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# **DECISION ON INTERVENOR EVIDENCE, CONSOLIDATION OF NATURAL GAS EXPANSION PROGRAM-RELATED PROCEEDINGS, TECHNICAL CONFERENCE, AND PROCEDURAL ORDER NO. 2**

**EB-2023-0200**

**ONTARIO ENERGY BOARD**

**Application for leave to construct natural gas pipeline and  
associated facilities in the Community of Sandford in the  
Township of Uxbridge**

**BEFORE: Robert Dodds**  
Presiding Commissioner

**Michael Janigan**  
Commissioner

**David Sword**  
Commissioner

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**February 29, 2024**



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# 1 OVERVIEW

Enbridge Gas Inc. (Enbridge Gas) 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 13 kilometres of natural gas pipeline and associated facilities in the Community of Sandford, within the Township of Uxbridge. The proposed pipeline will supply natural gas to approximately 183 customers in the Community of Sandford who currently do not have access to natural gas service. Enbridge Gas also 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.

Enbridge Gas is also seeking approval to cancel and supersede the existing Certificates of Public Convenience and Necessity held by Enbridge Gas for the former Town of Uxbridge, the former Township of Uxbridge and the former Township of Scott and replace them with a single Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Uxbridge.

The project was selected to be eligible to receive funding assistance as part of Phase 2 of the Government of Ontario's Natural Gas Expansion Program (NGEP), which provides financial support to help utilities expand natural gas distribution into communities that are not currently connected to the natural gas system.

During the course of this proceeding, the approved intervenors, Environmental Defence, Elizabeth Carswell and Pollution Probe made several requests. Environmental Defence requested:

- Approval to file heat pump evidence, demonstrating the cost-effectiveness of heat pumps relative to natural gas
- Approval to file survey evidence to test the survey and customer connection forecast evidence submitted by Enbridge Gas, based on a community survey that Environmental Defence would conduct in the Community of Sandford
- That the OEB consolidate the hearing of the four Enbridge Gas NGEP-related applications (Bobcaygeon, Sandford, Eganville, Neustadt) and the EPCOR Natural Gas Limited Partnership (EPCOR) Brockton application,<sup>1</sup> (which has now been withdrawn by EPCOR), given the overlap in the issues and evidence

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<sup>1</sup> EB-2022-0246

- That a joint technical conference be held for the (then) five NGEF-related applications

Elizabeth Carswell requested to file heat pump evidence and the results of a survey that she conducted in the Fall of 2023 of 100 Sandford residents who are part of the expansion.

Pollution Probe supported Environmental Defence's evidence proposal, and also requested a short technical conference and/or oral hearing.

For the reasons that follow, the OEB denies the requests made by Environmental Defence and Pollution Probe, and the admission of the results of Elizabeth Carswell's survey into evidence.

## 2 PROCESS

On August 16, 2024, Enbridge Gas filed an application for leave to construct 13 kilometres of natural gas pipeline and associated facilities in the Community of Sandford, within the Township of Uxbridge. The OEB issued a Notice of Hearing on September 11, 2023.

Environmental Defence, Pollution Probe and Elizabeth Carswell applied for intervenor status and were approved as intervenors. In its intervention request, Environmental Defence stated that it wished to file heat pump evidence in this proceeding and provided a brief description of its proposed evidence. Elizabeth Carswell also mentioned, in her intervention request, that she may wish to file evidence. Environmental Defence further stated that it may request that the OEB provide for a technical conference following the receipt of interrogatory responses.

In Procedural Order No. 1, issued October 19, 2023, the OEB stated that it would decide on requests to file evidence, and any process associated with those requests, at a later date. The OEB also stated that it would make its determination on a technical conference after the responses to interrogatories were filed. The OEB provided for the filing of interrogatories on Enbridge Gas's evidence by OEB staff and intervenors and for responses by Enbridge Gas. The OEB also provided for the filing of comments on the need for a technical conference.

OEB staff and intervenors filed interrogatories on November 2, 2023 and Enbridge Gas filed its interrogatory responses on November 16, 2023. OEB staff and intervenors filed comments on the need for a technical conference on November 20, 2023 and Enbridge Gas filed a response to these comments on November 22, 2023.

In letters filed on November 20, 2023, and November 27, 2023, Elizabeth Carswell confirmed her request to file evidence in this proceeding<sup>2</sup>; provided a description of the evidence; and requested direction from the OEB on the presentation of this evidence.

In addition to its letter filed on November 22, 2023 responding to comments by OEB staff and intervenors on the need for a technical conference, Enbridge Gas filed a further letter on November 28, 2023 providing further comments regarding the need for a technical conference and addressing Elizabeth Carswell's request to file evidence.

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<sup>2</sup> Elizabeth Carswell, letters dated November 19, 2023

On November 29, 2023, the OEB issued a letter placing the proceeding in abeyance, pending the OEB's determination on a motion to review filed by Environmental Defence relating to three Enbridge Gas community expansion projects. On September 27, 2023, Environmental Defence filed a Motion to Review<sup>3</sup> the OEB's decisions (relating to the admissibility of intervenor evidence and to the merits of the applications) in the proceedings for Enbridge Gas's Selwyn; Mohawks of the Bay of Quinte and Shannonville; and Hidden Valley community expansion projects.<sup>4</sup>

In its November 29, 2023 letter, the OEB stated that the matters cited in the Motion to Review raise issues that are relevant to this proceeding. The OEB noted Environmental Defence's request to file evidence in this proceeding<sup>5</sup>, the nature of which is highly similar to the evidence that it sought to file in the above-noted proceedings. The OEB also noted Elizabeth Carswell's requests<sup>6</sup> to file evidence in this proceeding, stating that Elizabeth Carswell's description of the evidence is similar to the evidence proposed by Environmental Defence but differs in that Elizabeth Carswell also proposes to include the results of a survey of Sandford residents that she conducted in Fall 2023 regarding their interest in natural gas service.

The OEB stated that from the perspective of adjudicative efficiency, it found it prudent to provide directions on the two requests to file evidence in this proceeding after it had considered the Motion to Review. The OEB further noted that in accordance with Procedural Order No. 1, OEB staff, intervenors and Enbridge Gas had filed comments on the need for a technical conference in the current proceeding. The OEB stated that it would advise whether a technical conference will be scheduled when it rendered its determination on the requests to file evidence.

