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Enbridge Gas Inc.
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VIA EMAIL and RESS

March 19, 2024

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-2022-0111 – Bobcaygeon Community Expansion Project (“Bobcaygeon
Project”)
EB-2023-0200 – Sandford Community Expansion Project (“Sandford Project”)
EB-2023-0201 – Eganville Community Expansion Project (“Eganville Project”)
EB-2023-0261 – Neustadt Community Expansion Project (“Neustadt Project”)
Response to Environmental Defence (“ED”) Notice of Motion**

Enbridge Gas is in receipt of ED’s March 11, 2024 Notice of Motion to review the OEB’s decisions to deny intervenor requests for filing evidence and for holding a technical conference in the four above-noted proceedings (the “Second ED Motion”).¹

As important context, the Second ED Motion is part of a pattern of repeated attempts by ED to introduce evidence related to non-natural gas alternatives within Natural Gas Expansion Program (“NGEP”)² funded project proceedings, adding to the duration and complexity of the regulatory process (with associated costs ultimately borne by natural gas ratepayers) and delaying service to consumers and communities that have expressed interest in (and have been identified by provincial policy and the OEB to receive) natural gas service.

In its crux, ED’s grounds for the Second ED Motion appears to be similar to the recently adjudicated First ED Motion described in footnote 1 (i.e., alleging that the OEB’s decisions were procedurally unfair and in error in refusing to admit proposed intervenor

¹ A similar ED Motion for Review (the “**First ED Motion**”) (EB-2023-0313) impacting similar Natural Gas Expansion Program funded project proceedings was filed by ED for the Selwyn Community Expansion Project (EB-2022-0156), the Mohawks of the Bay of Quinte Community Expansion Project (EB-2022-0248), and the Hidden Valley Community Expansion Project (EB-2022-0249). The OEB denied the First ED Motion in a decision dated December 13, 2023 ([link](#)).

² <https://www.ontario.ca/page/natural-gas-expansion-program>: “The NGEP was created under the *Access to Natural Gas Act, 2018* to help expand access to natural gas to areas of Ontario that currently do not have access to the natural gas distribution system.”

evidence that involves the exploration of non-natural gas alternatives). In denying the First ED Motion in its December 13, 2023 decision, the OEB review panel found that there was no denial of procedural fairness and that the original panel did not make a material and clearly identifiable error.³

In now pursuing the Second ED Motion, ED appears to wholly disregard the OEB's repeated and consistent direction within recent NGEF-funded project proceedings that:

- i. The OEB is not making a decision between the use of electric heat pumps instead of natural gas;⁴
- ii. Matters such as potential uptake of consumer energy solutions need to rely on actual consumer and community interest;⁵
- iii. Factors that impact consumer choices between electric heat pumps and natural gas can change over time;⁶
- iv. The case for alternatives to natural gas service should primarily be a marketplace issue;⁷
- v. The approval of NGEF-funded projects does not restrict consumers and communities from obtaining electric heat pumps;⁸
- vi. Enbridge Gas is not guaranteed total cost recovery in the event of revenue shortfalls;⁹ and,

³ EB-2023-0313, OEB Decision and Order, p. 15 ([link](#)).

⁴ EB-2022-0156/EB-2022-0248/EB-2022-0249, OEB Decision on Intervenor Evidence and Confidentiality (April 17, 2023), p. 4 ([link](#)).

EB-2022-0111, OEB Decision on Intervenor Evidence (February 20, 2024), p. 14 ([link](#)).

EB-2023-0200, OEB Decision on Intervenor Evidence (February 29, 2024), p. 15 ([link](#)).

EB-2023-0201, OEB Decision on Intervenor Evidence (February 29, 2024), p. 13 ([link](#)).

EB-2023-0261, OEB Decision on Intervenor Evidence (February 29, 2024), p. 13 ([link](#)).

⁵ EB-2022-0156/EB-2022-0248/EB-2022-0249, OEB Decision on Intervenor Evidence and Confidentiality (April 17, 2023), p. 4 ([link](#)).

⁶ EB-2022-0156, OEB Decision and Order (September 21, 2023), p. 20 ([link](#)).

EB-2022-0248, OEB Decision and Order (September 21, 2023), p. 20 ([link](#)).

EB-2022-0249, OEB Decision and Order (September 21, 2023), p. 19 ([link](#)).

⁷ EB-2022-0111, OEB Decision on Intervenor Evidence (February 20, 2024), p. 18 ([link](#)).

EB-2023-0200, OEB Decision on Intervenor Evidence (February 29, 2024), p. 19 ([link](#)).

EB-2023-0201, OEB Decision on Intervenor Evidence (February 29, 2024), pp. 16 ([link](#)).

EB-2023-0261, OEB Decision on Intervenor Evidence (February 29, 2024), p. 17 ([link](#)).

⁸ EB-2022-0156, OEB Decision and Order (September 21, 2023), p. 19 ([link](#)).

EB-2022-0248, OEB Decision and Order (September 21, 2023), p. 20 ([link](#)).

EB-2022-0249, OEB Decision and Order (September 21, 2023), pp. 18-19 ([link](#)).

⁹ EB-2022-0156, OEB Decision and Order (September 21, 2023), pp. 20-21 ([link](#)).

EB-2022-0248, OEB Decision and Order (September 21, 2023), p. 21 ([link](#)).

EB-2022-0249, OEB Decision and Order (September 21, 2023), p. 20 ([link](#)).

EB-2022-0111, OEB Decision on Intervenor Evidence (February 20, 2024), pp. 18-19 ([link](#)).

EB-2023-0200, OEB Decision on Intervenor Evidence (February 29, 2024), p. 19 ([link](#)).

EB-2023-0201, OEB Decision on Intervenor Evidence (February 29, 2024), p. 17 ([link](#)).

EB-2023-0261, OEB Decision on Intervenor Evidence (February 29, 2024), p. 17 ([link](#)).

- vii. ED's interests with respect to broader climate change issues and the promotion of electric heat pumps extend beyond the scope of NGEF-funded project proceedings.¹⁰

Enbridge Gas submits that the OEB should dismiss the Second ED Motion without a hearing as it neither raises fundamentally different issues warranting another review nor contributes to a better understanding of the issues that are actually in the scope of proceedings for NGEF-funded projects, and is nothing more than another attempt by ED to further complicate and delay these proceedings and the provision of natural gas service to interested communities pursuant to government policy.

If the OEB decides to hear the Second ED Motion, Enbridge Gas respectfully requests that it be heard and dealt with as soon as possible (i.e., not after the OEB issues decisions on the leave to construct applications, as suggested by ED). This timing consideration is crucial as Enbridge Gas expects delays to project construction starts until review motions and/or appeals are resolved.

Notwithstanding ED's broad climate change-related interests which consist of "efforts to help consumers adopt heat pumps as the home heating option" and "efforts to combat fossil fuel subsidies",¹¹ there are actual residents and businesses in the impacted communities that are interested in and waiting for natural gas service. An example is the City of Kawartha Lakes which already expressed disappointment when the First ED Motion caused regulatory delays for the Bobcaygeon Project.¹²

If you have any questions, please contact the undersigned.

Sincerely,

Haris Ginis
Technical Manager, Leave to Construct Applications

c.c. Charles Keizer (Torys LLP, Enbridge Gas Counsel)
Judith Fernandes (OEB Staff)
Kaidie Williams (OEB Staff)
Michael Beare (OEB Staff)
Catherine Nguyen (OEB Staff)
Intervenors (EB-2022-0111/EB-2023-0200/EB-2023-0201/EB-2023-0261)

¹⁰ EB-2023-0313, OEB Decision and Order (December 13, 2023), p. 16 ([link](#)).

¹¹ EB-2023-0313, Reply Submissions of Environmental Defence (November 29, 2023), p. 3 ([link](#)).

¹² EB-2022-0111, City of Kawartha Lakes Letter of Comment (October 31, 2023) ([link](#)).