



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Townships of
Admaston/Bromley, North Algona Wilberforce and
Bonnechere Valley**

**PROCEDURAL ORDER NO. 1
November 22, 2023**

Enbridge Gas Inc. (Enbridge Gas) 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), for an order granting leave to construct approximately 22 kilometres of natural gas pipeline and associated facilities in the Townships of Admaston/Bromley, North Algona Wilberforce and Bonnechere Valley. The proposed project consists of:

- approximately 11 kilometres of nominal pipe size (NPS) 8-inch polyethylene (PE) natural gas pipeline and approximately 50 metres of a combination of NPS 6-inch and 8-inch steel natural gas pipeline to be constructed as part of Phase 1 of the project
- approximately 11 kilometres of NPS 8-inch PE natural gas pipeline to be constructed as part of Phase 2 of the project.

The proposed pipeline would supply natural gas to approximately 723 customers in the Townships of Admaston/Bromley, North Algona Wilberforce and Bonnechere Valley who currently do not have access to natural gas service.

Enbridge Gas has also applied to the OEB for approval of the form of land use agreements it offers to landowners for the routing and construction of the project.

Enbridge Gas is also seeking approval of new municipal franchise agreements with and certificates of public convenience and necessity for the Townships of North Algona Wilberforce and Bonnechere Valley.

A Notice of Hearing was issued on October 16, 2023. Environmental Defence and Pollution Probe applied for intervenor status and cost eligibility.

Enbridge Gas filed a letter dated November 20, 2023, informing the OEB that it does not object to the intervention of Environmental Defence and Pollution Probe.

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

All intervenors are encouraged to coordinate efforts to the extent possible. Pursuant to section 5.01 of the Practice Direction, in determining the amount of a cost award to a party, the OEB may consider, among other things, whether the party has demonstrated through its participation and documented in its cost claim that it has made reasonable efforts to combine its intervention with that of one or more similarly interested parties, and to co-operate with all other parties. Cost eligible intervenors should also 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.

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 Lists (Exhibit G/Tab 1/Schedule 1/Attachments 3 and 4).

Enbridge Gas has also requested confidential treatment of the original signatures of municipal representatives in the bylaw, resolution and municipal franchise agreement documents (Exhibit A/Tab 2/Schedule 1/Attachments 3, 6 and 7). Enbridge Gas redacted these original signatures to avoid the potential for identity theft and other unauthorized uses of the signatures contained within these documents. Enbridge Gas also stated that redacting the original signatures does not impact the public's ability to understand the intent of the application and form an opinion.

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 (Exhibit F/Tab 1/Schedule 1/ Attachment 1) and in the Landowner Lists (Exhibit G/Tab 1/Schedule 1/ Attachments 3 and 4) 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 regarding property owners shall remain redacted and shall not be provided to the intervenors in this proceeding.

The OEB also grants Enbridge Gas's request to redact the original signatures in the bylaw, resolution and municipal franchise agreement documents (Exhibit A/Tab

2/Schedule 1/Attachments 3, 6 and 7) on the basis of Enbridge Gas's concern with the potential for identity theft and unauthorized use.¹

Filing of Intervenor Evidence

In its letter of intervention, Environmental Defence stated that it wished to file evidence in this proceeding and that it could provide a letter outlining that evidence and the expected cost.

In its letter dated November 20, 2023, Enbridge Gas noted that Environmental Defence did not provide details regarding the nature of its proposed evidence. Enbridge Gas stated it is not able to comment on the relevance of Environmental Defence's proposed evidence at this time and reserves its right to challenge the proposed evidence once clarity is provided.

The OEB will make a determination on requests 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

Environmental Defence stated that it may request that the OEB make provision for a technical conference following the receipt of interrogatory responses.

The OEB will make its determination on the request 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

¹ The OEB notes that the original signatures have been replaced by the printed name and title of the individuals. The OEB notes that it made a similar finding in its Decision on Confidentiality, dated November 3, 2023, in EB-2023-0175 with respect to the signature of Waste Management of Canada Corporation's president's signature.

out in this Procedural Order. Enbridge Gas 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 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, **December 8, 2023**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **January 12, 2024**.
3. 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 **January 18, 2024**.
4. Enbridge Gas may file a response to the comments regarding the need for a technical conference with the OEB by **January 22, 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-2023-0201** 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, Catherine Nguyen at Catherine.Nguyen@oeb.ca and OEB Counsel, Jamie Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **November 22, 2023**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
ENBRIDGE GAS INC.
EB-2023-0201
PROCEDURAL ORDER NO. 1

Enbridge Gas Inc.
EB-2023-0201

APPLICANT & LIST OF INTERVENORS

November 22, 2023

APPLICANT

Rep. and Contact Information for Service

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INTERVENORS

Rep. and Contact Information for Service

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Canada Inc.**

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Enbridge Gas Inc.
EB-2023-0201

APPLICANT & LIST OF INTERVENORS

November 22, 2023

**Environmental Defence
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