On December 4, 2023, Environmental Defence withdrew the part of its motion relating to the Mohawks of the Bay of Quinte and Shannonville project and the OEB confirmed withdrawal of this portion of the motion.

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<sup>3</sup> EB-2023-0313 Motion to Review and Vary OEB Decisions in EB-2022-0156/EB2022-0248/EB-2022-0249

<sup>4</sup> EB-2022-0156 – Selwyn Community Expansion Project; EB-2022-0248 – Mohawks of the Bay of Quinte and Shannonville Community Expansion Project; EB-2022-0249 – Hidden Valley Community Expansion Project

<sup>5</sup>Environmental Defence, Intervention Request Letter, dated September 12, 2023

<sup>6</sup> Elizabeth Carswell, letters dated November 19, 2023

The OEB issued a decision<sup>7</sup> on December 13, 2023 denying the remainder of Environmental Defence's motion with respect to the other two community expansion projects noting that the OEB's orders approving the three projects remain in full force and effect.

On December 14, 2023, Environmental Defence filed a letter with respect to the Enbridge Gas NGEF applications being heard by the OEB at that time (Bobcaygeon, Sandford, Eganville, Neustadt) and the EPCOR Brockton application (which has now been withdrawn by EPCOR), proposing that:

- The OEB consolidate the hearing of these natural gas expansion projects given the overlap in the issues and evidence
- A joint technical conference for these projects be convened
- Environmental Defence be allowed to file evidence with respect to the Enbridge Gas natural gas expansion projects based on community surveys that it will conduct (survey evidence)

Enbridge Gas filed a response on December 21, 2023 stating that the OEB should reject Environmental Defence's proposals.

On December 28, 2023, the OEB issued a letter seeking clarification from Environmental Defence, by January 11, 2024, on the type of evidence it is proposing, the timing and costs for this evidence, details on the information that it would include in its survey and Environmental Defence's expectations regarding the continuation of the existing level of heat pump subsidies and the federal charge on carbon until 2030.

Environmental Defence filed responses to the OEB's questions on January 11, 2024.

On January 12, 2024, Elizabeth Carswell filed a letter in response to Enbridge Gas's letter of November 28, 2023, setting out her reasons supporting the need for a technical conference and responding to Enbridge Gas's comments on her survey methodology.

On January 18, 2024, Enbridge Gas filed a letter addressing Environmental Defence's January 11, 2024 response letter to the OEB stating that Environmental Defence's request to file survey evidence should be denied. In the same letter, Enbridge Gas submitted that Elizabeth Carswell's proposed survey evidence should also be denied.

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<sup>7</sup> EB-2023-0313 Decision on Motion to Review and Vary OEB Decisions in EB-2022-0156/EB2022-0248/EB-2022-0249

Environmental Defence filed a further response letter on January 18, 2024 contesting Enbridge Gas's comments in its January 18, 2024 letter.

On January 19, 2024, Environmental Defence filed an additional letter regarding its proposed survey evidence, requesting that Enbridge Gas confidentially share information with the public opinion research firm that it intends to retain in order to reduce the time and cost of the surveys it wishes to conduct. Enbridge Gas filed a response to Environmental Defence's request on February 2, 2024.

The OEB has reviewed the requests, responses and comments provided by OEB staff, intervenors and Enbridge Gas. This Decision addresses the following matters:

- Proposed evidence of Environmental Defence and Elizabeth Carswell
- Consolidation of the four Enbridge Gas NGEPA applications (Bobcaygeon, Sandford, Neustadt, and Eganville)
- Request for a technical conference
- Pollution Probe's request for an oral hearing



### 3 DECISION

#### 3.1 Proposed Evidence of Environmental Defence and Elizabeth Carswell

In its intervention request filed on September 12, 2023, Environmental Defence stated that it seeks to provide evidence relating to the risk that the Enbridge Gas revenue forecast for the project will not materialize due to customers choosing to adopt alternatives to fossil methane gas heating over time, especially electric heat pumps. Environmental Defence stated that this will include evidence on the cost-effectiveness of electric heat pumps versus traditional gas equipment on an annual and lifetime basis (heat pump evidence). Environmental Defence submitted that this evidence directly relates to the financial risks for customers under Issue Three of the generic Issues List for leave to construct applications and to potential conditions of approval under Issue Seven, in that conditions may be warranted relating to appropriate communications to potential new customers on the cost-effectiveness of various heating options.

Environmental Defence stated that it would be in a better position to define the scope of evidence that it seeks to submit following the receipt of interrogatory responses and suggested that the responses may help to reduce the scope of intervenor evidence that is required. Environmental Defence proposed to submit an estimate of the scope and cost within one week of receiving the interrogatory responses, stating that it anticipates that the evidence can be developed quickly (i.e., in a few weeks) and for a very modest cost (i.e., between \$0 and \$10,000).

In letters filed on November 20, 2023 and November 27, 2023, Elizabeth Carswell requested to file evidence and provided a description of the evidence that includes:

- a) savings related to cold climate air sourced heat pumps that she stated was made available to residents of Sandford and was included in a presentation she made to the Township of Uxbridge Council
- b) the results of a survey that she conducted in the Fall of 2023 of 100 Sandford residents who are part of the expansion (survey evidence)

In a letter filed on November 22, 2023, Enbridge Gas noted that the OEB previously denied Environmental Defence's evidence proposal to file heat pump evidence.

Enbridge Gas referenced the OEB's April 17, 2023 decision<sup>8</sup> denying Environmental Defence's request to file heat pump evidence in three Enbridge Gas NGEP applications (Selwyn, Mohawks of the Bay of Quinte and Shannonville, and Hidden Valley) (Decision on Intervenor Evidence). Enbridge Gas submitted that the OEB should deny Elizabeth Carswell's request to file heat pump evidence on the same basis as set out by the OEB in the Decision on Intervenor Evidence.

Regarding Elizabeth Carswell's request to file survey evidence, Enbridge Gas noted that no details were provided regarding the reliability of the survey including the sample size, the survey design (i.e., the survey questions), the statistical significance/confidence intervals and the survey methodology used to gather the data. Enbridge Gas stated that if the OEB allows for the survey to be filed, Enbridge Gas requests the right to ask interrogatories on the survey to determine the applicability of the survey and the findings in this proceeding.

Enbridge Gas filed another letter on November 28, 2023, reiterating that the OEB should deny Elizabeth Carswell's request to file heat pump evidence on the same basis as set out by the OEB in the Decision on Intervenor Evidence. Enbridge Gas also asked the OEB to consider the purpose and value of the survey evidence proposed by Elizabeth Carswell in this proceeding, arguing that it does not appear to be connected to enabling access to natural gas. Enbridge Gas submitted that the OEB should consider the value of the survey evidence considering that no details have been provided regarding the survey methodology. Enbridge Gas also submitted that the OEB has not expressed any concerns or identified any deficiencies regarding its surveys in prior community expansion applications that have been approved by the OEB and the survey filed by Enbridge Gas in this proceeding is consistent with the approach taken for prior surveys.

On December 14, 2023, Environmental Defence filed a letter requesting permission to file survey evidence. Environmental Defence filed a letter on January 11, 2024, in response to OEB clarification questions, confirming that it continues to seek to file heat pump evidence, but that the proposed evidence is reduced in scope and cost given that Enbridge Gas has submitted additional evidence relating to the comparison of heat pump and gas heating costs in three expansion projects (Selwyn; Mohawks of the Bay of Quinte and Shannonville; and Hidden Valley) and the Ministry of Energy has developed its own analysis.

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<sup>8</sup> EB-2022-0156/EB-2022-0248/EB-2022-0249, Decision on Intervenor Evidence and Confidentiality, April 17, 2023

With respect to the survey evidence, Environmental Defence stated that it wishes to retain a public opinion research firm to conduct community surveys to gauge the likely number of connections and to test the survey and customer connection forecast evidence submitted by Enbridge Gas. Environmental Defence stated that its survey would be similar to Enbridge Gas's survey but would correct a number of methodological errors, identifying several alleged deficiencies in the Enbridge Gas survey, including potential misleading information in the survey script.

Enbridge Gas filed a letter on December 21, 2023 stating that the OEB should reject Environmental Defence's proposal to file survey evidence, noting the lateness of the request and stating that this is not likely to provide more accurate information regarding consumer and community interest in natural gas system expansion than that of the Government of Ontario's and Enbridge Gas's information.

Enbridge Gas further stated that the projects and their associated communities were selected by the Ministry of Energy to receive funding through Phase 2 of the Government's NGEF and, as part of that process, were specifically assessed by the Government and the OEB among hundreds of other applications related to other projects and communities. Enbridge Gas submitted that the granting of NGEF funding was rooted in extensive community consultation and support, together with local, geo-targeted market analysis to assess and substantiate consumer interest in natural gas. Enbridge Gas also submitted that the OEB has accepted Enbridge Gas's survey methodologies (and described no errors, inaccuracies or bias as suggested by Environmental Defence), referencing the OEB's decisions approving the Selwyn, Mohawks of the Bay of Quinte and Shannonville, and Hidden Valley applications.

Enbridge Gas also stated that if the OEB were to permit Environmental Defence's proposed survey evidence, it should ensure that the evidence is produced objectively (with the intention of supporting the OEB's assessment of the community expansion applications beyond the information that is already available to it) rather than to promote Environmental Defence's interests (i.e., the promotion of electric heat pumps and the opposition to natural gas expansion projects).

Enbridge Gas submitted that the OEB should consider the material delay that would arise from admitting Environmental Defence's evidence resulting from the preparation, execution and testing of the evidence, all of which may delay the proceedings by several months. Enbridge Gas further submitted that, if the OEB permits Environmental Defence to file its proposed evidence, Enbridge Gas requires the opportunity for discovery and to file responding evidence.

On January 18, 2024, Enbridge Gas filed another letter addressing Environmental Defence's January 11, 2024 response letter to the OEB, reiterating that the proposed survey evidence of Environmental Defence should be denied for the reasons laid out in its December 21, 2023 letter.

Enbridge Gas additionally argued that the evidence proposed by Environmental Defence and Elizabeth Carswell will omit information on factors that could impact the cost-effectiveness of heat pumps, such as the possible end of carbon pricing. Enbridge Gas stated that based on the information provided by these intervenors, the intention and effect of their survey methodologies appears to be the promotion of electric heat pumps and the opposition of natural gas expansion projects. Enbridge Gas argued that the proposed evidence should not be funded by natural gas ratepayers and that surveys not squarely aimed at accurately assessing consumer interest in attaching to the natural gas system would not yield reliable results for the purpose of forecasting natural gas attachments.

Enbridge Gas also opposed Elizabeth Carswell's statement that some consumers who are not interested in converting to natural gas would not have responded to Enbridge Gas's survey, arguing that this statement has no basis and reflects a misunderstanding of Enbridge Gas's survey methodology. Enbridge Gas stated that its surveys are designed to identify actual consumer interest in converting to natural gas which includes assessing the number of consumers that are not interested in converting to natural gas. Enbridge Gas argued that the OEB has accepted Enbridge Gas's survey methodologies and has not expressed any concerns, including in its most recent decisions, regarding the level of engagement or response from consumers that are not interested in converting to natural gas.<sup>9</sup>

On January 18, 2024, Environmental Defence filed a further response to Enbridge Gas's January 18, 2024 letter arguing that Enbridge Gas's assertions that heat pumps are no longer cost effective without carbon pricing is not correct as Enbridge Gas has misunderstood the evidence of Environmental Defence filed in a different proceeding (Panhandle Regional Expansion Project<sup>10</sup>) and misapplied it in this proceeding. Environmental Defence argued that with the inclusion of the System Expansion Surcharge for the NGEP projects, which does not apply in the Panhandle Regional Expansion Project, heat pumps continue to be cost-effective in these gas expansion communities even without a price on carbon. Environmental Defence also responded to Enbridge Gas's allegation that its survey would not be aimed at accurately assessing

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<sup>9</sup> EB-2022-0156, OEB Decision and Order (September 21, 2023), pp. 12, 19, 20.

<sup>10</sup> EB-2022-0157 Panhandle Regional Expansion Project

consumer interest in attaching to the natural gas system. Environmental Defence argued that its survey would be squarely aimed at accurately assessing consumer interest in attaching to the natural gas system and that is what it has advised the OEB. Environmental Defence stated that those would be the instructions to the experts, along with the requirement to conduct the survey and prepare the evidence in a way that is fair, objective and non-partisan.

Environmental Defence further argued that Enbridge Gas's critique of its proposed survey evidence is entirely speculative and unfair given that Environmental Defence has not prepared the survey script and its critique should be reserved for argument and is not a valid reason to disallow an opportunity to file evidence.

On January 19, 2024, Environmental Defence filed an additional letter regarding its proposed survey evidence, requesting that Enbridge Gas confidentially share information with the public opinion research firm that it intends to retain in order to reduce the time and cost of the surveys it wishes to conduct. The information requested pertains to property addresses and contact information for: (a) properties that could be connected to the new pipeline; and (b) individuals that responded to Enbridge Gas's surveys.

Enbridge Gas filed a response to Environmental Defence's request on February 2, 2024 stating that it cannot share the property address information used for its earlier surveys because it was directly derived from the Municipal Property Assessment Corporation, and it does not have the rights to distribute such information to Environmental Defence and/or its vendor. Enbridge Gas stated that it can provide maps which can be used by Environmental Defence and/or its vendor to derive the addresses for properties that could connect to the four NGEP projects (Bobcaygeon, Sandford, Eganville, Neustadt). Enbridge Gas further stated it cannot provide the requested information regarding survey respondents because the identities of survey respondents were not tracked.

### Related OEB Decisions

The OEB notes that Environmental Defence has previously sought to file evidence similar to the heat pump evidence that it proposed to file in the current proceeding and the OEB has made prior determinations on that evidence.<sup>11</sup>

On April 17, 2023, the OEB issued a decision denying Environmental Defence's request to file heat pump evidence in three Enbridge Gas NGEP applications (Selwyn, Mohawks

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<sup>11</sup> The OEB notes that no prior determinations have been made in respect of the proposed survey evidence.

of the Bay of Quinte and Shannonville, and Hidden Valley) (Decision on Intervenor Evidence). In the Decision on Intervenor Evidence, the OEB stated that the three projects are eligible for funding through the NGEP and that the purpose of the NGEP is to provide funding for projects to connect previously unserved communities to natural gas service that would otherwise be uneconomic. The OEB noted the availability of NGEP funding as “an important consideration in the determination of the public interest in providing the availability of natural gas service in unserved communities.”<sup>12</sup> The Decision on Intervenor Evidence also noted that “this application does not involve the OEB making a choice between the approval, or recommending the use, of such heat pumps instead of an expansion of natural gas facilities in serving the relevant communities.”<sup>13</sup>

In another leave to construct proceeding, for Enbridge Gas’s Panhandle Regional Expansion Project<sup>14</sup>, the OEB permitted Environmental Defence to present similar heat pump evidence. However, that project differs from the current project in some respects. First, it is not eligible for NGEP funding. Second, with an estimated cost of \$358 million, that is a much larger project than the project under consideration here.

On September 21, 2023, the OEB issued decisions approving the three applications (Final Decisions). The Final Decisions recognized that the approval of the leave to construct applications does not restrict customers in these communities from obtaining heat pumps either before or after an extension of natural gas service to these communities. The OEB acknowledged the potential benefits that heat pumps may afford customers and identified heat pump uptake as a potential risk to project viability. The OEB concluded that there were several financial and non-financial considerations influencing a customer’s decision to opt for natural gas service and referenced letters of support from the target communities and the market surveys, as reflecting the expressed preferences of people in these communities.

The OEB noted the financial risks of customers not connecting (or leaving the project) and stated that in approving these applications, it must ensure that the interests of all Enbridge Gas’s customers are also protected, and that one pillar of that protection is the implementation of a rate stability period (RSP) for the first 10 years. During the RSP, Enbridge Gas is responsible for any shortfall in revenues to meet its revenue requirement. The OEB stated that this provides some insulation against possible

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<sup>12</sup> EB-2022-0156/EB-2022-0248/EB-2022-0249, Decision on Intervenor Evidence and Confidentiality, April 17, 2023, p. 4.

<sup>13</sup> Ibid, p. 4

<sup>14</sup> EB-2022-0157, Panhandle Regional Expansion Project

underachievement of its customer-sign up estimates or projected natural gas consumption. The OEB also stated that in the first rebasing following the expiration of the RSP, it will review the actual project costs and revenues and determine what amount should be recognized in rates.

The OEB explicitly stated that:

all options will be available to the OEB ... with respect to the appropriate rate treatment of potential capital cost overruns and/or lower than forecast customer attachments/volumes (and associated revenues). Enbridge Gas is not guaranteed total cost recovery if actual capital costs and revenues result in an actual PI [profitability index] below 1.0.<sup>15</sup>

The OEB also recognized the contribution that all Enbridge Gas customers were making to subsidize the expansion of natural gas service to the communities funded through the NGEF:

There is a reasonable expectation that such customers will not be called upon to provide a further subsidy to compensate for post-RSP revenue shortfalls. As previously stated, the OEB's Decision in this proceeding is in keeping with the existing legislation and the OEB's own policies and decisions for implementation.<sup>16</sup>

In its decision on the Motion to Review, the OEB found, in part, that:

The Final Decisions demonstrate that the original panel was alive to Environmental Defence's concerns about Enbridge Gas's customer attachment forecast. Despite not being allowed to file the evidence it wanted to, Environmental Defence was able to elicit and test Enbridge Gas's evidence through interrogatories and to critique Enbridge Gas's evidence in its final submission.<sup>17</sup>

Indeed, in the Final Decisions, the original panel acknowledged the potential benefits that heat pumps may afford customers and identified heat pump uptake as a potential risk to project viability. The original panel concluded there were many different factors affecting a decision to opt for natural gas

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<sup>15</sup> EB-2022-0156, Final Decision, pp. 20-21; EB-2022-0248, Final Decision, p. 21; EB-2022-0249, Final Decision, p. 20

<sup>16</sup> EB-2022-0156, Final Decision, pp. 20-21; EB-2022-0248, Final Decision, p. 21; EB-2022-0249, Final Decision, p. 20

<sup>17</sup> EB-2023-0313, Decision on Motion to Review and Vary OEB Decisions in EB-2022-0156/EB-2022-0248/EB-2022-0249, p.15

service (with forecast revenue being only one consideration) and relied upon letters of support from the target communities and the market surveys.

In sum, Environmental Defence was able to make out its case. It was heard.<sup>18</sup>

On February 20, 2024, the OEB issued a Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2 in the Bobcaygeon community expansion proceeding (Bobcaygeon Decision and Procedural Order No. 2).<sup>19</sup> In the Bobcaygeon Decision and Procedural Order No. 2, the OEB, among other things, denied:

- Environmental Defence's request to file heat pump and survey evidence
- Environmental Defence's request to consolidate the hearing of four Enbridge Gas NGEP-related applications (Bobcaygeon, Sandford, Eganville, Neustadt)
- Environmental Defence's request to hold a joint technical conference and Pollution Probe's request to hold an oral hearing in the NGEP-related proceedings<sup>20</sup>

## Findings

### Heat Pump Evidence

As noted above, in its Decision on Intervenor Evidence, the Final Decisions, and the Bobcaygeon Decision and Procedural Order No. 2, the OEB rejected a similar request from Environmental Defence to file heat pump evidence.

The OEB denies Environmental Defence's and Elizabeth Carswell's requests to file evidence on heat pumps in the Sandford community expansion proceeding for the reasons set out in those decisions, which were upheld by the OEB in its decision on a review motion brought by Environmental Defence.<sup>21</sup> Consistent with its findings in the

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<sup>18</sup> EB-2023-0313, Decision on Motion to Review and Vary OEB Decisions in EB-2022-0156/EB-2022-0248/EB-2022-0249, p.16,17

<sup>19</sup> EB-2022-0111, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2, February 20, 2024

<sup>20</sup> EB-2022-0111, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2, February 20, 2024, pp. 14-19, 21-22, 23

<sup>21</sup> EB-2023-0313, Decision on Motion to Review and Vary OEB Decisions in EB-2022-0156/EB-2022-0248/EB-2022-0249, p.15



Bobcaygeon community expansion proceeding<sup>22</sup>, the OEB has provided a number of additional comments below.

The availability of NGEF funding is an important consideration in the determination of the public interest in providing the availability of natural gas service in unserved communities. The NGEF funded projects are not subject to the OEB's Integrated Resource Planning (IRP) Framework requirement that IRP alternatives to the expansion of natural gas distribution be explored when a utility applies for leave to construct an NGEF funded project.<sup>23</sup>

These applications do not involve the OEB making a choice between the approval of, or recommending, the use of heat pumps instead of an expansion of natural gas facilities in serving the relevant communities. Rather, the OEB must determine whether the public interest will be met by an approval of leave to construct for the NGEF-funded project. The principal evidence for this is derived from the legislation establishing the program and approving a commitment of funding the project through a selection process. Further confirmation of project need has been presented by survey and municipality representation favoring expansion of natural gas service.

The OEB notes the difficulty of establishing a sufficient record to challenge whether the carrying out of the legislatively established program is in accordance with customer need and customer interest in the acquisition of natural gas service. As noted in the OEB's determinations in the Final Decisions<sup>24</sup>, the decision of individual consumers to opt for natural gas service is based on both financial and non-financial considerations (e.g., future commodity prices, familiarity, and reliability). The non-survey based evidence proposed by Environmental Defence would seek to establish that there is an available solution to each community's energy needs that is superior to that enabled by the NGEF.

The OEB would be reluctant to potentially jettison the background and framework of the implementation of the NGEF program, as well as its own IRP provisions, on the basis

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<sup>22</sup> EB-2022-0111, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2, February 20, 2024, pp. 14-19

<sup>23</sup> EB-2020-0091, OEB's Integrated Resource Planning (IRP) Framework pp. 10, 48

<sup>24</sup> EB-2022-0156, Final Decision, p. 20; EB-2022-0248, Final Decision, p. 20; EB-2022-0249, Final Decision, p.19

that it perceives that evidence of potential superior performance of heat pumps sidelines natural gas as an energy provider.

The validity of similar OEB conclusions in the Final Decisions referenced earlier in this Decision has been subject to review by an OEB review panel in accordance with the OEB's *Rules of Practice and Procedure* (Rules). Environmental Defence brought a motion under Rule 40.01 of the OEB's Rules to review and reverse the OEB's decisions to not admit heat pump evidence from Environmental Defence in previous NGEF project proceedings, alleging a breach of procedural fairness. This evidence was primarily to be based on the efficacy and economics of heat pumps. In its Motion, Environmental Defence also challenged the Final Decisions to approve the projects, arguing that they were tainted by the refusal to allow the evidence and pointing to certain other alleged legal errors. On December 13, 2023, the OEB made its determinations regarding the motion and upheld the Final Decisions.

### Survey Evidence

The OEB denies Environmental Defence's request to carry out a community survey in the community of Sandford as part of this proceeding. The OEB also denies Elizabeth Carswell's request to provide the results of a community survey that she conducted. Consistent with its findings in the Bobcaygeon community expansion proceeding<sup>25</sup>, the OEB has provided a number of additional comments below.

Similar to the request to submit evidence to support the heat pump evidence discussed above, the consideration of Environmental Defence's and Elizabeth Carswell's requests to submit survey evidence to ascertain the economic impact and potential take-up of cold climate electric heat pumps necessitates a review of the pertinent aspects of the NGEF, and the OEB response and implementation of the same to date.

The program is grounded in legislation incorporated into the OEB Act as section 36.2 and implemented through the proclamation of O. Reg 24/19. The latter regulation provided for collection of program funds from all rate-regulated natural gas customers, the administration of the funds by the Independent Electricity System Operator and the selection of projects and allowable amounts for contribution to the project capital expenditures similar to that of a contribution in aid of construction (CIAC).

