



**Pollution
Probe**

130 Queens Quay East, Suite 902
Toronto, Ontario M5A 0P6
T 416.926.1907 F 416.926.1601
www.pollutionprobe.org

Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

March 28, 2024

**EB-2023-0261 Neustadt Community Expansion Project Leave to Construct
Pollution Probe Submission**

Dear Ms. Marconi:

In accordance with OEB direction, please find attached Pollution Probe's Submission pertaining to the above noted proceeding.

Respectfully submitted on behalf of Pollution Probe.



Michael Brophy, P.Eng., M.Eng., MBA
Michael Brophy Consulting Inc.
Consultant to Pollution Probe
Phone: 647-330-1217
Email: Michael.brophy@rogers.com

Cc: Enbridge Regulatory (via email)
All Parties (via email)
Richard Carlson, Pollution Probe (via email)

ONTARIO ENERGY BOARD

**Enbridge Gas Inc.
Neustadt Community Expansion
Leave to Construct**

POLLUTION PROBE SUBMISSION

March 28, 2024

**Submitted by: Michael Brophy
Michael.brophy@rogers.com
Phone: 647-330-1217
28 Macnaughton Road
Toronto, Ontario M4G 3H4**

Consultant for Pollution Probe

Project Summary and Background

Enbridge Gas Inc. (Enbridge) applied to the Ontario Energy Board (OEB) under sections 90 and 97 of the Ontario Energy Board Act, 1998, for an order granting leave to construct approximately 12 kilometres of natural gas pipeline and associated facilities in the Community of Neustadt within the Municipality of West Grey. The proposed pipeline will supply natural gas to approximately 230 new customers who currently do not have access to natural gas. Enbridge 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.

During the course of this proceeding several requests and submissions were made by parties which are largely summarized in the OEB's Decision and Procedural Order No. 2 dated February 29, 2024. The OEB determined that additional procedural steps or evidence is not required at this time and set a path for submissions by all parties. The OEB has acknowledged the importance of issues that relate to projects like this one, including Project economics, survey results, current consumer technology options included in the application and to community stakeholders, financial analysis/surveys and consumer information¹. Therefore, Pollution Probe has included comments below on those issues based on information on the public record.

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. Per NGEP requirements, this NGEP project requires OEB review and consideration through a Leave to Construct application process. This process is meant to ensure the review and consideration of relevant issues and consideration of current factual information rather than an automatic approval to proceed with such an expansion project based on the dated information placed in the NGEP grant applications. The NGEP grant application for the Project was filed in response to an OEB Staff request². It is recommended that Enbridge included the NGEP application when it files its original evidence for an NGEP project. Given the essential link to that document for an NGEP project, it is

¹ As outlined during this proceeding, other recent expansion proceedings and also other OEB direction for issues of importance (e.g. Phase 2 of EB-2022-0200). The uncertainty and lack of evidence to support long term natural gas expansion projects was also highlighted recently when the Ministry introduced Bill 165. The Ministry indicated that Bill 165 is a stop-gap measure and that longer term OEB consideration of verified facts through an open OEB process should dictate the path forward for the longer term.

² Exhibit I.STAFF.1, Attachment 1

unreasonable to make an application to the OEB without included that essential evidence³.

Expansion projects submitted for grant consideration provide high level details available at the time and did not undergo the detailed project review or validation that is typically part of an OEB Leave to Construct process, including consideration of EBO 188 requirements. The NGEF template does include wording that invalidates the grant funding when certain project details change. In some NGEF projects like this one, there are significant changes from the original scope or details included in the NGEF application⁴. For this Project all the major elements have changed including proposed facilities, estimated costs and estimated customer attachment⁵. Each of these elements impacts the Project economics.

Leave to Construct review per the OEB's generic Leave to Construct Issues List includes evaluation for likelihood to meet EBO 188 requirements as well as other public interest consideration on the OEB's Issue List for the proceeding. Since the Project as filed is a modification from Enbridge's NGEF project proposal in EB-2019-0255, it is unclear how the NGEF grant amount outlined in the application will be impacted compared to the Project details included in this OEB application. There does not appear to be anything on the record to confirm that the grant amount in the application is what will be actually paid. If there is a shortfall (i.e. reducing the PI), it is assumed that Enbridge would absorb those costs rather than ratepayers. Similarly, if there is a surplus (i.e. $PI > 1$) which makes the NGEF grant ineligible⁶, it is assumed that Enbridge would also be at risk, rather than ratepayers. The NGEF requirements indicate that a grant will only be provided under the condition that "The project must have a PI of 1.0. The PI is to be calculated based on an individual project (i.e., not a "portfolio" of projects)"⁷. If a project is above or below a $PI = 1$, it appears that the grant funding is not available. It would be helpful for Enbridge to provide clarity around this issue in its Reply Argument given that it would have a direct impact of the estimated Profitability Index (PI). Any recent written confirmation of the proposed NGEF grant amount⁸ based on the current Project information would be helpful to confirm that the grant funding for this Project is still valid.

³ Exhibit I.PP-2 and Exhibit I.STAFF.1

⁴ EB-2023-0200 Exhibit I.STAFF-3

⁵ EB-2023-0200 Exhibit I.STAFF-3, Table 1.

⁶ Per NGEF grant application details.

⁷ NGEF Requirements per Exhibit I.STAFF.1, Attachment 1, Page 8

⁸ From the Ministry and/or IESO account administrator.

The Project consists of the following⁹:

- Approximately 4.8 km of NPS 2 PE natural gas distribution pipeline,
- 7.6 km of NPS 6 PE natural gas pipeline, consisting of approximately 6.7km of supply lateral and 0.9 km of Reinforcement pipeline, and
- Ancillary facilities (customer services including meters, regulators, and service pipelines).

Enbridge has requested that the Reinforcement pipeline be included in the Leave to Construct approval, but that the Ancillary Facilities be excluded from OEB Leave to Construct approval. This is a variation from previous Enbridge NGEP requests (e.g. Bobcaygeon application¹⁰) which looked to exclude both the Reinforcement and Ancillary Facilities from the OEB's Leave to Construct approval. It is unclear what Enbridge's rationale is for such variation across NGEP project applications. Regardless, both the Reinforcement and Ancillary Facilities are an integrated element of the Project and were included in the Project economics (i.e. PI calculation). The Reinforcement and Ancillary Facilities are not needed and would not be built in absence of the Project. It is only appropriate to bundle them together as one package for review and approval consideration. Pollution Probe recommends that the full scope of the Project be covered in the OEB Decision and Conditions of Approval.

There are some additional cost estimate risks related to environmental features along the route of the proposed pipelines. These are discussed further under that section below.

High Level Options

This section provides a high-level summary of the options for consideration. Additional details and recommendations are included in this submission, but Pollution Probe thought it would be helpful to the OEB to provide this section first.

The OEB should consider four options to mitigate the issues outlined in this submission. The options are:

Option 1

Enbridge has requested that the project costs limit to trigger OEB Leave to Construct approval be increased from \$2 million to \$10 million. Pollution Probe understands that this change is imminent and could be in place before an OEB Decision is rendered in this proceeding. Given that the cost for this Project was the only regulatory trigger and

⁹ B/1/1 and amended list in EGI_ARG_EB-2023-0261_20240322, Page 3.

¹⁰ EB-2022-0111

the Project cost is less than \$10 million¹¹, the OEB requirement for Leave to Construct approval would therefore be redundant and nullified. Under this approach Enbridge would simply just go do the Project if they are comfortable with the economic forecast risks that they would be incurring.

Option 2

The OEB could decline Leave to Construct approval for the project on the basis that the evidence is insufficient to validate the economic assumptions and require that should Enbridge refile for project approval to serve this community in the future, require that Enbridge:

- Undertake a detailed survey that increases the reliability of the estimate for which customers will actually connect to natural gas in order to support an actual PI=1.0 or greater over the asset time horizon (e.g. 40 years under current EBO 188 requirements unless otherwise updated by the OEB¹²). Enbridge should provide more robust information¹³ including questions clearly identifying whether customers would consider to leave the natural gas system for other non-gas technologies in the future (i.e. within 40 years of attaching to the natural gas system or when the gas equipment needs to be replaced, i.e. an average life of 18 years) when there are even more economical non-gas options available. An estimate for lost customers should also be more appropriately accounted for in the PI calculation. An assumption of zero is unrealistic and does not align with customer loss evidence put forward by Enbridge¹⁴.
- Provide information (via handouts, electronic communication and/or community education sessions) to consumers in the community on the full range of incentives and options available including DSM¹⁵, Save on Energy program incentives, and the IESO free electric ccASHP program. Enbridge is encouraged to work with all relevant partners in developing and delivering this information. Providing this information proactively to customers is intended to ensure that customers have considered relevant information when indicating their interest to attach to the gas system and the likelihood of staying on the system for a minimum of 40 years. It is unfortunate that cost saving and incentive information Enbridge provided to

¹¹ Per E/1/1 Table 1, Total estimated costs are \$7,769,155

¹² A decrease to the EBO 188 timeline may be considered in a future proceeding per proposed in Bill 165.

¹³ E.g. detailed literature on the full range of options under the Greener Homes Grant Program.

¹⁴ Recent evidence and testimony in EB-2022-0200 supported the logical assumption that customers will continue to leave the gas system when they change equipment.

¹⁵ In its EB-2021-0002 Decision the OEB clarified that program information and incentives are valid either for existing customers or future customers. However, Enbridge continues to fail to promote these to expansion communities since it would decrease project economics (i.e. profitability for Enbridge over energy savings benefits for consumers in the community).

customers does not include the more modern cost-effective options such as cold climate heat pumps¹⁶. This is not just relevant to this Project, but a chronic systematic issue where natural gas is selectively promoted over all other more cost-effective options¹⁷. The OEB and Province have been promoting more holistic information to consumers and the fact that Enbridge only distributes natural gas is not a barrier to providing integrated information on energy options and incentives with partners like IESO.

Option 3

Grant Leave to Construct approval for the Project and require Enbridge to retain the risk should the Project PI be less than 1.0 (i.e. project costs exceed those placed in evidence by Enbridge and/or revenues are less than those indicated in Enbridge's evidence)¹⁸. This would apply to the entire Project-related capital costs (including Supply Laterals, Reinforcement and Ancillary Facilities). This is important in this proceeding since the Ancillary Facility costs represent approximately 34% of the Project costs. If Ancillary Facility costs are not all treated within the scope of the Project for OEB approval, the actual costs (not forecasted costs for PI purposed) would automatically be collected from ratepayers, regardless of what the actual Project PI ends up being. General Ancillary costs not otherwise identified are recovered through general rates buried in with all the other capital recovery in the annual rate recovery process. Treating them as one package of Project costs would ensure equitable treatment for all costs being driven by this Project.

Enbridge is the only stakeholder that can ensure that the estimates it includes in its evidence are realistic and Enbridge is the only stakeholder that can implement mitigation measures during Project delivery as required (e.g. greater customer outreach and engagement, mitigate cost overruns, etc.) if Enbridge current evidence does not adequately represent reality.

Require Enbridge to provide information (via handouts, electronic communication and/or community education sessions) to consumers in the community on the full range of incentives and options available including DSM¹⁹, Save on Energy program incentives, and the IESO free electric ccASHP program. Enbridge should provide a copy of all

¹⁶ As a comparator in a colder part of Ontario, current technology has even been able to endure the most recent Ottawa record winter (HDD) without requiring use of any back-up heating.

¹⁷ Examples include: EB-2022-0200 Final Transcript EB-2022-0200 Vol 2 page 75 line 25 to page 76 line 12.

¹⁸ This condition is necessary in this proceeding since Enbridge will not be coming back for any additional OEB project approvals if Leave to Construct approval is granted in this proceeding.

¹⁹ In its EB-2021-0002 Decision the OEB clarified that program information and incentives are valid either for existing customers or future customers. However, Enbridge continues to fail to promote these to expansion communities since it would decrease project economics (i.e. profitability for Enbridge over energy savings benefits for consumers in the community).

materials and outreach activities related to this in the Post-Construction Report for the Project. Enbridge has stated to the OEB²⁰ that it is aware that the Energy Transition is already underway and that an integrated approach is needed to meet Ontario energy consumers' needs. Unfortunately, these are simply empty words without any action, including even the simplest of actions like sharing the existing energy incentives available in Ontario.

Option 4

Same as Option 3, but not include approval of the system reinforcement portion of the Project at this time until Enbridge can demonstrate that attachment of the proposed customers is occurring in alignment with its forecast.

Enbridge is able to serve customers in the community based on capacity already available in the upstream system. However, Enbridge has indicated that the current excess capacity would not be sufficient to meet current system requirements, plus the full 40 year customer forecast from the Project (on a peak design day)²¹. If Enbridge had conducted a broader system assessment as part of this Project, it would have identified opportunities to delay or avoid the reinforcement portion of the Project. The analysis done by Enbridge for this Project assumed status quo use of natural gas for the next 40 years without any impacts from DSM, fuel switching or the broader Energy transition (discussed in more detail below). This is not just related to customers attaching to the Project, but for the entire upstream system feeding the Project. Using a more holistic planning approach provides much greater flexibility to optimize project design since it considers the whole system rather than the project as a static silo. The approach used in designing this Project has a high potential for overbuilding capital facilities and resulting in stranded assets over the next 40 years.

Issues for OEB Consideration

Based on the details highlighted in this submission and throughout the proceeding it is clear to Pollution Probe that the application and evidence provided in this proceeding are not of sufficient detail, quality or objectivity to support the Project as filed, including a lack of supporting objective evidence to validate that the project will actually meet the OEB's EBO 188 required Profitability Index (PI) = 1.0 or greater²². The planning for this Project has been underway for many years and it is reasonable to expect that the level of information to support this Leave to Construct application would be more objective, comprehensive and complete. This approach leaves it in the OEB hands to make a decision based on the limited information on the public record and consider

²⁰ Including most recently in EB-2022-0200.

²¹ Exhibit I.PP-1a.ii

²² The initial NGEP application was to support a project to meet a PI=1.0 to avoid additional cross subsidization.

options to mitigate the risks associated with the poor quality and biased information in the Enbridge evidence. In the scenario where the Leave to Construct threshold is increased to \$10 million, Enbridge has the ability to just go do the Project without specific OEB approval and would incur the risks associated with its estimated Project costs and revenue forecast. The only additional problem is that projects that result in a $PI < 1.0$ also drag the portfolio PI down even further. This would trigger Enbridge to explain to the OEB why the portfolio PI is not in compliance with EBO 188 requirements, but that would occur in another proceeding.

OEB approval of this Project without specific conditions and related language could be interpreted by Enbridge that the 'low bar' set by this application is a new benchmark that is acceptable for the future. In fact, Enbridge has interpreted individual OEB decisions on a few recent expansion projects in this manner²³. Pollution Probe suggests that it is inappropriate for Enbridge to selectively interpret or adopt 'precedents' based on elements of OEB Decisions that Enbridge likes and dismissing consideration the portions of OEB Decisions that Enbridge does not like. This chronic issue is not isolated to this proceeding. It is understandable why Enbridge may want to 'cherry pick' only the elements of OEB Decisions or guidance that favours Enbridge and its shareholders, but it is not appropriate. The full range of OEB Decisions and guidance needs to be considered rather than 'cherry picking' convenient elements out of context. The OEB has clear processes and approaches to change guidelines or requirements when the OEB wants to modify approaches on a generic basis.

In a few recent expansion projects, the OEB has indicated a level of comfort with less certainty and objective information than typical in traditional proceedings of this type. Pollution Probe notes that these recent expansion projects have generally been smaller than typical expansion projects in Ontario and certainly much smaller than historic expansion projects when there was better economic opportunity for system expansion in Ontario. The smaller the expansion project, the lower the level of risk in general. As noted, Enbridge has requested that the Province increase the financial limit triggering Leave to Construct approval requirements to \$10 million, which would remove many of these projects from Leave to Construct requirements and OEB review. This Project is below the new threshold proposed and would be one such Project.

Another factor that can in-part mitigate Project risks is the fact that Enbridge (instead of ratepayers) is at financial risk for over-estimating project economics. It is correct that if Enbridge does a poor job (intentionally or unintentionally) of providing objective information on modern alternatives and/or biased surveys, it creates a problem for Enbridge when the project does not perform in line with the inflated economics. This risk parity partially removes some of the incentive for Enbridge to blindly construct pipeline

²³ For example the recent statements by Enbridge in EB-2023—0343 EGI_Ltr_Response_ED_20240315.

capital that is uneconomic and likely to become stranded assets. It does not remove the impact to Ontario consumers that could have made better informed analysis if Enbridge had included the relevant modern options and related incentives in its communication materials.

One of the strengths of the OEB process is to ensure that there is sufficient relevant and objective information available on the public record to support consideration and analysis of the issues for each proceeding. The independent regulatory process in Canada (including Ontario) was recently highlighted by the gas industry as the most valid approach to ensure that evidence is adequately tested and that decisions are based on facts²⁴. In Pollution Probe's view it is appropriate, prudent and in the public interest for the OEB to encourage and consider the relevant, objective and current information needed to objectively inform OEB Decisions.

Pollution Probe is aware that the OEB weighs the validity and impact of low quality, biased or unreliable information/evidence for a specific project/application with grant funding from NGEF vs. the broader regulatory picture and in some cases has used other opportunities (e.g. larger or generic proceedings) as an opportunity to update the public record on what the most correct, objective and relevant information is²⁵. Pollution Probe understands why the OEB may take this approach in specific applications when there are short term opportunities to mitigate project risks. Pollution Probe encourages the OEB to not dilute the level of rigour required in Leave to Construct applications (in perception or reality). Assessment of some of these issues has been flagged as a general issue for consideration in Phase 2 of EB-2022-0200 and also may be included if the OEB convenes a generic proceeding on updates to certain EBO 188 assumptions in the future²⁶.

Proceeding now on selective information in a biased manner may appear convenient in the short term, but this ignores the relevant factual information that consumers will eventually encounter when they start exploring real modern options to retrofit buildings and equipment. Creating an economic analysis (i.e. PI calculation) based on unrealistic or biased information will not actually improve the real economics of this Project. It will only result in further declines below 1.0 in the Enbridge portfolio PI as has been witnessed by the OEB in recent years. Taking a biased approach will not change the inevitable progression of the Energy Transition and actual consumer choice for more cost-effective energy options.

²⁴ March 2024 Transition Accelerator session on natural gas bans.

²⁵ For example, correcting the record on incorrect assumptions for non-gas alternatives like highlighted in Final Transcript EB-2022-0200 Enbridge Gas Rebasing Vol 11, Page 74 lines 16-28.

²⁶ Per the suggestion from the Ministry of Energy.

An inadequate level of planning, stakeholder engagement and use of objective assumption support for projects is a reason why recent performance of Enbridge's expansion projects have not actually performed in alignment with expectations²⁷. The economic risks for the OEB and ratepayers related to an expansion project are particularly elevated when a project barely meets a $PI=1.0$ ²⁸ leaving no safety factor should the costs be higher or the revenue be lower (including attachments, volumes and SES collection from real customers over 40 years). When there is no safety factor and the risks are high, it is prudent to ensure that project assumptions are supported by robust (community specific) information, comprehensive stakeholder engagement and more reliable survey data that ensures consumers have the information needed to make an informed decision on their likelihood to attach to natural gas and stay on natural gas over the duration of the project (i.e. 40 years). Additionally, Enbridge has confirmed that when Energy Transition elements and declining average use are properly included in a project analysis, it further reduces actual project PI below 1.0²⁹. This is logical and pertinent to this Project. The NGEF was specifically designed to subsidize the specific expansion projects selected to meet EBO 188 requirements, but additional cross-subsidization should not occur.

Under NGEF, maximum grant amounts are identified in order to provide maximum incremental subsidies for natural gas expansion projects, but the access to grant funding does not guarantee that the project will actually be feasible or meet other OEB requirements. A safeguard included in the process is that a gas utility must submit projects for OEB review and consideration such as Leave to Construct, if applicable. It is unclear if NGEF grant amounts will be adjusted when the current project submitted to the OEB does not match the project information submitted for NGEF consideration. Pollution Probe suggests that gap could be closed with simple addition of a validation check on actual NGEF funding based on actual project scope, customers forecast and project cost estimate. Even projects below the Leave to Construct threshold require Enbridge to follow the EBO 188 guidelines, including PI threshold requirements.

There is insufficient evidence in this application to accurately estimate expected gas customer attachments over the forecast period (i.e. 40 years) or which customers are likely to remain on the system in the future. As outlined in this submission, the estimates in the application are over-estimates of what is really likely to occur. The over-estimation of attachments and economics above those in actual has become a trend for Enbridge

²⁷ Actual Project PI's have been as low as 0.47 when forecasted by Enbridge in evidence to meet or exceed 1.0 – See B-2022-0200 Exhibit JT3.16 Table 1 for a short summary.

²⁸ Enbridge's application is predicated on meeting this economic threshold.

²⁹ Final Transcript EB-2022-0200 Enbridge Gas Rebasing Vol 10, Page 182 lines 13 - 21 and Page 183 lines 16-21

lately as demonstrated by actual PI results. Forecasted results can be gamed, but actual results cannot.

The Enbridge survey result was a passive survey based on poor, incomplete and biased consumer education and without information on efficient energy options available and the incentives that support them. The percentage of customers choosing a different energy option than natural gas will logically increase once the consumers decide to make an equipment change and actively explore energy options after educating themselves on option available and the incentives available. This follows the fundamental principle Enbridge suggests, that customers will choose the best option once they have adequate information. This of course actually occurs after a consumer has investigated those options adequately (at the time of informed choice rather than completing a passive survey that is not linked to any commitment). A passive survey that does not ensure that consumers are adequately informed, will always have a skewed and unreliable outcome.

Enbridge identified that there is a total population of 267 customers in this community that could be considered for natural gas³⁰. A total of 128 surveys were completed from a list of 264 home owners³¹. This represents a 48%³² response rate from those surveyed. The Forum survey indicated that 38%³³ of those surveyed are likely to replace their heating system and 88% of respondents would consider using natural gas for some application in the future. The survey was non-binding and did not guarantee that gas would be available or used³⁴. Applying these survey results to the full population and assuming that those that did not complete the survey were not willing to support a commitment to connecting, the resulting conversion rate to natural gas over the next 40 years would be approximately 42%³⁵ or 112³⁶ customers at best and likely much lower³⁷. This is significantly lower than the 230 customers that Enbridge is hoping for. The minimum number of customers that will need to attach to the proposed pipeline for the Project to achieve PI of 1.0, with the proposed SES and NGEP funding, is 230. There is no valid evidence to support that assumption.

Enbridge indicates that it has no reasonable basis to believe that expansion facilities will become stranded assets and therefore suggests that it has no responsibility to conduct any assessment related to stranded assets. Enbridge suggests that “The Project’s

³⁰ B/1/1 Page 7.

³¹ Exhibit B, Tab 1, Schedule 1, Attachment 3

³² $128/264 = 48\%$

³³ Exhibit B, Tab 1, Schedule 1, Attachment 3, Table 1, note 1.

³⁴ Exhibit B, Tab 1, Schedule 1, Attachment 3

³⁵ $48\% \text{ response rate} \times 88\% \text{ interest} = \text{approximately } 42\%$

³⁶ $267 \text{ potential customers in the community} \times 0.42 = 112 \text{ customers}$

³⁷ If the survey response of 38% likely to change their heating system is used, the results would be much lower.

natural gas attachment forecast is based on the energy interests expressed by actual residents and business-owners within the Project area”³⁸. This is not an accurate statement since Enbridge did not get confirmation from actual residents and business-owners within the Project area. This assumption is an Enbridge extrapolation based on the non-binding survey.

The survey results indicated that a portion of local consumers currently use electricity for heating. IESO offers a free cold climate air source heat pump to customers that use electricity for heating and are low income (i.e. the target consumers for Ministry retrofit programs like NGEF). This program avoids the significant costs related to retrofits to natural gas, avoids a commitment to an ongoing Enbridge surcharge and provide ongoing annual cost savings above the option of switching to natural gas. IESO and industry ASHP manufacturers indicate savings up to 50% on heating compared to natural gas which is less than half of that, at only 24%.

The information used by Enbridge for comparison and illustration does not include modern cost-effective options and incorrectly assumes that if a consumer is replacing heating equipment over the next 40 years, its baseline options only include electric baseboard, oil or propane³⁹. Enbridge’s own Net Zero study conducted by Guidehouse forecasted that non-gas heating⁴⁰ will be 40%-85%⁴¹ by 2050, which is a shorter time horizon to migrate from gas than the project horizon of this project⁴².

As noted earlier, Enbridge should retain the risk if the actual project is less economic than provided in its evidence (i.e. project costs exceed those placed in evidence by Enbridge and/or revenues are less than those indicated in Enbridge’s evidence). There is no requirement for the OEB to transfer that risk to ratepayers. Enbridge is the only stakeholder that can ensure that the estimates it included in its evidence are realistic or implement mitigation measures (e.g. greater customer outreach, engagement and better surveys) should Enbridge evidence not adequately represent reality. The responsibility is solely on Enbridge to undertake sufficient Project planning and analysis to ensure that the project forecast and evidence aligns with what will occur if the project is approved and constructed. If Enbridge is not confident in the forecast, only Enbridge has the ability to enhance attachment activities or mitigate uneconomic portions of the project. Ensuring that Enbridge carry all risks related to poor forecasting would also protect ratepayers from the negative impact of stranded assets.

³⁸ Exhibit I.PP.11

³⁹ Exhibit B Tab 1 Schedule 1, Table 1 and Figure 1.

