



BY EMAIL and RESS

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Dir. 647-483-0113

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

August 2, 2023
Our File: EB20220157

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2022-0157 – Enbridge Inc – Panhandle LTC – SEC Late Intervention Request

We are counsel to the School Energy Coalition (“SEC”). SEC writes to request late intervenor status in this application. Attached is a copy of our intervenor form.

While SEC did not initially intervene in this application when it was initially filed over a year ago, several developments have occurred since that we believe make it important that SEC’s perspective is heard by the OEB.

First, the issue of the interaction between EBO 134 and 188, and its applicability to the project has arisen. The OEB subsequently ordered Enbridge to address the issue in its amended application. This is very important, and which the issue was not apparent to SEC when the application was originally filed.¹ Second, there has been a material increase in project costs (~\$44M) that require review and consideration. Third, in Enbridge’s recent Capital Update filed as part of its 2024 rebasing application (filed on June 16, 2023) it has proposed a unique rate treatment for aspects of the project that will be in-service in 2024 through use of a deferral account.² It confirmed during the hearing that the prudence of the project costs (as opposed to only considering cost is the context of project need) should be determined in the context of the leave to construct proceeding.³ This was not contemplated when the original Notice was issued.

We submit that Enbridge is not prejudiced by our late intervention. SEC understands that a significant record has already been developed based on the original application and will ensure that it has reviewed that material to avoid duplication.

¹ Procedural Order No. 4, p.3

² See EB-2022-0200, Exhibit 2-5-4, p.30 (2023-07-16)

³ EB-2022-0200, Oral Hearing Transcript Vol. 12 (August 1, 2023), p.25



Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Applicant and intervenors (by email)

Mark Rubenstein

From: Ontario Energy Board <webmaster@oeb.ca>
Sent: Wednesday, August 2, 2023 10:38 AM
To: registrar@oeb.ca
Cc: mark@shepherdrubenstein.com
Subject: Intervention Form: EB-2022-0157 - School Energy Coalition (SEC)

Intervention Form

Case Number:

EB-2022-0157

Intervenor Name:

School Energy Coalition (SEC)

Mandate and Objectives:

Refer to the Frequent Intervenor Form below.

Membership of the Intervenor and Constituency Represented:

Refer to the Frequent Intervenor Form below.

Programs or Activities Carried Out by the Intervenor:

Refer to the Frequent Intervenor Form below.

Governance Structure:

Refer to the Frequent Intervenor Form below.

Representatives:

Refer to the Frequent Intervenor Form below. Refer to the Frequent Intervenor Form below.
Refer to the Frequent Intervenor Form below.

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Other Contacts:

Refer to the Frequent Intervenor Form below. Refer to the Frequent Intervenor Form below.
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Frequent Intervenor Form:

<https://www.rds.oeb.ca/CMWebDrawer/Record/790948/File/document>

OEB Proceedings:

EB-2023-0062,EB-2023-0033, EB-2023-0041, EB-2023-0098, EB-2023-0003, EB-2022-0295, EB-2022-0267, EB-2022-0200,EB-2022- 0184, EB-2022-0158, EB-2022-0133, EB-2022-0110, EB-2022-0101, EB-2022-0096, EB2022-0094, EB-2022-0086, EB-2022-0081, EB-2022-0079, EB-2022-0074, EB-2022-0072, EB-2022-0071, EB-2022-0065, EB-2022-0059, EB-2022-0049, EB-2022-0044, EB-2022-0028, EB-2022-0024, EB-2022-0016, EB-2022-0013, EB-2022-0011, EB-2022-0007, EB-2022-0006, EB-2022-0003, EB-2022-0002, EB-2021-0312, EB-2021-0307, EB-2021-0280,EB-2021-0246, EB-2021-0243, EB-2021-0227, EB-2021-0212, EB-2021-0209, EB-2021-0180, EB-2021-0169, EB-2021-0149, EB-2021-0148, EB-2021-0147, EB-2021-0110, EB2021-0106, EB-2021-0076, EB-2021-0072, EB-2021-0056, EB-2021-0052, EB-2021-0041, EB-2021-0039, EB-2021-0038, EB-2021-0027, EB-2021-0019, EB-2021-0018, EB-2021- 0016, EB-2021-0015, EB-2021-0011,EB-2021-0009, EB-2021-0002, EB-2020-0293, EB2020-0230

Issues:

SEC expects to address issues 1, 2, 3, and 7 on the OEB's standard Leave to Construct Issues List, as well as issues that may arise in this proceeding as result of the Enbridge's proposed treatment for the project proposed in EB-2022-0200 on June 16, 2023.

Policy Interests:

N/A

Hearings:

N/A

Evidence:

While SEC does not currently intend to file evidence in this proceeding, it reserves its right to do so depending on the responses to interrogatories and any other discovery processes ordered by the Board.

Coordination with Other Intervenors:

SEC will coordinate with other intervenors with similar interests, where appropriate, to promote responsible participation in the proceeding

Cost Awards:

SEC applies for recovery of its costs reasonably incurred in the course of its intervention in this matter. SEC's members are customers of the Applicant and eligible for an award of costs pursuant to section 3.03(a) of the Practice Direction. SEC has participated in many past natural gas and electricity proceedings in Ontario, including consultations, rate cases, and other processes and hearings, and has been found eligible to be paid its reasonably incurred costs in all of those proceedings.

Language Preference:

NA