



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. 2

October 24, 2023

EPCOR Natural Gas Limited Partnership (EPCOR) 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 (Project). The proposed pipelines would supply natural gas to approximately 423 new customers who currently do not have access to natural gas service. The Project has qualified for financial support under the government of Ontario's Natural Gas Expansion Program.

EPCOR has 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 asking the OEB for final 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 is 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.

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.

The OEB issued the Notice of Hearing on July 24, 2023.

The OEB issued Procedural Order No. 1 on August 30, 2023. Enbridge Gas Inc. (Enbridge Gas) and Environmental Defence (ED) were approved as intervenors, and ED was granted eligibility to apply for an award of costs. The OEB subsequently approved the Municipality of Brockton as an intervenor.¹

Among the other matters addressed in Procedural Order No. 1 were the OEB's determination on the confidentiality of certain personal information; a timeline for interrogatories on the EPCOR evidence and EPCOR's responses; and a timeline for submissions on the need for a technical conference in this proceeding.

OEB staff filed written interrogatories on Enbridge Gas's evidence on September 18, 2023.² Intervenors filed written interrogatories on EPCOR's evidence on September 28, 2023. EPCOR filed its interrogatory responses on October 12, 2023.

ED and OEB staff filed submissions on the need for a technical conference on October 16, 2023. EPCOR filed its reply submission on October 18, 2023.

Technical Conference

In its intervention request, ED stated that it may request that the OEB make provision for a technical conference.

In Procedural Order No. 1, the OEB stated that it would determine the need for a technical conference after the responses to interrogatories had been filed. The OEB provided for OEB staff and intervenors to file comments on the need for a technical conference and for a response from EPCOR.

In its submission on the need for a technical conference, ED stated that it has follow-up questions to its interrogatories regarding:

- a) Information that was not disclosed by EPCOR in this proceeding, but that ED said has been disclosed by other applicants in other proceedings
- b) The appropriateness of the volume and soil handling cost variance accounts being requested by EPCOR

¹ Due to a system error, the Municipality of Brockton's intervention request went unnoticed until September 7, 2023, at which time the OEB granted the intervention request by way of a letter issued that same day.

² In response to updated evidence filed by EPCOR on September 19, 2023, OEB staff filed a set of supplemental interrogatories on September 22, 2023.

OEB staff submitted that a technical conference is needed to gain a full understanding of EPCOR's interrogatory responses, many of which address complex rate-making issues.

EPCOR did not object to a technical conference but requested that, "an issues list be created in order to guide the proceeding, avoid undue delays, and provide EPCOR an opportunity to focus its preparation efforts on outstanding issues, beyond the entirety of all of the evidence it has placed on the record to this point."

Findings

The OEB will hold a transcribed technical conference for parties to ask clarification questions related to interrogatory responses filed by EPCOR.

The OEB finds that the [standard issue list for natural gas Leave to Construct applications](#) is sufficient for the purposes of guiding this proceeding including the technical conference. The OEB understands EPCOR's request to mean that it would like each party to file an outline of the topics it intends to address at the technical conference. Parties will be required to indicate in advance the topics they intend to address, and the time needed at the technical conference to do so.

Parties are reminded that they are expected to work cooperatively to ensure the time reserved for the technical conference allows for all parties to ask questions without duplication.

The technical conference will be held virtually. Details and instructions regarding participation will be circulated in advance of the technical conference.

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. A one-day transcribed technical conference is scheduled for **November 14, 2023**, beginning at 9:30 a.m. Information on how to participate in the conference will be communicated at a later date.
2. Parties shall file a summary of the topics they intend to address at the technical conference, and the time needed, by **October 30, 2023**.

3. EPCOR shall file with the OEB complete written responses to all undertakings from the technical conference and serve them on all intervenors by **November 28, 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, **October 24, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar