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## **VIA EMAIL and RESS**

May 28, 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 No. EB-2022-0111  
Bobcaygeon Community Expansion Project  
Cost Claim Objections**

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Pursuant to the OEB’s Decision and Order dated May 14, 2024, Enbridge Gas has reviewed the cost claims received from Environmental Defence (“ED”), the Federation of Rental-housing Providers of Ontario (“FRPO”), and Pollution Probe (“PP”). A summary of the cost claims submitted by ED, FRPO, and PP are provided in Table 1 below.

Table 1: ED, FRPO, and PP Cost Claims – Amounts Submitted by Intervenors

Intervenor	Discovery (\$)	Procedural (\$)	Written Argument (\$)	Decision (\$)	Other (\$)	TOTAL (\$)
<b>ED</b>	5,566.38	824.90	1,445.27	98.31	0	<b>7,934.86</b>
<b>FRPO</b>	6,339.30	745.80	3,915.45	372.90	745.80	<b>12,119.25</b>
<b>PP</b>	10,814.11	0	2,703.53	0	0	<b>13,517.64</b>

Enbridge Gas recommends that ED’s and PP’s cost claims for “Discovery” be reduced to \$1,168.94 and \$8,867.57, respectively, as set out in Table 2 below. ED’s and PP’s approach to discovery involved detailed exploration of issues that are not material to the proceeding (notwithstanding the OEB’s direction in Procedural Order No. 1) and many of ED’s interrogatories were replicated from, or very similar to, ED’s interrogatories for previous NGEF project proceedings, as described in more detail below. Enbridge Gas does not object to FRPO’s cost claims.

Table 2: ED and PP Cost Claims – Recommended Amounts

Intervenor	Discovery (\$)	Procedural (\$)	Written Argument (\$)	Decision (\$)	Other (\$)	TOTAL (\$)
<b>ED</b>	1,168.94	824.90	1,445.27	98.31	0	<b>3,537.42</b>
<b>PP</b>	8,867.57	0	2,703.53	0	0	<b>11,571.10</b>

### *ED and PP Cost Claims – Discovery*

ED filed 188 interrogatories (including sub-parts) requiring over 500 pages of responses from Enbridge Gas.<sup>1</sup> Of ED's 188 interrogatories, 54 (29%) sought information related to non-natural gas alternatives including electric heat pumps (see Table 3 below).

PP filed 79 interrogatories (including sub-parts) requiring over 350 pages of responses from Enbridge Gas.<sup>2</sup> Of PP's 79 interrogatories, 14 (18%) sought information related to non-natural gas alternatives including electric heat pumps (see Table 4 below).

In contrast to ED and PP, OEB staff submitted 36 interrogatories (including sub-parts) with no interrogatories related to non-natural gas alternatives.

**Table 3: ED Interrogatories Related to Non-Natural Gas Alternatives Including Electric Heat Pumps**

Exhibit I.ED.1(a)	Exhibit I.ED.11(b)(iii)	Exhibit I.ED.28(e)	Exhibit I.ED.31(a)
Exhibit I.ED.1(b)	Exhibit I.ED.11(b)(iv)	Exhibit I.ED.28(g)	Exhibit I.ED.31(b)
Exhibit I.ED.4(a)(i)	Exhibit I.ED.11(b)(vi)	Exhibit I.ED.28(h)	Exhibit I.ED.34(a)
Exhibit I.ED.4(a)(ii)	Exhibit I.ED.11(b)(ix)	Exhibit I.ED.28(i)	Exhibit I.ED.34(b)(i)
Exhibit I.ED.4(a)(iii)	Exhibit I.ED.28(a)	Exhibit I.ED.29(a)	Exhibit I.ED.34(b)(ii)
Exhibit I.ED.4(a)(iv)	Exhibit I.ED.28(b)(i)	Exhibit I.ED.29(b)	Exhibit I.ED.34(b)(iii)
Exhibit I.ED.4(a)(vi)	Exhibit I.ED.28(b)(ii)	Exhibit I.ED.29(c)	Exhibit I.ED.34(c)
Exhibit I.ED.4(a)(vii)	Exhibit I.ED.28(b)(iii)	Exhibit I.ED.30(a)	Exhibit I.ED.34(d)
Exhibit I.ED.4(a)(ix)	Exhibit I.ED.28(b)(iv)	Exhibit I.ED.30(b)	Exhibit I.ED.34(e)
Exhibit I.ED.9(f)	Exhibit I.ED.28(b)(v)	Exhibit I.ED.30(c)	Exhibit I.ED.35(a)
Exhibit I.ED.11(a)	Exhibit I.ED.28(b)(vi)	Exhibit I.ED.30(d)	Exhibit I.ED.35(b)
Exhibit I.ED.11(a)	Exhibit I.ED.28(b)(vii)	Exhibit I.ED.30(e)	Exhibit I.ED.43(a)
Exhibit I.ED.11(b)(i)	Exhibit I.ED.28(c)	Exhibit I.ED.30(f)	
Exhibit I.ED.11(b)(ii)	Exhibit I.ED.28(d)	Exhibit I.ED.30(g)	

**Table 4: PP Interrogatories Related to Non-Natural Gas Alternatives including Electric Heat Pumps**

Exhibit I.PP.6(a)	Exhibit I.PP.9	Exhibit I.PP.16	Exhibit I.PP.19(e)
Exhibit I.PP.6(b)	Exhibit I.PP.10	Exhibit I.PP.19(a)	Exhibit I.PP.20(c)
Exhibit I.PP.8(a)	Exhibit I.PP.13(b)	Exhibit I.PP.19(b)	
Exhibit I.PP.8(b)	Exhibit I.PP.15(b)	Exhibit I.PP.19(c)	

ED and PP sought information related to non-natural gas alternatives notwithstanding the OEB's direction within Procedural Order No. 1 which stated:

*"Parties should not engage in detailed exploration of issues that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues."*<sup>3</sup>

<sup>1</sup> EB-2022-0111, Enbridge Gas Interrogatory Responses, pp. 159-676 of the PDF ([link](#)).

<sup>2</sup> EB-2022-0111, Enbridge Gas Interrogatory Responses, pp. 695-1062 of the PDF ([link](#)).

<sup>3</sup> EB-2022-0111, OEB Procedural Order No. 1 (August 14, 2023), p. 3 ([link](#)).

Notwithstanding ED's interests which consist of "efforts to help consumers adopt heat pumps" and "efforts to combat fossil fuel subsidies",<sup>4</sup> the OEB has stated the following regarding the issue of non-natural gas alternatives for NGEP project proceedings, indicating that ED and PP's detailed exploration of information related to electric heat pumps is not appropriate for these proceedings:

- i. The OEB is not making a decision between the use of electric heat pumps instead of natural gas;<sup>5</sup>
- ii. Matters such as potential uptake of consumer energy solutions need to rely on actual consumer and community interest;<sup>6</sup>
- iii. Factors that impact consumer choices between electric heat pumps and natural gas can change over time;<sup>7</sup>
- iv. The case for alternatives to natural gas service should primarily be a marketplace issue;<sup>8</sup>
- v. The approval of NGEP-funded projects does not restrict consumers and communities from obtaining electric heat pumps;<sup>9</sup>
- vi. Enbridge Gas is not guaranteed total cost recovery in the event of revenue shortfalls;<sup>10</sup> and,
- vii. ED's interests with respect to broader climate change issues and the promotion of electric heat pumps extend beyond the scope of NGEP project proceedings.<sup>11</sup>

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<sup>4</sup> EB-2023-0313, Reply Submissions of Environmental Defence (November 29, 2023), p. 3 ([link](#)).

<sup>5</sup> EB-2022-0156/0248/0249, 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](#)).

<sup>6</sup> EB-2022-0156/0248/0249, OEB Decision on Intervenor Evidence and Confidentiality (April 17, 2023), p. 4 ([link](#)).

<sup>7</sup> 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](#)).

EB-2022-0111, OEB Decision and Order (May 14, 2024), p. 25 ([link](#)).

EB-2023-0261, OEB Decision and Order (May 23, 2024), p. 20 ([link](#)).

<sup>8</sup> 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), p. 16 ([link](#)).

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

<sup>9</sup> 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](#)).

EB-2022-0111, OEB Decision and Order (May 14, 2024), p. 24 ([link](#)).

EB-2023-0261, OEB Decision and Order (May 23, 2024), p. 19 ([link](#)).

<sup>10</sup> 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](#)).

EB-2022-0111, OEB Decision and Order (May 14, 2024), pp. 25-26 ([link](#)).

EB-2023-0261, OEB Decision and Order (May 23, 2024), pp. 20-21 ([link](#)).

<sup>11</sup> EB-2023-0313, OEB Decision and Order (December 13, 2023), p. 16 ([link](#)).

Additionally, many of ED's interrogatories for the proceeding<sup>12</sup> were replicated from, or very similar to, ED's interrogatories for previous NGEF project proceedings.<sup>13, 14, 15</sup>

Based on the foregoing, Enbridge Gas recommends reducing ED's cost claims for "Discovery" by 79% to \$1,168.94 (29% reduction to reflect ED's interrogatories that consisted of detailed exploration of issues that are not material to the proceeding, plus a 50% reduction to reflect ED's partial replication of and reliance on its interrogatories from previous NGEF project proceedings). Similarly, Enbridge Gas recommends reducing PP's cost claims for "Discovery" by 18% to \$8,867.57 (to reflect PP's interrogatories that consisted of detailed exploration of issues that are not material to the proceeding).

If you have any questions, please contact the undersigned.

Sincerely,

Haris Ginis  
Technical Manager, Regulatory Applications

c.c. Charles Keizer (Torys LLP, Enbridge Gas Counsel)  
Judith Fernandes (OEB Staff)  
Intervenors (EB-2022-0111)

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<sup>12</sup> EB-2022-0111, ED Interrogatories ([link](#)).

<sup>13</sup> EB-2022-0156, ED Interrogatories for the Selwyn Community Expansion Project proceeding ([link](#)).

<sup>14</sup> EB-2022-0248, ED Interrogatories for the Mohawks of the Bay of Quinte Community Expansion Project proceeding ([link](#)).

<sup>15</sup> EB-2022-0249, ED Interrogatories for the Hidden Valley Community Expansion Project proceeding ([link](#)).