



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Town of East Gwillimbury
with potential pipeline sections in the Township of King,
Town of Georgina, and Town of Whitchurch-Stouffville**

PROCEDURAL ORDER NO. 1

March 1, 2024

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 28, 2023, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to construct natural gas pipeline in the Town of East Gwillimbury with potential pipeline sections in the Township of King, Town of Georgina, and Town of Whitchurch-Stouffville (Project).

Enbridge Gas proposed to construct the Project in two phases. Phase 1 consists of approximately 8.5 kilometres of nominal pipe size (NPS) 2-inch distribution pipeline and approximately 80 meters of NPS 4-inch distribution pipeline. Phase 2 consists of approximately 18.6 kilometres of NPS 2-inch distribution pipeline and 10.2 kilometres of NPS 4-inch distribution pipeline and associated facilities. The proposed natural gas pipeline will supply 369 forecasted customers in the community of East Gwillimbury who currently do not have access to natural gas services.

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.

In addition, Enbridge Gas applied for approval under section 8 of the Municipal Franchises Act for new certificates of public convenience and necessity for the Town of East Gwillimbury and the Township of King.

A Notice of Hearing was issued on January 11, 2024. Each of Environmental Defence (ED), Federation of Rental-housing Providers of Ontario (FRPO) and Pollution Probe applied for intervenor status and cost eligibility.

Enbridge Gas filed a letter dated February 6, 2024, informing the OEB that it does not object to the intervention of ED, FRPO and Pollution Probe and their cost eligibility requests.

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

Cost eligible intervenors should 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 List (Exhibit G/Tab 1/Schedule 1/Attachment 3).

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 List (Exhibit G/Tab 1/Schedule 1/ Attachments 3) 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.

Filing of Intervenor Evidence

In its letter of intervention, ED stated that it wished to file evidence in this proceeding and requested the opportunity to provide a full description and cost estimate for the proposed evidence after the OEB has rendered a decision on ED's proposed evidence in other ongoing Enbridge Gas expansion cases.¹

The OEB notes that in the four other ongoing Enbridge Gas community expansion proceedings, the OEB recently issued decisions that, amongst other things, addressed ED's requests to file evidence in those proceedings. In the noted decisions, the OEB denied ED's requests to file heat pump evidence and survey evidence.²

¹ EB-2022-0111, EB-2023-0200, EB-2023-0261, EB-2023-0201

² 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 (Bobcaygeon Community Expansion Proceeding); EB-2023-0200, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related proceedings, Technical Conference, and Procedural Order No. 2, February 29, 2024, pp. 14-20 (Sandford Community Expansion Proceeding); EB-2023-0261, Decision on Intervenor Evidence, Consolidation of Natural Gas Expansion Program-related proceedings, Technical Conference, and Procedural Order No. 2, February 29, 2024, pp. 12-18 (Neustadt Community Expansion Proceeding); EB-2023-0201, Decision on Intervenor Evidence,

The OEB will provide ED an opportunity to file a letter that indicates whether it proposes to file evidence in the current proceeding and if so, provides a full description and cost estimate of that evidence. The OEB will also provide OEB staff, intervenors and Enbridge Gas the opportunity to file submissions with respect to the proposed evidence and an opportunity for ED to reply to those submissions, as necessary.

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 items 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

ED and FRPO stated that they 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 out in this Procedural Order. Enbridge will have the opportunity to respond to those comments.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. Environmental Defence shall file a letter that indicates whether it proposes to file evidence in the current proceeding and if so, provides a full description and cost estimate of that evidence by **March 8, 2024**.

2. OEB staff, intervenors and Enbridge Gas may file submissions regarding Environmental Defence's proposed evidence by **March 15, 2024**.
3. Environmental Defence may file a reply submission regarding its proposed evidence by **March 22, 2024**.
4. 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 **March 19, 2024**.
5. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **April 4, 2024**.
6. 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 **April 11, 2024**.
7. Enbridge Gas may file a response to the comments regarding the need for a technical conference with the OEB by **April 17, 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-2023-0343** 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, Arturo Lau at Arturo.Lau@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, **March 1, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
ENBRIDGE GAS INC.
EB-2023-0343
PROCEDURAL ORDER NO. 1

Enbridge Gas Inc.
EB-2023-0343

APPLICANT & LIST OF INTERVENORS

March 1, 2024

APPLICANT	Rep. and Contact Information for Service
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INTERVENORS	Rep. and Contact Information for Service
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Enbridge Gas Inc.
EB-2023-0343

APPLICANT & LIST OF INTERVENORS

March 1, 2024

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Canada Inc.**

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