Gas shall advise the OEB and parties, prior to the filing of written interrogatories, the interrogatory and undertaking responses currently on the record that are out of date or no longer applicable as a result of Enbridge Gas's amended application.

The OEB is also making provision for a transcribed technical conference for parties to ask clarification questions on the amended application and evidence. Parties are required to file their questions or topic areas for questioning in advance of the conference. Parties are expected to work cooperatively to avoid duplication and to ensure the time reserved for the technical conference is used effectively. Information on how to participate in the technical conference will be provided at a later date.

The OEB directs that discovery should be focused only on the updated evidence.

The procedural order will also set the timeline for argument-in-chief and written submissions.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The English and French versions of the amended Notice of Application (Notice) attached as Schedule A and B of this procedural order shall be served on any new directly affected landowners along the proposed route of the Panhandle Loop

who were not previously served the Notice of Application issued on July 4, 2022. Enbridge Gas shall:

- a) Conduct a search of title forthwith, sufficient to determine the current registered property owners and encumbrancers with lands or interest in the lands directly affected by the application.
- b) Identify, based on the current search of title, any new registered property owners and encumbrancers with lands or interest in the lands directly affected by the application and not served the Notice of Hearing issued on July 4, 2022.
- c) Arrange immediately for the service of the enclosed English and French versions of the Notice, in the exact form accompanying this letter, and the application and the evidence, directly on each of the property owners and encumbrancers with lands or interest in lands identified in the search of title referred to in paragraph 1 (a) above.

Please note that you must comply with the directions in paragraphs 1 (a), (b) and (c) above prior to **August 9, 2023**. If you are unable to comply with the directions within this timeframe, you must inform the Registrar immediately at registrar@oeb.ca.

2. Enbridge Gas shall advise the OEB and all the intervenors which of the interrogatory and undertaking responses currently on the record are incorrect and/or no longer applicable as a result of Enbridge Gas's amended application by, **August 25, 2023**.
3. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the updated evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **September 11, 2023**.
4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **September 26, 2023**.
5. A transcribed technical conference with a focus on updated evidence will be convened on **October 10, 2023** beginning at 9:30 a.m. Information on how to participate in the conference will be communicated at a later date.

6. Parties intending to participate in the technical conference shall file with the OEB and copy all parties, their clarification questions or the topic areas for which they require clarification by **September 29, 2023**.
7. Enbridge Gas shall file with the OEB complete written responses to all undertakings from the technical conference and serve them on all intervenors by **October 17, 2023**.
8. Enbridge Gas shall file its argument-in-chief with the OEB and serve it on all intervenors by **October 31, 2023**.
9. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **November 15, 2023**.
10. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all intervenors by **November 29, 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 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-2022-0157** 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.Crnojacki@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 28, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 6
AMENDED NOTICE OF APPLICATION (ENGLISH)
OEB FILE NO. EB-2022-0157
JULY 28, 2023

ONTARIO ENERGY BOARD NOTICE

Enbridge Gas Inc. has applied for approval to construct approximately 19 kilometres of natural gas pipeline and ancillary facilities, in the Municipality of Chatham Kent in the Municipality of Lakeshore

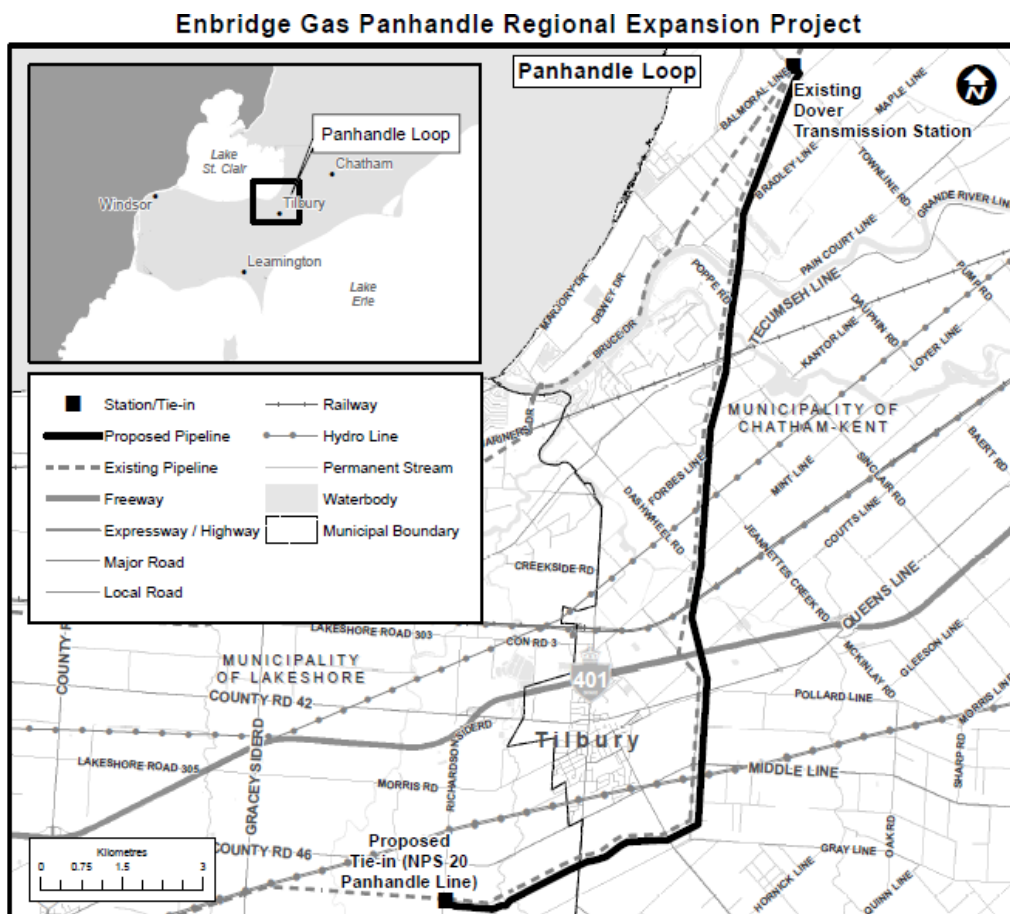
Learn more. Have your say.

Enbridge Gas Inc. applied to the Ontario Energy Board for approval to construct pipeline and associated ancillary facilities, which are collectively referred to as the Panhandle Regional Expansion Project. The pipeline, called the *Panhandle Loop*, involves the construction of approximately 19 kilometres of 36-inch diameter steel pipeline that will originate at Enbridge Gas Inc.'s existing Dover Transmission Station in the Municipality of Chatham Kent and tie into an existing pipeline at a new valve site station, in the Municipality of Lakeshore. Enbridge Gas Inc. proposes to start construction of the Panhandle Regional Expansion Project in the first quarter of 2024 to achieve an in-service date of November 2024.

Enbridge Gas Inc. says that the Panhandle Regional Expansion Project is needed to add capacity to the Panhandle Transmission System which transports natural gas between Enbridge Gas Inc.'s Dawn Compressor Station, located in the Township of Dawn-Euphemia, and the Ojibway Valve Site, located in the City of Windsor. Enbridge Gas Inc. estimates the cost of the project to be \$358 million and says that it will seek approval to recover the cost from ratepayers in a separate rate application.

Enbridge Gas Inc. is also asking the Ontario Energy Board to approve the form of agreement it offers to landowners to use their land for routing or construction of the proposed pipeline.

The location of the proposed pipelines is shown in the map.



THE ONTARIO ENERGY BOARD WILL HOLD A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Enbridge Gas's application. During the hearing the OEB will question Enbridge Gas on the case. The OEB will also hear questions and arguments from individual consumers, municipalities and others whose interests would be affected. At the end of this hearing, the OEB will decide whether to approve the application.

As part of its review of this application, the OEB will assess Enbridge Gas's compliance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario*.

The OEB will also assess whether the duty to consult with Indigenous Communities potentially affected by the proposed pipelines has been discharged with respect to the application.

More information on the types of issues that the OEB may consider are provided on the OEB's website in the form of a standard issues list: <https://www.oeb.ca/sites/default/files/issues-list-LTC-natural-gas.pdf>

The OEB is an independent and impartial public agency. The OEB makes decisions that serve the public interest. The goal of the OEB is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Enbridge Gas on the OEB's website now;
- You can find information on the OEB's website at www.oeb.ca/participate;
- You can find information on the **duty to consult with Indigenous peoples** on the OEB's website at www.oeb.ca/industry/applications-oeb/consultation-indigenous-peoples;
- You can file a letter with your comments, which will be considered during the hearing;
- You can become an intervenor. As an intervenor you can ask questions about Enbridge Gas's application and make arguments on whether the OEB should approve Enbridge Gas's request. Apply by **August 21, 2023** or the hearing will go ahead without you and you will not receive any further notice of the proceeding;
- At the end of the process, you can review the OEB's decision and its reasons on our website.

LEARN MORE

The file number for this case is EB-2022-0157. To learn more about this hearing, find instructions on how to file a document, or to access any document related to this case, please select the file number EB-2022-0157 from the www.oeb.ca/noticeltc on the OEB website. You can also phone our Public Information Centre at 1-877-632-2727 with any questions.

FORMAT OF HEARING

There are three types of OEB hearings – oral, electronic, and written. Enbridge Gas has applied for a written hearing. The OEB is considering this request. If you think an oral hearing is needed, you can write to the OEB to explain why by August 21, 2023.

PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This hearing will be held under section 90(1) and 97 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B.

Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Registrar
Filings: <https://p-pes.ontarioenergyboard.ca/PivotalUX/>.
E-mail: registrar@oeb.ca



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

SCHEDULE B
PROCEDURAL ORDER NO. 6
AMENDED NOTICE OF APPLICATION (FRENCH)
OEB FILE NO. EB-2022-0157
JULY 28, 2023

AVIS DE LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Enbridge Gas Inc. a déposé une requête en vue d'obtenir l'autorisation de construire un gazoduc de 19 kilomètres environ et des installations auxiliaires dans la municipalité de Chatham Kent et la municipalité de Lakeshore.

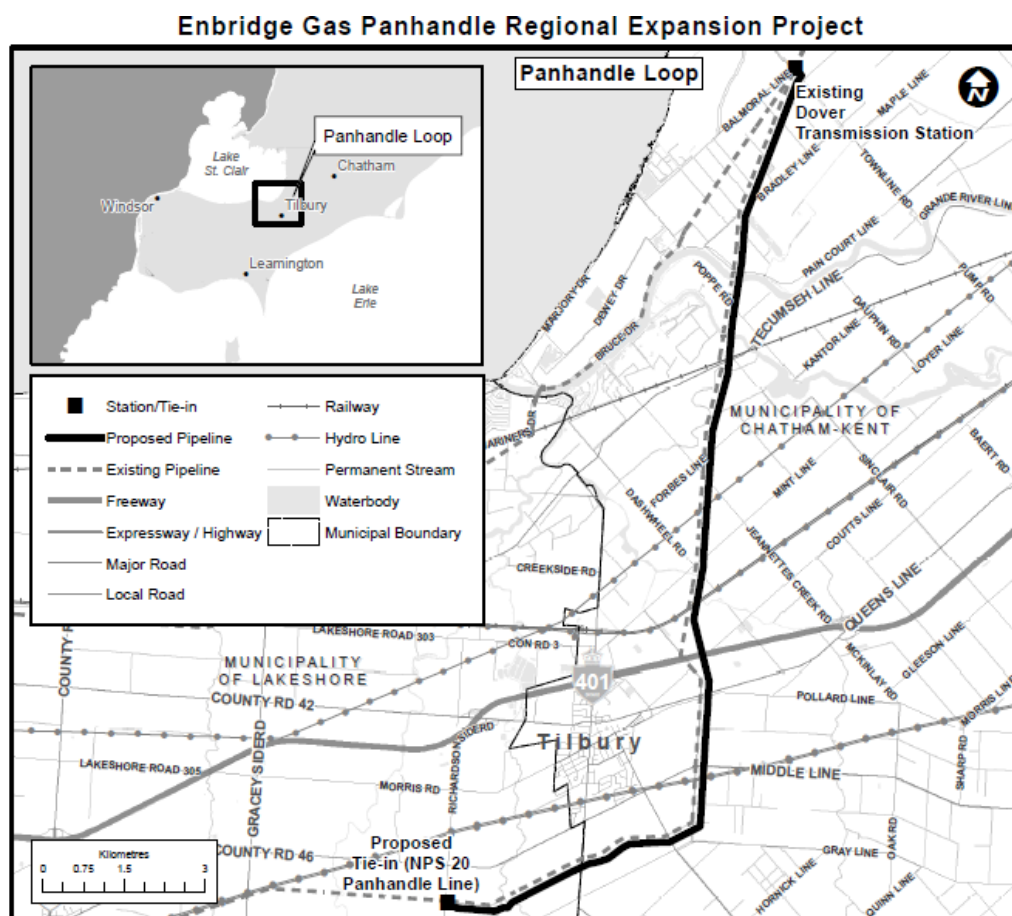
Renseignez-vous. Donnez votre avis.