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<sup>25</sup> EB-2022-0111, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2, February 20, 2024, pp. 14-19

The OEB, in its IRP Framework report, exempted Enbridge Gas from the necessity to explore IRP alternatives to expansion of the distribution of natural gas when bringing forward leave to construct applications based on NGEP program funds.<sup>26</sup> Enbridge Gas has brought forward evidence of customer willingness in the target community to take up natural gas service in accordance with the NGEP program that will also require a System Expansion Surcharge payment from customers for a forty-year period as long as gas is received.

Environmental Defence has requested approval to conduct its own survey of customers to determine whether cold climate heat pumps would be a better option for customers with a resultant impact on the financial viability of the proposed Enbridge Gas project. Elizabeth Carswell stated that she conducted a survey of Sandford residents and has results to share that affects the financial forecast for the project regarding their interest in natural gas service, based on the survey responses.

The OEB in this proceeding agrees with the potential advantages of heat pumps as discussed in the Final Decisions,<sup>27</sup> and this was acknowledged in the Decision on Motion to Review:<sup>28</sup>

The OEB notes that the evidence and submissions in this proceeding have dealt extensively with the potential installation of electric heat pumps in terms of potential customer cost savings and their possible adoption by the communities to be served by Enbridge Gas. Such take-up might occur either before or after the extension of natural gas service to the communities. In turn, the effect of such take-up is addressed as a potential risk to project viability. The OEB has itself recognized the potential customer energy savings associated with the installation of such heat pumps and their favourable impact on lowering the consumption of natural gas. The OEB notes that its decision regarding Enbridge Gas's DSM program makes Enbridge Gas, in cooperation with the federal government's Greener Homes Initiative, the principal delivery agent for the incentivized installation of heat pumps.

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<sup>26</sup> EB-2020-0091, OEB's Integrated Resource Planning (IRP) Framework pp. 10, 48

<sup>27</sup> EB-2022-0156, Final Decision, p. 19; EB-2022-0248, Final Decision, pp. 19,20; EB-2022-0249, Final Decision, p. 18

<sup>28</sup> EB-2023-0313, Decision on Motion to Review and Vary OEB Decisions in EB-2022-0156/EB-2022-0248/EB-2022-0249

A survey involving potential take-up of heat pumps would presumably provide some background information to participants on costs and savings giving comparison to other forms of energy. The survey results could support a request that Enbridge Gas's application not be approved, and customers have to resort to a presumably more environmentally friendly choice with a different cost structure.

The OEB is aware that background information accompanying survey questions can influence the results and the interpretation of the same. The content of information that has been distributed promoting the benefits of receipt of natural gas service has already been a subject of controversy associated with a complaint made by Environmental Defence and other organizations to the Competition Bureau and an ongoing investigation of whether misleading advertising has taken place.<sup>29</sup> Without commenting in any way on the validity of such complaints, the OEB notes that an evaluation of the market for take-up of natural gas service as opposed to heat pumps might also involve adjudication of the validity of the survey and/or pre-distributed information.

The determinative value of an additional survey might well depend on a lengthy and difficult adjudication of the validity, timeliness and cogency of the information provided along with the questionnaire. The OEB is of the opinion that such an exercise may not result in a definitive conclusion. As well, as noted in the Final Decisions<sup>30</sup>, the OEB agrees with Enbridge Gas that the decision of individual consumers to opt for natural gas service is based on both financial and non-financial considerations (e.g., future commodity prices, familiarity and reliability) which further diminishes the comparison value of another community survey.

However, it is important to note that in the Final Decisions, the OEB stated:

The approval of the Leave to Construct requested in this application does not restrict customers in this community from obtaining heat pumps either before or after an extension of natural gas service to these communities. Nor does it remove Enbridge Gas's DSM program responsibilities in this community.<sup>31</sup>

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<sup>29</sup> Environmental Defence, January 11, 2024 letter, Attachment (Request for Inquiry to the Competition Bureau)

<sup>30</sup> EB-2022-0156, Final Decision, p. 20; EB-2022-0248, Final Decision, p. 20; EB-2022-0249, Final Decision, p.19

<sup>31</sup> EB-2022-0156, Final Decision, p. 19; EB-2022-0248, Final Decision, p. 20; EB-2022-0249, Final Decision, pp. 18,19

While issues associated with potentially improper representation may be resolved in another forum, the OEB is of the view that the case for an alternative to natural gas service should primarily be a marketplace issue.

However, Enbridge Gas's responsibility for any failure to assess the long-term financial viability of a project does not end with completion of construction and its initial use. The NGEF program is based on legislation that allowed a subsidy from all natural gas customers to help fund the expansion of natural gas service to communities that lacked sufficient numbers of potential customers providing the revenue to justify such extension. As was noted in the Final Decisions:

Traditional utility regulatory principles provide that costs should be allocated proportionately to customers that have caused the costs to occur. This is reflected in the OEB's decision in the OEB's Generic Proceeding on Community Expansion and, more specifically in the rejection of a proposed approach that would result in existing customers subsidizing an uneconomic community expansion.<sup>32</sup>

Given the unusual imposition of a project subsidy from all rate regulated natural gas customers, and the significant inability of these projects to attain a PI of 1 required to justify their undertaking in the absence of a subsidy, the OEB must assume that any potential shortfalls in the take-up and continuance of natural gas service have been carefully considered by Enbridge Gas in accordance with its responsibilities as a public utility invested with a franchise.

As was noted above, the OEB stated in the Final Decisions that there is no guarantee of total cost recovery in the event of a shortfall of revenue in the first rebasing following the expiration of the RSP and that there is a reasonable expectation that Enbridge Gas customers will not be called upon to provide a further subsidy to compensate for post-RSP revenue shortfalls. The OEB is of the view that challenges to the scope or validity of the measurement of potential customer take-up by natural gas service in these communities are best addressed by the marketplace and its reasonable expectations of the insulation of all Enbridge Gas customers from further subsidy than that accompanying any project approval.<sup>33</sup>

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<sup>32</sup> EB-2022-0156, EB-2022-0248, EB-2022-0249 Final Decisions, p. 12

<sup>33</sup> Based on Enbridge Gas's estimate of customers likely to take up gas service, existing natural gas customers will have contributed approximately \$24,043 per customer served by the Sandford community expansion project to assist in the expansion of gas in this community.

While the OEB's decision is primarily based on the reasons set forth above, the OEB also notes that Environmental Defence's request to submit survey evidence came after its request to file the heat pump evidence. While some delay in the request may be ascribed to the timing of proceedings, in the event of a final OEB decision to approve the leave to construct, the end result of an accommodation of the late request would likely have resulted in a later decision, later service to customers, and potential additional costs accruing from construction delays.

The OEB is of the view that the proposed survey evidence of Environmental Defence or Elizabeth Carswell is not likely to provide information that could support a definitive conclusion that the project does not meet the requisite goals established in legislation and/or is uneconomic and contrary to the public interest. The OEB further finds that there are potential protections to the public interest including the community's continued unimpeded access to heat pumps, the RSP, and the OEB's expectations concerning project financial results upon rebasing, the efficacy of which may be addressed in final arguments.

Accordingly, the OEB denies the Environmental Defence request for a community survey and the admission of Elizabeth Carswell's survey results into evidence. Final submissions from both parties may challenge the veracity or interpretation of Enbridge Gas's survey.

With respect to the exchange between Enbridge Gas and Environmental Defence on the possible future of carbon pricing, the OEB notes that its decision is not based on or influenced by speculation associated with potential future Federal election results and changes in policy that may be associated with the election of a new government. The exercise of clairvoyance is best left to political practitioners and not regulators of public utilities.

### **3.2 Consolidation of the NGEP Applications**

In its letter filed on December 14, 2023, Environmental Defence recommended that the OEB hear the current Enbridge Gas NGEP proceedings (Bobcaygeon, Sandford, Eganville, Neustadt) together (including a single technical conference for all proceedings), stating that this may be more efficient, given the significant overlap in the issues, evidence, and witnesses.

Environmental Defence also suggested that it would be beneficial to receive a procedural order stating that evidence in any one of these NGEP-related proceedings may be referred to in another proceeding so that Enbridge Gas can more easily respond to some of the same interrogatories and technical conference questions.

Enbridge Gas filed a response on December 21, 2023 stating that the OEB should reject Environmental Defence's proposal to consolidate the proceedings stating that the proceedings were at various stages and therefore consolidating them would result in unnecessary delays to the proceedings which are more advanced (i.e., the Bobcaygeon and Sandford projects).

Enbridge Gas stated that it has staggered the filing of its community expansion applications in consideration of several factors including resource availability, community readiness and completion of filing requirements and it would be counterproductive to delay and consolidate proceedings for projects that Enbridge Gas has staggered for these reasons.

Regarding Environmental Defence's request for a joint technical conference for the proceedings, Enbridge Gas argued that for the Bobcaygeon and Sandford projects, technical conferences are not required since the record is complete, and no party raised substantive issues that require further inquiry or clarification. Regarding the Eganville and Neustadt projects, Enbridge Gas noted that Environmental Defence's request for a joint technical conference was submitted prior to the filing of interrogatory responses and parties' submissions regarding the need for technical conferences, and submitted that the OEB should make its determination regarding the need for technical conferences for those proceedings after it has reviewed Enbridge Gas's interrogatory responses and parties' submissions regarding the need for technical conferences.

Enbridge Gas also submitted that while some of its evidence is prepared by utility staff that are common across the proceedings, other parts of its evidence are prepared by utility staff that are unique to each project, providing limited value from a joint technical conference. Enbridge Gas noted that several aspects of the proceedings are unique, including the size and scope of the proposed projects<sup>34</sup> and the intervening parties.<sup>35</sup>

## Findings

Environmental Defence suggests that it may be more efficient and a better use of the OEB's resources to:

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<sup>34</sup> For example, Bobcaygeon (approximately 3600 customers with an estimated cost of \$115.2 million) versus Sandford (approximately 183 customers with an estimated cost of \$7.2 million)

<sup>35</sup> Sandford includes Independent Participant Elizabeth Carswell as an approved intervenor, whereas Bobcaygeon does not; Bobcaygeon includes the Federation of Rental-housing Providers of Ontario as an approved intervenor, whereas the Sandford does not.

- a) combine the proceedings such that the Enbridge Gas expansion applications for the Bobcaygeon, Sandford, Eganville, Neustadt applications are heard together, and
- b) have a single technical conference for all proceedings

As discussed previously, in the Bobcaygeon Decision and Procedural Order No. 2, the OEB denied Environmental Defence's request to consolidate the Enbridge Gas community expansion applications.<sup>36</sup> Therefore, it is not necessary to consider the request further in the current proceeding. The OEB rejects Environmental Defence's consolidation request for the same reasons as set out in the Bobcaygeon community expansion proceeding.

### 3.3 Technical Conference and/or Oral Hearing Requests

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

In Procedural Order No. 1, the OEB provided for the filing of comments by OEB staff and intervenors on the need for a technical conference by November 20, 2023 and allowed Enbridge Gas an opportunity to respond to those comments by November 22, 2023.

Environmental Defence requested that a technical conference be held and proposed that in the interest of efficiency, a single technical conference be held for all the ongoing Enbridge Gas expansion projects. Environmental Defence stated that it has further questions with respect to several interrogatories, providing a list of the interrogatory numbers, and referenced potential areas of inquiry that relate to Enbridge Gas's average use assumptions and revenue forecast, and particularly why Enbridge Gas is assuming a higher average use for residential customers in the project area than actual average use for Enbridge Gas customers in other natural gas expansion areas. Environmental Defence also proposed (at that time) that this proceeding be held in abeyance for the same reason the Bobcaygeon proceeding was held in abeyance.

Pollution Probe stated that given the issues and nature of the proposed project, there is value to a technical conference and/or short (e.g. 1-2 day) oral hearing for this proceeding. Pollution Probe commented that one area that is important to the OEB's

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<sup>36</sup> EB-2022-0111, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2, February 20, 2024, pp. 21-22



consideration is the elements that relate to the feasibility (i.e. PI and related inputs). Pollution Probe argued that the project PI of 1.0 leaves no safety factor, even after the significant project subsidies and customer surcharge are applied. Pollution Probe asserted that the OEB is seeing some significant changes in recent proceedings that impact the factors in the PI calculation (these include revenue forecast, project costs, customer choices compared to those predicted by the Enbridge Gas survey, longevity of the project forecast and related consequences when recovery of the proposed capital assets do not include consideration of factors such as energy transition or stranding of assets).

