

November 29, 2023

VIA EMAIL and RESS

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario, M4P 1E4

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas or the Company)
Ontario Energy Board (OEB) File Nos.
EB-2022-0156 – Selwyn Community Expansion Project (“Selwyn Project”)
EB-2022-0248 – Mohawks of the Bay of Quinte Community Expansion Project
(“MBQ Project”)
EB-2022-0249 – Hidden Valley Community Expansion Project (“Hidden Valley
Project”)
Cessation of Construction**

On September 21, 2023, the OEB issued three Decisions and Orders (the “LTC Decisions”) in the above-noted proceedings, finding that the Selwyn Project, MBQ Project, and Hidden Valley Project (the “Projects”) are in the public interest and granting leave to construct the Projects.

Pursuant to the applicable Conditions of Approval included with each LTC Decision, Enbridge Gas has submitted to the OEB, among other post-hearing filings:

Selwyn Project

- on September 21, a notice of the expected date for commencing construction (October 2, 2023); and
- on November 21, a notice of the planned in-service date (December 1, 2023).

MBQ Project

- on October 17, a notice of the expected date for commencing construction (October 27, 2023).

Hidden Valley Project

- on September 2, a notice of the expected date for commencing construction (October 2, 2023);
- on October 30, a notice of the planned in-service date (November 9, 2023);
- on November 7, a notice of the date for construction completion (November 3, 2023); and
- on November 7, a notice of the in-service date (November 3, 2023).

On September 27, Environmental Defence (ED) filed with the OEB an Amended Notice of Motion (EB-2023-0190) to review and vary the LTC Decisions as well as the OEB's interlocutory decision that denied ED's proposal to file certain heat pump-related evidence in each of the three proceedings. Based on the OEB's October 18th procedural order (EB-2023-0313) regarding ED's motion, the final procedural step to occur before the OEB's writing and issuance of a decision on the motion is the filing of ED's reply submissions by November 29. Based on the OEB's performance standards,¹ it is possible for a decision on the motion to be issued as late as the second half of February next year.

On October 19, ED also sent a letter to Enbridge Gas to request that construction cease on the three Projects and to put Enbridge Gas on notice that "it bears any related legal and financial risks of proceedings with [the Projects] prior to a determination of the review motion".

The OEB issued a letter on October 11 to place the then ongoing Bobcaygeon Community Expansion Project (EB-2022-0111) into abeyance pending determination of the ED motion.

Without taking a position on ED's October 19th letter, it is clear to Enbridge Gas that the Projects continue to face significant regulatory uncertainty. Enbridge Gas hereby advises the OEB that it is ceasing remaining construction activities related to the Projects, effective immediately. Further to the in-service timing for the Selwyn Project (expected by December 1) and Hidden Valley Project (November 7) previously communicated to the OEB, additional construction activities remain to complete the planned service connections and attach customers to those Projects (including some customers that have already made arrangements to connect prior to year-end). Where services are already installed, Enbridge Gas is committed to work directly with the customers that are ready to connect forthwith and that may have limited heating options this winter season, to provide them gas access despite the cessation of construction on the Projects.

Enbridge Gas moved expeditiously to initiate construction on the three Projects as soon as reasonably practicable after the OEB issued its LTC approvals. However, in light of the ongoing regulatory uncertainty that remains outside of Enbridge Gas's control and the material costs that remain to complete service connections on the Selwyn Project and Hidden Valley Project and complete the gas main and services on the MBQ Project, Enbridge Gas has had to stop construction on the Projects to meet its fiduciary duty to its shareholders until there is finality and certainty in the regulatory process. Enbridge Gas will also communicate this cessation of construction to impacted municipalities, Indigenous communities and residents.

¹ Based on a decision writing period of up to 60 calendar days for review motions and taking into account the OEB's upcoming Holiday Timeout of approximately 21 days.

Respectfully, Enbridge Gas reiterates the request made at the end of its November 15th responding submissions on the ED motion – that the motion be addressed in a timely way to avoid further timing impact on community expansion projects.

Please contact me if you have any questions.

Yours truly,

Mark Kitchen

Mark Kitchen
Director, Regulatory Affairs and Ombuds Office

cc: Ted Antonopoulos, Vice President, Applications Division (OEB)