Enbridge Gas Inc. a demandé à la Commission de l'énergie de l'Ontario l'autorisation de construire un gazoduc et des installations auxiliaires connexes, désignés collectivement sous le nom de « Projet d'expansion régionale Panhandle ». Le gazoduc, appelé *Panhandle Loop*, comprend la construction d'environ 19 kilomètres de conduites en acier d'un diamètre de 36 pouces qui partira de l'actuelle station de transmission Dover d'Enbridge Gas Inc. dans la municipalité de Chatham Kent et se raccordera à un gazoduc existant à une nouvelle station de distribution, dans la municipalité de Lakeshore. Enbridge Gas Inc. propose de commencer la construction du Projet d'expansion régionale Panhandle au premier trimestre 2024 pour une mise en service en novembre 2024.

Enbridge Gas Inc. affirme que le Projet d'expansion régional Panhandle est nécessaire afin d'accroître la capacité du réseau de transport Panhandle, qui achemine du gaz naturel entre la station de compression Dawn d'Enbridge Gas Inc., située dans le canton de Dawn-Euphemia, et le site de la vanne Ojibway, situé dans la ville de Windsor. Enbridge Gas Inc. estime le coût du projet à 358 millions de dollars et indique qu'elle demandera l'autorisation de recouvrer ce coût auprès des contribuables dans le cadre d'une demande tarifaire distincte.

Enbridge Gas Inc. demande également à la Commission de l'énergie de l'Ontario d'approuver la forme de l'entente qu'elle propose aux propriétaires fonciers afin d'utiliser leurs terres pour le tracé ou la construction du gazoduc proposé.

L'emplacement des conduites proposées est présenté sur la carte.



LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO TIENDRA UNE AUDIENCE PUBLIQUE

La Commission de l'énergie de l'Ontario (CEO) tiendra une audience publique afin d'étudier la demande d'Enbridge Gas. Au cours de l'audience, la CEO interrogera Enbridge Gas sur cette affaire. La CEO écoutera également les questions et les arguments des consommateurs, des municipalités et de toute autre entité dont les intérêts sont en jeu. À l'issue de cette audience, la CEO prendra sa décision quant à l'approbation de la demande.

Dans le cadre de cette demande, la CEO évaluera le respect de ses directives en matière d'environnement par Enbridge Gas, en ce qui concerne l'emplacement, la construction et l'exploitation des pipelines et des installations d'hydrocarbures en Ontario.

La CEO s'assurera également que l'obligation de tenir des consultations auprès des communautés autochtones potentiellement concernées par le projet de gazoduc a bien été respectée.

De plus amples renseignements sur les types de questions que la CEO pourrait examiner sont disponibles sur le site Web de la CEO sous la forme d'une liste de questions standard :
<https://www.oeb.ca/sites/default/files/issues-list-LTC-natural-gas.pdf>

La CEO est une agence publique indépendante et impartiale. La CEO prend des décisions qui visent à servir au mieux l'intérêt public. L'objectif de la CEO est d'encourager le développement d'un secteur de l'énergie efficace et financièrement viable, afin d'offrir des services énergétiques fiables à un prix raisonnable.

RENSEIGNEZ-VOUS ET DONNEZ VOTRE AVIS

Vous avez le droit d'être informé au sujet de cette demande et de participer au processus.

- Vous pouvez examiner la demande d'Enbridge Gas sur le site Web de la CEO dès maintenant;
- Vous trouverez des renseignements sur le site Web de la CEO à l'adresse suivante : www.oeb.ca/fr/participez
- Vous pouvez en apprendre davantage sur l'**obligation de consulter les peuples autochtones** sur le site Web de la CEO à l'adresse suivante : <https://www.oeb.ca/fr/industrie/demandes-en-cours/consultation-des-peuples-autochtones>
- Vous pouvez déposer une lettre de commentaires qui sera prise en compte au cours de l'audience;
- Vous pouvez participer à titre d'intervenant. En tant qu'intervenant, vous pouvez poser des questions sur la demande d'Enbridge Gas et présenter des raisons pour lesquelles la CEO devrait approuver la demande d'Enbridge Gas. Inscrivez-vous avant le **21 août 2023**, faute de quoi l'audience aura lieu sans votre participation et vous ne recevrez plus d'avis dans le cadre de la présente affaire
- Vous pourrez examiner la décision rendue par la CEO à l'issue de la procédure ainsi que les motifs de sa décision sur notre site Web.

EN SAVOIR PLUS

Le numéro de référence de ce dossier est -EB2022-0157. Pour en savoir plus sur cette audience, obtenir des instructions sur la manière de déposer un document ou encore pour consulter les documents relatifs à ce dossier, veuillez sélectionner le numéro de dossier -EB2022-0157 à partir du lien <https://www.oeb.ca/fr/participez/applications/requetes-tarifaires-en-cours> sur le site Web de la CEO. Pour toute question, vous pouvez également communiquer avec notre centre d'information du public au 1 877 632-2727.

FORMAT D'AUDIENCE

Il existe trois types d'audiences à la CEO : les audiences orales, les audiences écrites et les audiences électroniques. Enbridge Gas a demandé une audience écrite. La CEO examine actuellement cette demande. Si vous pensez qu'une audience orale est nécessaire, vous pouvez faire part de vos arguments par écrit à la CEO au plus tard le **21 août 2023**.

PROTECTION DES RENSEIGNEMENTS PERSONNELS

Si vous écrivez une lettre de commentaires, votre nom et le contenu de cette lettre seront ajoutés au dossier public et au site Web de la CEO. Toutefois, votre numéro de téléphone, votre adresse de domicile et votre adresse électronique ne seront pas rendus publics. Si vous représentez une entreprise, tous les renseignements de l'entreprise demeureront accessibles au public. Si vous participez à titre d'intervenant, tous vos renseignements seront rendus publics.

Cette audience sur les tarifs sera tenue en vertu des articles 90(1) et 97 de la Loi de 1998 sur la Commission de l'énergie de l'Ontario, L.O. 1998, chap. 15 (annexe B).

Commission de l'énergie de l'Ontario

C.P. 2319, 27^e étage

2300, rue Yonge

Toronto (Ontario) M4P 1E4

À l'attention de : Registraire

Dépôts : <https://p-pes.ontarioenergyboard.ca/PivotalUX/>.

Courriel : registrar@oeb.ca



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

Ontario