Pollution Probe noted overlap in the relevant issues the OEB is considering in the Motion to Review proceeding and the fact that the OEB had placed the Bobcaygeon proceeding in abeyance, pending the decision on the Motion to Review. Pollution Probe submitted that there appear to be efficiencies to considering those issues across expansion projects and if the OEB decides to take a consistent approach for this proceeding, it is recommended that a technical conference and/or oral hearing be conducted following the abeyance period.

Elizabeth Carswell submitted that a technical conference is needed to ask further technical questions regarding the evidence provided by Enbridge Gas, noting the efficiency conversion factors assumptions made by Enbridge Gas for natural gas and propane space heating. Elizabeth Carswell also stated that she was not satisfied with the response to her question about rates after the stability period.

OEB staff stated that having reviewed the responses to interrogatories, it has no further questions for Enbridge Gas and will not require further discovery through a technical conference.

Enbridge Gas filed letters on November 22, 2023 and November 28, 2023 submitting that a technical conference or oral hearing is not required as the record is complete and no party raised any substantive issues in evidence that require further inquiry or clarification.

Enbridge Gas responded to Environmental Defence's comments on the need for a technical conference. Regarding Enbridge Gas's average use assumptions and revenue forecast, Enbridge Gas noted that the annual average residential consumption is based on actual data from NGEF Phase 1 and 2 projects. The data used to derive the annual residential consumption is variable and is based on the physical characteristics of the properties within the community. For example, in Sandford the data includes high variability in residential properties ranging from communities with small bungalow style

or trailer homes to areas with larger multi-story or estate-like homes. Enbridge Gas stated that the weighted average residential consumption is used in the economic analysis for Sandford such that the annual average is project-specific and based on reviewing property characteristics in the MPAC data, such as the square footage of homes and conducting high-level field verification across the project scope to validate the assumptions.

Enbridge Gas submitted that Environmental Defence has failed to provide any meaningful information to support its request for a technical conference regarding the other interrogatories it has referenced. Enbridge Gas stated that it has provided complete responses to the questions posed and it has no further information to provide with the exception of I.ED-2, where an additional letter of support was received from the Township of Uxbridge on November 17, 2023 after interrogatory responses were filed and that this additional letter of support will be added to the proceeding as an update to Exhibit B, Tab 1, Schedule 1.

Enbridge Gas requested that the OEB consider Enbridge Gas's proposed construction schedule when evaluating Environmental Defence's request for a technical conference. Enbridge Gas is concerned that a delay in this proceeding may impact the proposed in-service date of January 2025 as construction must commence in July 2024.

In response to Pollution Probe's arguments supporting the need for a technical conference, Enbridge Gas stated that as described in evidence and reiterated in its responses to interrogatories, it has conducted third-party market research to assess consumer interest in converting to natural gas, engaged major builders/developers, and conducted an additional outreach campaign to collect expressions of interest to supplement the market research. Enbridge Gas stated that it has no reason to believe that the PI for the project is not accurate. Enbridge Gas submitted that Pollution Probe provides no description of the "safety factor" that it purports is excluded from the PI calculation. Enbridge Gas stated that the PI for the project was appropriately calculated in a manner consistent with all other community expansion projects, using the OEB-approved methodology under E.B.O. 188.

Regarding Elizabeth Carswell's request for a technical conference, Enbridge Gas noted that no reasons have been provided to support the need for a technical conference nor why the existing record is incomplete. In a letter filed on November 28, 2023, Enbridge Gas further addressed Elizabeth Carswell's submissions. Enbridge Gas submitted that in the approval of the Selwyn, Mohawks of the Bay of Quinte and Shannonville, and Hidden Valley community expansion projects, the OEB determined that the appropriate time for determining the rate treatment for the forecasted costs and revenue versus

actuals is in the first rebasing following the expiration of the RSP. With respect to Elizabeth Carswell's comments on the efficiency factor used for natural gas and propane space heating (i.e., 89% and 84%, respectively), Enbridge Gas stated that the factors were calculated on a weighted average basis considering the type of equipment, equipment efficiency and percentage of customers on each equipment category. Enbridge Gas argued that even if the efficiency factor for propane space heating is incorrect by 5% as suggested by Elizabeth Carswell, it would not materially change the evidence, which is that natural gas results in significantly more savings compared to propane. Enbridge Gas stated that a technical conference will not result in further information on these issues and the commentary raised by Elizabeth Carswell is more consistent with submissions than information clarification suitable for a technical conference.

Based on the foregoing, Enbridge Gas submitted that there is no basis for a technical conference and/or oral hearing and the most regulatory efficient next step is the filing of submissions.

## Findings

The OEB finds that it does not require further discovery through a technical conference on Enbridge Gas's evidence.

A technical conference and/or oral hearing would have limited probative value given that the OEB is denying the request to file heat pump evidence and survey evidence.

A technical conference and/or oral hearing would cause further and unnecessary delays to this proceeding. These delays would be counterproductive to the timing and costs of construction and not in the best interests of customers.

The OEB will move directly to written submissions in this proceeding.

## 3.4 Abeyance

As noted previously, on November 29, 2023, the OEB issued a letter placing the current proceeding in abeyance pending the OEB's determination on the Motion to Review, stating that the matters cited in the Motion to Review raise issues that are relevant to this proceeding and that it would be prudent to provide directions on the next steps in this proceeding after the OEB has considered the Motion to Review.

The OEB advises that the current proceeding is out of abeyance effective February 29, 2024, with the issuance of this Decision and Procedural Order.



## 4 ORDER

### THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas's argument-in-chief shall be filed with the OEB and served on all parties by **March 18, 2024**.
2. Any written submissions from OEB staff and intervenors, shall be filed with the OEB and served on all parties by, **April 2, 2024**.
3. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by, **April 16, 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-2023-0200** 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 at the address below 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, Kaidie Williams at [Kaidie.Williams@oeb.ca](mailto:Kaidie.Williams@oeb.ca) and OEB Counsel, James Sidlofsky at [James.Sidlofsky@oeb.ca](mailto:James.Sidlofsky@oeb.ca).

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

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

**DATED** at Toronto, February 29, 2024

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar