



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the City of Kawartha Lakes
(including Bobcaygeon) and Township of Cavan-
Monaghan**

PROCEDURAL ORDER NO. 1

August 14, 2023

Enbridge Gas Inc. (Enbridge Gas) has applied to 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 41 kilometres of natural gas pipeline in the City of Kawartha Lakes (including Bobcaygeon) and Township of Cavan-Monaghan. The proposed pipeline will supply natural gas to approximately 3,700 new customers who currently do not have access to natural gas service. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners affected by the routing and construction of the project.

A Notice of Hearing was issued on July 5, 2023. Each of Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO) and Pollution Probe applied for intervenor status and cost eligibility. On July 10, 2023, Enbridge Gas requested an extension of time to July 20, 2023 to complete service of the notice. On July 11, 2023, the OEB issued a Letter of Direction granting Enbridge Gas's requested extension and also issued an updated Notice of Hearing, extending the intervention deadline from July 24, 2023 to July 31, 2023.

Enbridge Gas filed a letter dated August 8, 2023, informing the OEB that it does not object to any of the intervention requests. In its letter, Enbridge Gas also responded to additional requests filed by Environmental Defence and FRPO.

Environmental Defence, FRPO and Pollution Probe are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Environmental Defence, FRPO and Pollution Probe are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Requests for Confidentiality

Enbridge Gas has requested confidential treatment for personal information in the Environmental Report (Exhibit F/Tab 1/Schedule 1/Attachments 1 and 3) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/Attachments 3 and 4).

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/ Attachments 1 and 3) and in the Landowner List (Exhibit G/Tab 1/Schedule 1/ Attachments 3 and 4) 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](#). Therefore, the information of property owners shall remain redacted and shall not be provided to the intervenors in this proceeding.

Enbridge Gas has also requested confidential treatment for certain information that it states is commercially sensitive, and its disclosure could prejudice the competitive position of Enbridge Gas in its negotiations with Indigenous groups. The information consists of financial and/or commercial material that Enbridge Gas has consistently treated as confidential (Exhibit H/Tab 1/Schedule 1/Attachment 7). Parties will be provided access to the confidential documents per the process outlined in Part 6 of Practice Direction. Parties that wish to make submissions on the confidentiality request should refer to Part 4 of the Practice Direction and follow the timelines in sections 5.1.6, 5.1.7 and 5.1.8 of the Practice Direction.

Filing of Intervenor Evidence

In its letter of intervention, Environmental Defence stated that it wished to file evidence in this proceeding. Environmental Defence also filed an intervention form noting that the evidence it seeks to file is as described in its letter of June 21, 2022.

In its letter dated August 8, 2023, Enbridge Gas stated that Environmental Defence's June 21, 2022 intervenor evidence proposal appears to be consistent with Environmental Defence's evidence proposal submitted within proceedings for three similar community expansion projects.¹ Enbridge Gas noted that the OEB denied

¹ Selwyn Community Expansion Project (EB-2022-0156), Mohawks of the Bay of Quinte Community Expansion Project (EB-2022-0248), Hidden Valley Community Expansion Project (EB-2022-0249)

Environmental Defence's evidence proposal within these proceedings and submitted that it should be denied by the OEB in this proceeding on the same basis as for the three proceedings.

The OEB will make a determination on Environmental Defence's request to file evidence, and any process associated with that request, at a later date.

FRPO Request

In its letter of intervention, FRPO stated that Enbridge Gas's application and pre-filed evidence has not provided information required by the OEB's *Natural Gas Facilities Handbook*, specifically in relation to filing requirements for Exhibit B (Project Need) and Exhibit C (Alternatives). FRPO requested that Enbridge Gas file information on the output of the network analysis that would define initial capability of the proposed system and the forecasted additional capacity available at the end of the 10-year attachment forecast prior to interrogatories.

Enbridge Gas stated that FRPO does not provide sufficient information to describe the requested network analysis to substantiate the assertion that its omission is not compliant with the OEB's *Natural Gas Facilities Handbook*. Enbridge Gas argued that FRPO's claim that Enbridge Gas has not complied with the OEB's *Natural Gas Facilities Handbook* filing requirements is unsupported given the OEB's May 17, 2022 completeness letter. Enbridge Gas stated that FRPO can pose interrogatories with respect to network analysis and submitted that the processing of this application should not be delayed based on the submissions set out in FRPO's correspondence.

The OEB has reviewed the amended application and determined that it is complete and complies with the filing requirements set in the *OEB Natural Gas Facilities Handbook*. Therefore, the OEB will not require Enbridge Gas to file an update to its application. FRPO may use the interrogatory process to ask questions regarding network analysis.

Interrogatories

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 not engage in detailed exploration of issues that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should 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.

Technical Conference

Environmental Defence requested that the OEB make provision for a technical conference or for parties to comment on the need for a technical conference following the receipt of interrogatory responses. FRPO recommended that the OEB make provision for a technical conference.

Enbridge Gas stated that neither Environmental Defence's nor FRPO's submissions provide meaningful information to support the need for a technical conference. Enbridge Gas further stated that a written hearing is sufficient and the OEB should reserve any determination regarding a technical conference until after the submission of interrogatory responses.

The OEB will make its determination on the request for a technical conference after the responses to interrogatories have been filed. OEB staff and intervenors may file comments on the need for a technical conference in accordance with the schedule set out in this Procedural Order. Enbridge Gas will have the opportunity to respond to those comments.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **September 6, 2023**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **September 20, 2023**.
3. If OEB staff and intervenors wish to file comments regarding the need for a technical conference, they shall file those comments with the OEB by **September 22, 2022**.

4. Enbridge Gas may file a response to the comments regarding the need for a technical conference with the OEB by **September 26, 2022**.

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-2022-0111** 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, Judith Fernandes at Judith.Fernandes@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, **August 14, 2023**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
PROCEDURAL ORDER NO. 1
ENBRIDGE GAS INC.
EB-2022-0111
APPLICANT & LIST OF INTERVENORS

Enbridge Gas Inc.
EB-2022-0111

APPLICANT & LIST OF INTERVENORS

August 14, 2023

APPLICANT	Rep. and Contact Information for Service
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INTERVENORS	Rep. and Contact Information for Service
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APPLICANT & LIST OF INTERVENORS

August 14, 2023

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Providers of Ontario**

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