



EPCOR Natural Gas Limited Partnership

**Application for leave to construct natural gas pipelines
in the Municipality of Kincardine, the Township of Arran-
Elderslie, the Municipality of Brockton and the
Municipality of West Grey**

PROCEDURAL ORDER NO. 1

August 30, 2023

EPCOR Natural Gas Limited Partnership (EPCOR) 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) (OEB Act), for an order granting leave to construct approximately 34.1 km of Nominal Pipe Size (NPS) 4-inch polyethylene (PE) natural gas distribution pipeline and approximately 46.5 km of NPS 2-inch PE natural gas distribution pipeline in the Municipality of Kincardine, the Township of Arran-Elderslie, the Municipality of Brockton and the Municipality of West Grey.¹ The proposed pipelines will supply natural gas to approximately 423 new customers who currently do not have access to natural gas service. EPCOR 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.

EPCOR is also asking the OEB for approval under section 9 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55 of Franchise Agreements with the Municipality of Brockton, the Municipality of West Grey, and the Township of Chatsworth.

EPCOR intends to charge customers to be served by the proposed project the same rates that it charges its customers in its Southern Bruce rate zone. EPCOR is also asking the OEB for approval under section 36 of the OEB Act to establish the Brockton Customer Volume Variance Account to capture revenue variances resulting from variances in forecasted and actual average use per customer.

¹ On June 9, 2021, the proposed project (also referred to as the Brockton Expansion Project), was approved to receive funding assistance under Phase 2 of the Government of Ontario's Natural Gas Expansion Program.

A Notice of Hearing was issued on July 24, 2023. Environmental Defence (ED) and Enbridge Gas Inc. (Enbridge Gas) applied for intervenor status. ED also applied for cost eligibility. EPCOR filed a reply letter dated August 16, 2023, informing the OEB that it does not object to the requests of ED or Enbridge Gas (Reply Letter).

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

ED 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

EPCOR has requested confidential treatment for personal information in the Environmental Report² and in the Landowner List³.

The OEB has reviewed EPCOR's request for the redaction of personal information. The OEB finds that the redacted information in the Environmental Report and in the Landowner List 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.

Filing of Intervenor Evidence

In its letter of intervention, ED stated that it wished to file evidence in this proceeding. In its Reply Letter, EPCOR noted that ED's intervenor evidence proposal appears to be consistent with its evidence proposals submitted within proceedings for four similar community expansion projects.⁴ EPCOR noted that the OEB denied ED's evidence proposal in three of these proceedings and deferred its determination on ED's evidence in the fourth.⁵

² Exhibit F, Tab 1, Schedule 1, Attachment 1

³ Exhibit G, Tab 1, Schedule 1, Attachment 3

⁴ Bobcaygeon Community Expansion Project (EB-2022-0111), 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)

⁵ Bobcaygeon Community Expansion Project (EB-2022-0111)

The OEB will make a determination on ED's request to file evidence in the current proceeding, and any process associated with that request, at a later date.

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

In its letter of intervention, ED stated that it may request that the OEB make provision for a technical conference. EPCOR was silent on the need for a technical conference in its Reply Letter.

The OEB will make its determination on the need 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. EPCOR 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 shall request any relevant information and documentation from EPCOR that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **September 18, 2023**.
2. Environmental Defence and Enbridge Gas shall request any relevant information and documentation from EPCOR that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **September 28, 2023**.

3. EPCOR shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **October 12, 2023**.
4. 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 **October 16, 2023**.
5. EPCOR may file a response to the comments regarding the need for a technical conference with the OEB by **October 18, 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-2022-0246** 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, Ritchie Murray at Ritchie.Murray@oeb.ca and OEB Counsel, James Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **August 30, 2023**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A

PROCEDURAL ORDER NO. 1

EPCOR NATURAL GAS LIMITED PARTNERSHIP

EB-2022-0246

APPLICANT & LIST OF INTERVENORS

**EPCOR Natural Gas Limited Partnership
EB-2022-0246
APPLICANT & LIST OF INTERVENORS**

August 30, 2023

APPLICANT

Rep. and Contact Information for Service

**EPCOR Natural Gas Limited
Partnership**

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INTERVENORS

Rep. and Contact Information for Service

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**EPCOR Natural Gas Limited Partnership
EB-2022-0246**

APPLICANT & LIST OF INTERVENORS

August 30, 2023

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