

# Elson Advocacy

September 27, 2023

**BY RESS**

**Nancy Marconi**

Registrar

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Motion to review decisions in EB-2022-0156/0248/0249  
Ontario Energy Board File No. EB-2023-0190**

I am writing on behalf of Environmental Defence to request that the OEB set a schedule for submissions in its Motion to Review relating to three gas system expansion leave to construct proceedings (EB-2022-0156/0248/0249). By letter of July 12, 2023, the OEB concluded that this motion should be dealt with following the decisions in those proceedings. Those decisions were issued on September 21, 2023.

I have attached an Amended Notice of Motion. This amended version updates the Notice of Motion to reflect the decisions of September 21, 2023. It also adds two grounds for reviewing the decisions on the merits of those applications.

Finally, we note that Enbridge is using the impugned decisions to argue that Environmental Defence should be denied leave to file evidence in any other gas system expansion leave to construct cases. Collectively, those cases are worth hundreds of millions of dollars. Each relies on Enbridge's customer attachment forecast being met and each relies on strong revenues being maintained for 40 years, into the 2060s. These projects contain no buffer to protect against revenue shortfalls. They represent significant financial risks for the existing customer base. The outcome of this review motion could impact whether those hundreds of millions of dollars in capital spending receive the scrutiny that they require.

Yours truly,



Kent Elson

cc: Applicant and intervenors in the above applications