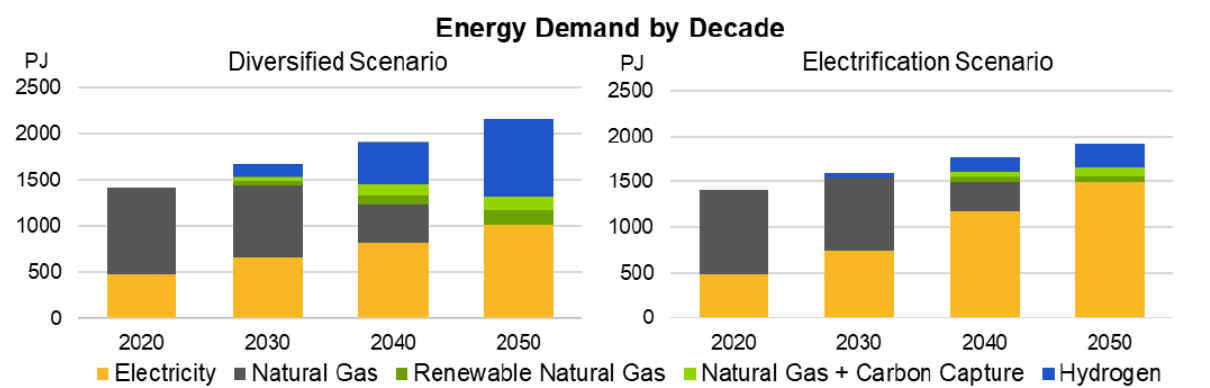
⁴⁰ Includes electricity and heat pumps only for range provided. If other options were added, it would increase the percentages.

⁴¹ EB-2022-0200 Final Transcript EB-2022-0200 Enbridge Gas Rebasing Vol 2, page 17 lines 20-25.

⁴² 40 years would be 2065

Enbridge recently commissions a study to identify a Diversified Scenario to provide a best-case scenario for natural gas infrastructure between now and 2050 given the Energy Transition to Net Zero emissions pathway in Ontario. If this Project is commissioned in 2025, it would require collection from ratepayers out to 2065 based on a 40 year amortization period and the proposed System Expansion Surcharge proposed for this project. Even under Enbridge's most optimistic Diversified Scenario all customers except potentially the largest industrial customer (if they can install carbon capture and sequestration or CCS) will no longer be using natural gas before the project is fully recovered. Enbridge has confirmed that this project has not been designed or approved for hydrogen⁴³.

Figure 1: Pathways to Net Zero Emissions for Ontario ⁴⁴



Project Costs and Economics

The total cost for the proposed Project is estimated to be \$7.77 million⁴⁵, of which approximately \$2.7 million is attributed to Ancillary Facilities. A summary table of Project-related costs is below.

⁴³ Exhibit I.PP.24

⁴⁴ EB-2022-0200 Exhibit 1.10.5.2_Pathways to Net-Zero Emissions for Ontario_BLACKLINE_20230421

⁴⁵ Exhibit E Tab 1 Schedule 1, Table 1.

Item No.	Description	Pipeline Costs		Ancillary Costs ¹	Total Costs
		Distribution Pipeline/Supply Lateral*	Reinforcement		
1.0	Material	246,155	28,364	57,406	331,925
2.0	Construction	2,812,928	240,885	2,253,990	5,307,803
3.0	Outside Services	1,208,578	43,861	130,763	1,383,202
4.0	Land, Permits, Approvals and	10,500	500		11,000
5.0	Contingency	427,816	31,361	227,235	686,412
6.0	Sub-Total	4,705,977	344,971	2,669,394	7,720,342
7.0	Interest During Construction	47,060	3,450	7,721	58,231
8.0	Total Project	4,753,037	348,421	2,677,115	7,778,573
9.0	Original Proposed Cost				7,769,155
10.0	Variance (8 – 9)				9,418

This Project would not operate without the Ancillary Facilities and they were included in the EBO 188 financial analysis, so it is recommended that all Project costs be included in the scope of the Leave to Construct review and Decision. It is unclear why Enbridge would make a request to exclude Ancillary costs from OEB Project review, given that the Ancillary Facilities would not be built in isolation of the Project.

Based on real performance there has been a wide variation in more recent expansion projects actual results compared to what was put in evidence before the OEB to support the expansion project. For example, the Profitability Index of most recent expansion projects significantly varies from the EBO 188 requirement of 1.0 minimum to as low as 0.47⁴⁶. Enbridge also confirmed that Energy Transition, declining average use and other factors affecting customers decreases the economics of a project below what is expected⁴⁷. Based on the issues identified in recent applications including this one, it is not surprising that expansion project results are varying significantly from the results that were initially forecasted. Assessing projects, customer options/decisions in a more appropriate and robust manner would better support the fundamental goal of NGEF (i.e. provide natural gas where consumers actually want it and where the attachment profile plus revenues including grants meets the OEB requirements) while validating customer choice for energy technologies and ensuring expansion projects are done in a more cost-effective manner. As noted earlier, the risks related to expansion projects that only meet a PI=1.0 is significantly greater than decades ago when many projects typically had a PI of 2 or greater, helping to mitigate some of these risks. Times have changed.

⁴⁶ EB-2022-0200 Exhibit JT3.16 Table 1.

⁴⁷ Final Transcript EB-2022-0200 Enbridge Gas Rebasing Vol 10, Page 182 lines 13 - 21 and Page 183 lines 16-21

Enbridge Project Proposal Costs to Consumers

Below is a summary of the project cost per customer based on the Enbridge information. The summary table includes:

- Assumes that costs and attachments are per Enbridge forecast
- Does not include Enbridge return on capital or end of life abandonment costs
- Not including customer renovation or equipment costs
- Does not include annual energy operational costs

Project Initial Capital Cost ⁴⁸ per customer	\$33,779 ⁴⁹
NPV of O&M Cost (gas) per customer	\$ 4,417 ⁵⁰
NPV of other expenses per customer	\$11,448 ⁵¹
Initial Project Cost per customer	\$49,644

A quick estimate of annual savings for a heat pump against the natural gas alternative is summarized below.

Cost element	Estimated Annual
Average ASHP Savings over Natural Gas in Ontario ⁵²	\$840
Avoided Enbridge Customer Charge (estimated at \$564/year ⁵³ plus including HST)	\$564
Total Annual Savings	\$1,404

The figures above are very close to available industry and IESO information for comparing heating costs of a cold climate ASHP against a natural gas furnace. Annual savings are even greater when considering the cooling saving.

The application filed provided energy comparisons, but the information used by Enbridge for comparison and illustration does not include modern options and

⁴⁸ Excludes future capital costs and annual operating costs

⁴⁹ \$7,769,155 / 230 customers = \$33,779 per customer. Higher if estimated attachments are not achieved.

⁵⁰ \$1,016,000 / 230 = \$4,417 per E/1/1 Attachment 2.

⁵¹ (916,000 +1,717,000) /230 = \$11,448 per E/1/1 Attachment 2

⁵² Objective third part calculator estimate of ASHP savings compared to natural gas in Ontario – EB-2022-0200 K2.2, Page 251.

⁵³ EB-2022-0111 Exhibit I.PP.14 and EB-2022-0200, Exhibit 8, Tab 2, Schedule 9, Attachment 10, p. 1, line 1, column (c), Updated March 8, 2023. Annual delivery charges include a monthly customer charges and demand charges. As part of the 2024 Rebasing proceeding, Enbridge Gas has proposed a straight fixed variable with demand rate design for general service rate classes. Rate design proposals are subject to the OEB's decision in Phase 3 of the 2024 Rebasing proceeding.

incorrectly assumes that if a consumer is replacing heating equipment over the next 40 years, its baseline options would only be electric baseboard, oil or propane⁵⁴. Clearly not the case. If a customer makes a decision today or in the future to install a heating system, the best options were not included in the marketing materials provided by Enbridge. This is why heat pumps have outpaced traditional gas furnaces for annual installations. These options should include (at the very least) cold climate heat pumps with a note on the additional savings achieved for air-conditioning and the incentives available to Ontario energy consumers (including the free ccASHP under the IESO Save on Energy program). As noted above, the cost to install more cost-effective options with lower emissions is less than a natural gas alternative (even the highest Enbridge estimates) and the energy savings are superior. For low income consumers using electric heat, the costs advantage over installing natural gas equipment is even greater when considering incentives available.

Providing this information to consumers in an open and transparent manner is recommended for expansion projects. Part of the role of the OEB is to ensure that consumers are protected from misleading information and have the information to make informed decisions. Pollution Probe is aware that consumer information issues may be included in future OEB proceedings⁵⁵, but waiting for those is a disadvantage to consumers considering an equipment change now.

Energy Efficiency Consideration

Enbridge did not provide any DSM, IESO (Save on Energy) or other energy efficiency or equipment incentive information to the community as part of the survey or communication package⁵⁶. Enbridge relies on a mass market approach for consumers to find this information rather than providing it for consumers impacted by a project⁵⁷.

DSM is the OEB approved portfolio of programs available to all existing and future natural gas customers in Ontario. New gas burning equipment can only function after a service is installed, so therefore any consumer that becomes a customer of Enbridge is entitled to take full advantage of the OEB approved DSM programs before installing equipment. A key principle for DSM is to minimize “lost opportunities”, particularly at the time when a customer is considering a renovation or change of heating equipment⁵⁸. This situation applies directly to this community expansion project.

⁵⁴ Exhibit B Tab 1 Schedule 1, Table 1.

⁵⁵ E.g. Phase 2 of EB-2022-0200 and future generic proceedings related to EBO 188.

⁵⁶ Exhibit I.PP.7, Exhibit I.PP.26 & Exhibit I.ED.44

⁵⁷ EB-2022-0111 Exhibit I.PP.20

⁵⁸ Final Transcript EB-2021-0002 EGI DSM Vol 3 March 30 2022. Page 84, lines 26-27.

Providing DSM information and options to potential community expansion customers has been a chronic challenge for Enbridge and the gap remains⁵⁹. Enbridge previously indicated that it believes that it needs to do better when expanding to new communities and committed to “ensuring that when we [Enbridge] go out to communities, as part of trying to attract them as new customers, that they understand the conservation service that we offer and that that would be available to them at that point in time. So when they do their conversion we don't lose that opportunity”⁶⁰. Unfortunately, Enbridge has not marketed DSM or other energy efficiency opportunities to potential customers of NGEPC Community Expansion projects including this one⁶¹. Enbridge has repeatedly committed to the OEB and stakeholders to fix this gap⁶². Nothing has been done to remedy the ongoing problem and direct OEB intervention for expansion projects is needed.

Enbridge recently indicated that it does not have a responsibility to provide relevant information to new customers and communities and that "Enbridge Gas served new or upgraded natural gas service requests from customers on the understanding that these customers are sufficiently informed about the available energy and technology solutions and that they have chosen the alternative that best suits their needs"⁶³. This is clearly not the case when Enbridge is only providing information biased in favour of natural gas. This is a monopolistic approach that is counter to the public interest. Customers depend on their regulated utility to provide objective information and also that the OEB will protect consumers from such monopolistic behaviors.

