

# Elson Advocacy

**BY EMAIL AND RESS**

January 24, 2024

**Nancy Marconi**

Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2700, P.O. Box 2319  
Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Response to EGI's letter in response to GEC Change of Counsel Notice**

I am writing on behalf of the Green Energy Coalition ("GEC") and Environmental Defence ("ED") in response to Enbridge Gas Inc.'s letter dated January 17, 2024.

Enbridge asks for an order from the OEB to combine the interventions of GEC and ED for phases 2 and 3 of EB-2022-0200 – 2024 Rates Application. This would not be appropriate and Enbridge appears to have misunderstood the coordination that has occurred between GEC and ED in the past.

With respect to phase 1, Enbridge complains that the interrogatories of ED and GEC were "substantially similar" and that their positions in the proceeding were "virtually indistinguishable." Enbridge submits that GEC and ED are "virtually identical intervenors" and should not each be eligible for costs. This position is without merit for a number of reasons.

First, GEC and ED worked very hard to coordinate their efforts and submissions in this proceeding. By the time of submissions, their positions were similar, but they did not begin that way. Both GEC and ED had numerous coordination discussions, both of them bringing ideas and information to the other. This benefited and strengthened the submissions of both parties, ultimately resulting in a better product for the OEB. For instance, certain positions were dropped and other positions strengthened, leaving the OEB with a more streamlined set of submissions to consider. This occurred behind the scenes and before submissions were provided to OEB.

Second, it is clear that the interrogatories of GEC and ED were, in fact, distinct and resulted in different and useful information. The interrogatories of both GEC and ED made important contributions to the discovery process and were relied on by each other, as well as other parties.

Third, Enbridge may particularly oppose the positions taken by GEC and ED, but that does not warrant treating them differently from other intervenors that have shared interests. The policy perspectives put forward by GEC and ED and their knowledge of the energy transition and its

impact on energy customers should not be discounted and treated as extraneous. Knowledge and expertise regarding the energy transition can help avoid expensive mistakes and find opportunities to reduce costs to customers. Although GEC and ED have an interest in environmental protection, particularly where that would result in lower energy bills, there are even more intervenors representing a more traditional customer-cost-reduction viewpoint. ED and the GEC should not be singled out and forced into a combined intervention any more than all the consumer intervenors should be forced to combine into one.

Fourth, the positions of the GEC and ED are not always the same. Although this case has been particularly collaborative, some different viewpoints are expressed in their submissions even in this case. But more broadly, there are certainly important divergent viewpoints among environmental groups regarding energy matters. With respect to gas, that includes a variety of views on the role for fossil gas, renewable gas, and hydrogen. The OEB has long recognized that its decisions are better if they based on a canvassing of multiple viewpoints. For instance, in EBO 134, the OEB stated that “[t]he greater the number of interests that are represented at a hearing, the more confidence the Board can have in its judgement regarding the public interest.”<sup>1</sup> This remains even more important today in comparison to 1987, when it was originally written. The challenge and complexities of the energy transition require an even more robust marketplace of ideas to ensure that we can protect energy consumers in these uncertain times.

Finally, we anticipate that the GEC and ED will be coordinating even more closely in phases 2 and 3 of this proceeding, in part because the issues in phases 2 and 3 are not as complex as phase 1. Where appropriate and where interests are aligned, we may submit joint submissions. However, our clients also have distinct interests and little would be gained by combining them as one.

Rather than punish the efforts of GEC and ED for coordinating efforts, their collaborative approach in this proceeding should be commended as it has resulted in a more cohesive and streamlined set of submissions for the OEB to consider.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Amanda Montgomery', with a stylized flourish at the end.

Amanda Montgomery

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<sup>1</sup> EBO 134, Report of the Board, June 1, 1987, s. 5.20.