

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

May 21, 2024

**EB-2022-0200 EGI Rebasing Phase 1
Pollution Probe Cost Claim Reply**

Dear Ms. Marconi:

Pollution Probe is in receipt of Enbridge's letter dated May 14, 2024 related to Cost Claims for the above-noted proceeding. Enbridge's letter was general in nature with a primary focus of highlighting the number of participants approved by the OEB for the proceeding and the related costs. No specific details, references or recommendations have been included in the letter submitted by Enbridge and Pollution Probe suggests that the letter be dismissed by the OEB. The appropriate time for Enbridge to raise concerns about participation is at the beginning of the proceeding when the OEB set specific procedures for commenting on stakeholder participation¹, not at the end of the proceeding. Pollution Probe notes that Enbridge has recently suggested that Phase 1 should have included incremental stakeholders given the broad range and importance of the issues considered by the OEB. This was one of the primary arguments brought forward by supporters of Bill 165 and it is inappropriate for Enbridge to now suggest that Enbridge supported less stakeholder participation in the proceeding. In Pollution Probe's opinion, is not appropriate to suggest that the OEB should include incremental participants in a proceeding and then complain that there were too many stakeholders participating. Enbridge has not been subtle in showing its displeasure for the Phase 1 outcomes and challenging participation and related costs after the fact is simply another challenge to the open, transparent and inclusive process leveraged by the OEB.

Based on the importance and scope of Phase 1, Pollution Probe believes that the OEB decisions related to stakeholder participation in Phase 1 has been appropriate. The costs for stakeholders, experts and the OEB are appropriate and reasonable based on the scope, scale and important of Phase 1. The net benefits to ratepayers from Phase 1 significantly exceed the costs based on stakeholder participation. Benefits from stakeholder participation up to the Settlement Agreement alone are approximately \$90 million per year or \$450 million over the rebasing term, or otherwise stated, the benefits from stakeholder participation were approximately 90 times greater than the costs of participation in Phase 1². Net benefits from the entire proceeding were many times greater. The outcomes from Phase 1 highlights the benefits of the OEB process which is intended to be open, transparent and inclusive.

¹ Similar to the process for Phase 2 that has been used by the OEB, where the OEB has determined that ED and GEC are discrete parties.

² Annual Revenue Impact per EB-2022-0200 Exhibit O1, Tab 1, Schedule 1, Page 14

Pollution Probe participated in all elements of the Phase 1 proceeding and coordinated responsibly with all participating stakeholders. Although coordination occurred largely behind the scenes, Pollution Probe believes that the benefits of this coordination were clearly evident. Given the scope and scale of the issues in Phase 1, there was clearly a high degree of coordination and any Enbridge general assertion to the opposite should be dismissed. Pollution Probe can attest to significant level of coordination with other stakeholders throughout the proceeding.

Enbridge's suggestion of duplication is baseless. Enbridge appears to be confused when suggesting that Pollution Probe co-sponsored expert evidence with GEC and ED, causing duplication. Pollution Probe coordinated with stakeholders prior to putting forward experts and was satisfied with the experts being retained by other parties. Rather than retaining additional experts, Pollution Probe researched and filed supplementary best practice materials through the proceeding as previously endorsed by the OEB as an efficient approach³. None of the evidence filed by Pollution Probe duplicated that of any other party and those materials were leveraged by parties throughout the proceeding. Similarly, Pollution Probe's focus on modeling, questions and recommendations were coordinated and responsible. Pollution Probe frequently takes positions different than other stakeholders including GEC and ED and this proceeding was no different. Based on the final evidentiary record in Phase 1, Pollution Probe coordinated with stakeholders on any areas of commonality (as encouraged by the OEB) and those specific areas were outlined to avoid duplication.

Pollution Probe submits that it participated responsibly in Phase 1 and requests that the OEB approve its final Cost Claim.

Respectfully submitted on behalf of Pollution Probe.



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³ PollutionProbe_Ltr_IntervenorEvidence_20230116. Examples include current best practice information submitted through the Interrogatory and Hearing processes.