The OEB has indicated previously and consistently that it expects DSM analysis and opportunities to be applied more effectively, particularly for Leave to Construct projects⁶⁴. These lost opportunities reduce DSM results at a time when the OEB's recent DSM Decision stated that more DSM results are expected⁶⁵. DSM information and program materials are supposed to be made available to all potential customers in the community and local contractors should be requested to also share information on the full range of options including reducing energy costs and related emissions through undertaking energy efficient decisions during the renovation or major equipment change.

⁵⁹ Final Transcript EB-2021-0002 EGI DSM Vol 3 March 30 2022. Page 86 line 23 to page 87 lines 2-5.

⁶⁰ Final Transcript EB-2021-0002 EGI DSM Vol 3 March 30 2022. Page 87 line 25 to page 88 line 2.

⁶¹ Exhibit I.PP.8, Exhibit I.PP.26 & Exhibit I.ED.45

⁶² Final Transcript EB-2021-0002 EGI DSM Vol 3 March 30 2022. Page 85 line 20 to Page 88 line 12.

⁶³ EB-2022-0200 2.6-Staff-81, part (c)

⁶⁴ E.g. EB-2020-0192 Decision Page 13 and IR responses to OEB staff interrogatory 13 a) and Pollution Probe interrogatory 10

⁶⁵ EB-2021-0002 Decision

Environmental and Socio-economic Impacts

Enbridge indicates that the Project will be conducted in accordance with recommendations in the Environmental Report (ER). An Environmental Protection Plan ("EPP") was recommended to be developed for the Project prior to construction. In accordance with the ER, an EPP should incorporate recommended mitigation measures contained in the ER and those mitigation measures obtained from agency consultation for the environmental issues associated with the proposed works. This is a risk in completing budgeting prior to the EPP is completed. The EPP will also need to accommodate approval agency conditions once the permits and approvals are completed.

The ER identifies Provincial wetlands along the Preferred Route. Enbridge confirmed that the Ministry of the Environment, Conservation and Parks (MECP) requires the results of the Ecological Land Classification (ELC) to determine if there is potential for species at risk and their associated habitats to exist along the Preferred Route of the Project. Enbridge indicated that it has provided the results of the ELC to the MECP and is awaiting review. Enbridge will seek approvals from the MECP for the protection of species at risk during construction of the Project, as required⁶⁶. Enbridge confirmed that permit applications to the Saugeen Valley Conservation Authority under O. Reg. 169/06 are being prepared for all areas of the Preferred Route which intersect with Conservation Authority regulated lands, which includes wetlands. The final approvals, conditions, mitigation and related costs can only be determined once those reviews are completed.

The Study Area also contains multiple watercourses with variable thermal regimes, flow regimes, and fish community assemblages. The provincially and federally Endangered Redside Dace is known to occur within Meux Creek and its tributaries⁶⁷.

The ER specifically indicates that an Environmental Inspector (EI) should be on-site during sensitive watercourse and wetland crossings to monitor adherence to specifications, site plans, and the DFO-Enbridge Agreement. In particular, the EI should monitor that pre-construction preparation is complete prior to commencement of any work and that the floodplain conditions are restored to as close to preconstruction conditions as possible. The EI should be responsible for monitoring weather forecasts prior to the crossing to check that conditions are appropriate for the crossing technique⁶⁸. The OEB has previously included conditions for an Environmental Inspector to be onsite in its Conditions of Approval. If the OEB indicates that Enbridge

⁶⁶ Exhibit I.PP-19

⁶⁷ EGI_F-1-1_Attachment 1, Page 89.

⁶⁸ EGI_F-1-1_Attachment 1, Page 109.

must follow the recommendations in the Project's Environmental Report and EPP, that requirement would automatically be included.

The ER identified bedrock in the project area at approximately 2.74 meters depth⁶⁹. This is not likely to affect average trenching that is in the range of 1 meter deep, but could be encountered during directional drilling, particularly under sensitive features such as wetlands and watercourses. If bedrock is encountered around these features, changes to the EPP will be required in consultation with the permitting authorities. This could impact schedule and cost related to the Project.

The ER identifies approximately 178 water wells in the Study Area, 107 of which are designed as domestic supply. Depending on the proximity to wells, the depth of the well installation and the groundwater levels encountered during excavation, trench dewatering may impact water well quality or quantity at some of the overburden supply wells⁷⁰. If blasting within 100 m of water wells is required, Enbridge should undertake a detailed monitoring program prior to any blasting. Given the proposed timelines for the project, it will be difficult to get access to all well for third party testing prior to construction.

Effective public consultation is a mandatory requirement for all projects requiring Leave to Construct approval. Overall consultation and community engagement for this Project was not sufficient to provide members of the community the information they need to make informed decisions. Best practice would have been to provide direct information (via handouts, electronic communication and/or community education sessions) to all consumers in the community on the incentives and options available under the OEB approved DSM programs so they can adequately plan energy efficient options and related building improvements if they elect to become a natural gas customer. Partnering with IESO would have ensured that relevant electricity conservation program information was provided by Enbridge at the same time. Every customer Enbridge is targeting is an electricity customer already. An integrated approach aligns more closely with Ontario energy policy direction and is simply common sense when providing information to Ontario energy consumers.

⁶⁹ EGI_F-1-1_Attachment 1, Page 81.

⁷⁰ EGI_F-1-1_Attachment 1, Page 83.