



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipelines  
and associated facilities in the Township of Warwick  
and the Municipality of Brooke-Alvinston**

**PROCEDURAL ORDER NO. 1**

**October 4, 2023**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on August 1, 2023, 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 15.3 kilometres of natural gas pipeline and associated facilities in the Township of Warwick and the Municipality of Brooke-Alvinston. The proposed natural gas pipeline will connect Waste Management of Canada Corporation's planned renewable natural gas (RNG) facility at the Twin Creeks Environmental Centre to Enbridge Gas's system and will be used to transport the RNG that is produced at the facility. In addition, Enbridge Gas plans to construct an RNG injection station. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners affected by routing and construction of the project.

A Notice of Hearing was issued on August 25, 2023. Each of Pollution Probe and Three Fires Group Inc. (Three Fires Group) applied for intervenor status and cost eligibility.

No objection was received from Enbridge Gas.

Pollution Probe and Three Fires Group are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Pollution Probe and Three Fires Group 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.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

## 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 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 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](#) (Practice Direction). 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 relating to load profiles, energy usage and billing in the Executed M13 Contract (Exhibit E/Tab 1/Schedule 1/Attachment 1) on the grounds that the information is presumptive confidential information.

In its intervention request, Pollution Probe submitted that the information in Exhibit E / Tab 1 / Schedule 1 / Attachment 1 for which Enbridge Gas seeks confidential treatment is typical business information relating directly to the principal purpose of the proposed pipeline and recommended that the OEB deny the confidentiality request.

In addition, Enbridge Gas requested confidential treatment for certain financial information in the Indigenous Consultation Report (ICR) log and correspondence (Exhibit H/Tab 1/Schedule 1/Attachment 6) on the grounds that the information is commercially sensitive.

Any objection by a party or OEB staff to the confidentiality requests must be submitted in accordance with sections 5.1.6 and 5.1.7 of the Practice Direction. Enbridge Gas may respond to any objections in accordance with section 5.1.8 of the Practice Direction. Parties will be provided access to the confidential documents in accordance with the process outlined in Part 6 of Practice Direction.

## 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 items 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.

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. 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, **October 31, 2023**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **November 16, 2023**.
3. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by, **November 30, 2023**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **December 14, 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-2023-0175** 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](mailto: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, Natalya Plummer at [natalya.plummer@oeb.ca](mailto:natalya.plummer@oeb.ca) and OEB Counsel, at [Ljuba.Djurdjevic@oeb.ca](mailto:Ljuba.Djurdjevic@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **October 4, 2023**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**

**LIST OF APPLICANTS AND INTERVENORS**

**Enbridge Gas Inc.**

**EB-2023-0175**

**October 4, 2023**

Enbridge Gas Inc.  
EB-2023-0175

**APPLICANT & LIST OF INTERVENORS**

October 4, 2023

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<b>APPLICANT</b>	<b>Rep. and Contact Information for Service</b>
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<b>APPLICANT COUNSEL</b>	<b>Guri Pannu</b> Senior Legal Counsel Enbridge Gas Distribution Inc. Tel: 416-758-4761 <a href="mailto:guri.pannu@enbridge.com">guri.pannu@enbridge.com</a>
<b>INTERVENORS</b>	<b>Rep. and Contact Information for Service</b>
<b>Pollution Probe</b>	<b>Michael Brophy</b> Consultant for Pollution Probe Michael Brophy Consulting Inc. Tel: 647-330-1217 <a href="mailto:michael.brophy@rogers.com">michael.brophy@rogers.com</a>
<b>Three Fires Group</b>	<b>Lisa (Elisabeth) DeMarco</b> Senior Partner and Chief Executive Officer Resilient LLP Tel: 647-991-1190 <a href="mailto:lisa@resilientllp.com">lisa@resilientllp.com</a>

Enbridge Gas Inc.  
EB-2023-0175

**APPLICANT & LIST OF INTERVENORS**

October 4, 2023

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**Three Fires Group**

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