

# Elson Advocacy

May 21, 2024

**Ms. Nancy Marconi**  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc. 2024 to 2028 Rates Application  
EB-2022-0200**

I am writing on behalf of Environmental Defence and the Green Energy Coalition in response to Enbridge's comments on the cost claims.

Enbridge seems to suggest that the costs of the three environmental intervenors should be reduced due to duplication. This is based on the assertion that "these parties did not rely on each other for their submissions, questions or work in their areas of interest." That is not accurate. Environmental Defence and the Green Energy Coalition worked to coordinate their positions and also, where appropriate, relied on each other to address certain topic areas in more detail. For instance, Environmental Defence relied on the Green Energy Coalition to make detailed submissions on depreciation. Environmental Defence's submissions on that topic were brief (2 pages) whereas the Green Energy Coalition provided 10 pages of detailed submissions, which comprised one-quarter of the Green Energy Coalition submissions. In addition, the Green Energy Coalition took the lead on eliciting evidence on, and advocating for, a units of production approach throughout the oral hearing.

On the other hand, Environmental Defence made submissions on a number of issues that the Green Energy Coalition did not address. This includes issue 11 (load forecasting methodologies), issue 16 (site restoration costs and a segregated fund), issue 32 (Volume Variance Account), and issue 34 (Natural Gas Vehicle Program). Environmental Defence also addressed certain sub-issues not addressed by the Green Energy Coalition, such as the hydrogen blending study, the hydrogen pilot phase II, the Wilson Ave. project, the 2023 in-service additions for connection costs, and others. Environmental Defence also submitted evidence on the potential role of blue hydrogen and addressed that topic in submissions.

For the topics that Environmental Defence and the Green Energy Coalition both addressed, in many cases the ultimate requests were very similar, but the content and style of the submissions were very different. This can be seen, for example, in the tables of contents of their submissions, which are attached for ease of reference. Also, where the requests were the same, this was the result of active coordination, which benefitted the overall process. This was described in an earlier letter from Ms. Montgomery:

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.

Enbridge argues that there was too much overlap in the interrogatories of the environmental intervenors. However, Environmental Defence relied extensively on the responses to its interrogatories in this proceeding. Had we simply relied on other intervenors to ask questions in the relevant topic areas, we would not have obtained the information that we needed to make our case. The same is true for the Green Energy Coalition.

As Enbridge acknowledges, Environmental Defence and the Green Energy Coalition coordinated in jointly retaining the Energy Futures Group. This significantly reduced costs in comparison to separately seeking experts. Note that the cost of this evidence appears entirely on the Green Energy Coalition cost claim for administrative reasons even though the evidence was jointly produced.

Also, there are even more differences in the positions and the submission details between Pollution Probe and Environmental Defence as there are between Environmental Defence and the Green Energy Coalition. The OEB would have lost important perspectives and advocacy if Environmental Defence was required to rely on Pollution Probe's interrogatories, evidence, and submissions on issues that are important to both intervenors. The same is true for the Green Energy Coalition.

It is telling that Enbridge has singled out the environmental intervenors even though the consumer intervenors generated the lion's share of the costs. Although consumer groups have differing positions on cost allocation issues, with many other issues their interests are aligned. It is not reasonable to single out environmental intervenors as being less worthy of putting forward their own contribution to the proceeding in comparison to consumer groups. Different viewpoints and different approaches are important to a robust decision-making process for both consumer and environmental intervenors. This is especially true today because environmental intervenors have important knowledge and expertise to contribute with respect to the energy transition, which impacts so many aspects of energy regulation.

With respect to overall cost claim amounts, Enbridge makes submissions at such a high level of generality that intervenors are denied an opportunity to respond. For instance, Enbridge "asks that the OEB review the number of hours intervenors have claimed for each process step in comparison to the role they played in the process." If Enbridge believes an intervenor's hours are too high in comparison to the role they played, Enbridge should say so explicitly. This would give the intervenor an opportunity to respond. Instead, Enbridge proposes a process whereby no such opportunity is provided.

Similarly, Enbridge states that “there are intervenors that claim hours well in excess of the average hours claimed such as evidence review, interrogatory preparation, settlement conference preparation and decision review.” However, intervenors do not have access to that comparative data. And again, the high-level objection leaves intervenors with no opportunity to respond prior to a decision by the OEB.

Enbridge also relies on raw comparisons of intervenor hours. However, this does not appropriately differentiate, for example, between the intervenors that did and did not sponsor evidence. Also, note that the appendix to Enbridge’s letter listing intervenor counsel/representative hours includes 23 hours for David Gard and Chelsea Hotaling as if they were representatives of GEC, which is not the case. They worked with the Energy Futures Group assisting Mr. Neme.

Finally, it is important to note that Environmental Defence and the Green Energy Coalition took a leading role with respect to Enbridge’s energy transition evidence, including detailed discovery and detailed analysis of the pathways study prepared by Guidehouse. That work was considerably more than anticipated because of the motions and additional technical conference that were required to obtain adequate discovery, and also because of the multiple evidence updates. Environmental Defence and the Green Energy Coalition coordinated with other intervenors in this regard, which relied on Environmental Defence and the Green Energy Coalition to take the lead in exploring and critiquing this important study.

Thank you for the opportunity to make these submissions.

Yours truly,



Kent Elson

cc: Parties to the above proceeding