



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Municipality of Chatham
Kent and Municipality of Lakeshore**

**PROCEDURAL ORDER NO. 8
October 30, 2023**

Enbridge Gas Inc. (Enbridge Gas) originally applied to the Ontario Energy Board (OEB) on June 10, 2022, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to construct a project which included approximately 19 kilometres of natural gas pipeline from its Dover Transmission Station in the Municipality of Chatham Kent to its existing pipeline in the Municipality of Lakeshore (Panhandle Loop) and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington (Leamington Interconnect). The project also involved valve site station work required to tie in the proposed pipelines. Enbridge Gas also applied to the OEB for approval of the form of land-use agreements it has or will offer to landowners on the route of the project.

Enbridge Gas filed an amended application on June 16, 2023. In the amended application, Enbridge Gas stated that it reassessed the project and decided to remove the Leamington Interconnect. Enbridge Gas also updated the project demand forecast, project construction and in-service schedules, the costs and economics and the other evidence affected by the changes in the project's scope, schedule and costs.

In Procedural Order No. 6, dated July 28, 2023, the OEB, among other matters, set a timeline for written interrogatories on Enbridge Gas's amended application.

In Procedural Order No. 7, dated September 21, 2023, the OEB granted the requested extension to file interrogatory responses on the amended application and updated interrogatory and undertaking responses. Procedural Order No. 7 also set the schedule for a hybrid hearing (in-person and virtual), following the written discovery process. The

hybrid hearing was scheduled to be held from October 23 – 24, 2023 and if necessary, was to continue for one additional day on October 27, 2023.

Enbridge Gas filed, on October 3, 2023, interrogatory responses on its amended application and updated interrogatory and undertaking responses.

On October 18, 2023, the OEB postponed the hybrid hearing for administrative reasons and cancelled the remaining dates set out in Procedural Order No. 7.

This procedural order sets out new dates for the hybrid hearing and the remaining steps in this proceeding, including an additional procedural step for the Ontario Greenhouse Vegetable Growers to file evidence.

Ontario Greenhouse Vegetable Growers (Greenhouse Growers) Evidence

The OEB notes that forecasted demand from greenhouses in the area is driving a significant portion of the need for this project. The OEB is therefore interested in further information from the Greenhouse Growers concerning the greenhouse industry and requests written evidence, in accordance with the timeline set out below, addressing but not limited to the following topics:

- a general description of the greenhouse industry and how it operates
- the role of energy in the greenhouse business
- the role that Demand Side Management alternatives have in greenhouse operations
- alternative energy options to natural gas for greenhouses

Discovery on this evidence will be by cross-examination of the Greenhouse Growers' witnesses at the hybrid hearing.

The OEB further notes that time for Greenhouse Growers' counsel to assist with the preparation of this evidence and for witness preparation for the hybrid hearing are eligible for cost recovery.

While time spent by internal Greenhouse Growers staff is not cost award eligible under the *Practice Direction on Cost Awards*, such a representative would be entitled to reasonable disbursement costs to attend the hybrid hearing in person and give evidence. An internal Greenhouse Growers representative giving evidence at the hybrid hearing may also be entitled for an honorarium for such attendance given the OEB's request for this evidence in this proceeding.

Hybrid Hearing

The hybrid hearing will be held from **November 13 to 15, 2023**.

The hearing will focus on the same issues outlined in Procedural Order No. 7, which are: project need, alternatives and cost and economics, including the applicability of EBO 134 and EBO 188. Issues relating to environmental impacts, landowner matters, Indigenous consultation and conditions of approval will proceed directly to written submissions and should not be canvassed in the hybrid hearing.

The OEB also notes that matters relating to energy transition and integrated resource planning, to the extent they may be relevant to the application, are within the scope of the proceeding.

The hearing will be held in the OEB's hearing room at 2300 Yonge Street, 25th floor. Parties will also be able to participate virtually; further information in that regard will be communicated to parties closer to the hearing start date.

The OEB provides the following directions with respect to the hybrid hearing.

Enbridge Gas, Environmental Defence and the Greenhouse Growers shall make every effort to have their witnesses attend in person at the hybrid hearing. The OEB is of the view that having these panels available in person will facilitate a more efficient process.

Intervenors can choose if they would like to attend, and cross-examine, in person or virtually.

In addition, as noted in the OEB's October 11, 2023 letter, Enbridge Gas will provide a 20 minute presentation on the Panhandle system and proposed project. This will be followed by a five minute opening statement from each intervenor.

When it is the turn of Environmental Defence and the Greenhouse Growers to present their evidence, the OEB would be assisted by a brief overview of the evidence by way of direct examination. The OEB expects parties to work directly with OEB staff to develop an effective hearing schedule. The OEB also expects parties to coordinate efforts and be mindful of the amount of hearing time available. OEB staff will contact the parties directly to begin the process of preparing a hearing schedule.

The OEB notes that masks are not mandatory at the OEB's offices, however it is a mask-friendly environment. Please stay home if you are sick or have symptoms of illness, even if they are mild. If you are not well, please join the hearing virtually.

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. Greenhouse Growers shall file its written evidence with the OEB and serve it on all parties by **November 6, 2023**.
2. The OEB will hold a hybrid hearing in the OEB's hearing room at 2300 Yonge Street, 25th floor, Toronto, starting at 9:30 a.m. on **November 13, 2023 to November 15, 2023**. For parties that wish to participate virtually, further information on how to participate virtually will be communicated to parties closer to the date.
3. Responses to undertakings given at the hybrid hearing shall be filed with the OEB and sent to all parties by **November 22, 2023**.
4. Enbridge Gas shall file its argument-in-chief with the OEB and serve it on all intervenors by **November 30, 2023**.
5. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **December 14, 2023**.
6. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all intervenors by **January 18, 2024**.

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-2022-0157** 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, Zora Crnojacki at Zora.Crnjacki@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **October 30, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar