



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2022-0157

ENBRIDGE GAS INC.

**Application for leave to construct natural gas pipeline and
associated facilities in the Municipality of Chatham Kent and
Municipality of Lakeshore**

BEFORE: Patrick Moran
Presiding Commissioner

David Sword
Commissioner

Robert Dodds
Commissioner

July 15, 2024

OVERVIEW

This is a decision of the Ontario Energy Board on cost claims filed with respect to an Enbridge Gas Inc. proceeding.

On June 10, 2022, Enbridge Gas applied for an order granting leave to construct approximately 19 kilometres of natural gas pipeline from Dover Transmission Station in the Municipality of Chatham Kent to its existing pipeline in the Municipality of Lakeshore (Project) and approximately 12 kilometres of natural gas pipeline in the Municipality of Lakeshore, Town of Kingsville and the Municipality of Leamington. The Project also involves valve site station work required to tie in the proposed pipelines. Enbridge Gas also applied for approval of the form of land-use agreements it has or will offer to landowners on the route of the Project.

The OEB placed the application in abeyance on December 5, 2022, at Enbridge Gas's request. Enbridge Gas filed an updated application on June 16, 2023. In Procedural Order No. 5 dated February 7, 2023, the OEB set out, among other matters, the process for interim cost claims.

In its March 29, 2023 Decision and Order on Interim Cost Awards, the OEB awarded costs to the following parties: Association of Power Producers of Ontario (APPrO), Energy Probe, Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO), Industrial Gas Users Association (IGUA), Ontario Greenhouse Vegetable Growers (OGVG), Pollution Probe and Three Fires Group. Courey Law did not file an interim cost claim.

On May 14, 2024, the OEB issued its Decision and Order in which it set out, among other matters, the cost award process. Intervenors were directed to file cost claims for the entire proceeding and any amount previously received as an interim award would be applied as a credit against the total claimed. Cost eligible parties were also reminded that a comprehensive review of all cost claims would be conducted for the entire proceeding, with any amount received as an interim award applied as a credit against the total claimed.

The OEB received cost claims from APPrO, Energy Probe, Environmental Defence, FRPO, IGUA, OGVG, Pollution Probe, School Energy Coalition (SEC) and Three Fires Group. Courey Law did not file a cost claim.

Findings

The OEB has reviewed the cost claims to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB has determined that the cost claims are approved as filed. The application involved a large project and was put into abeyance at the request of the applicant. The updated application was for leave to construct facilities at significantly higher cost and raised important regulatory questions. The OEB was assisted by the intervenors in making its decision on complex issues and the cost claims are reasonable in relation to the complexity of the application.

THE ONTARIO ENERGY BOARD ORDERS THAT:

Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Inc. shall immediately pay the following amounts to the intervenors for their costs:

• APPrO	\$46,152.59
• Energy Probe	\$31,279.06
• Environmental Defence	\$28,044.35
• FRPO	\$45,120.90
• IGUA	\$53,821.31
• OGVG	\$45,077.04
• Pollution Probe	\$36,264.53
• SEC	\$30,313.39
• Three Fires Group	\$43,094.43

DATED at Toronto July 15, 2024

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar