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Enbridge Gas Inc.
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VIA EMAIL and RESS

July 18, 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-2023-0200
Sandford Community Expansion Project (“Sandford Project”)
Cost Claim Objections**

Pursuant to the OEB’s Decision and Order dated July 4, 2024, Enbridge Gas has reviewed the cost claims received from Environmental Defence (“ED”) and Pollution Probe (“PP”). A summary of the cost claims submitted by ED and PP are provided in Table 1.

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

Intervenor	Discovery	Procedural	Written Argument	Decision	Other	TOTAL
ED	\$2,916.53	\$393.24	\$1,356.57	\$0.00	\$0.00	\$4,666.34
PP	\$10,254.76	\$93.23	\$2,610.30	\$0.00	\$0.00	\$12,958.29

Enbridge Gas recommends that PP’s cost claim for “Discovery” be reduced by 75%, as set out in Table 2. 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 PP’s interrogatories were replicated from, or very similar to, PP’s interrogatories for previous Natural Gas Expansion Program (“NGEP”) proceedings, as described in more detail below. Additionally, PP’s total cost claim is nearly 3 times the amount of ED’s total cost claim despite pursuing similar issues as ED and with limited focus on other topics, as described in more detail below.

Although ED’s approach to discovery also involved detailed exploration of issues that are not material to the proceeding and many of ED’s interrogatories were replicated from, or very similar to, ED’s interrogatories for previous NGEP proceedings, ED has submitted a lower cost claim relative to previous NGEP proceedings, as described in more detail below. As a result, Enbridge Gas does not object to ED’s cost claim for the Sandford Project proceeding.

Table 2: ED and PP Cost Claims – Recommended Amounts

Intervenor	Discovery	Procedural	Written Argument	Decision	Other	TOTAL
ED	\$2,916.53	\$393.24	\$1,356.57	\$0.00	\$0.00	\$4,666.34
PP	\$2,563.69	\$93.23	\$2,610.30	\$0.00	\$0.00	\$5,267.22

ED and PP Cost Claims – Discovery

ED filed 182 interrogatories (including sub-parts) requiring over 550 pages of responses from Enbridge Gas.¹ Of ED's 182 interrogatories, 59 (32%) sought information related to non-natural gas alternatives including electric heat pumps (see Table 3).

PP filed 53 interrogatories (including sub-parts). Of PP's 53 interrogatories, 13 (25%) sought information related to non-natural gas alternatives including electric heat pumps (see Table 4).

In contrast to ED and PP, OEB staff submitted 20 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.9(b)(vi)	Exhibit I.ED.28(d)	Exhibit I.ED.32(a)
Exhibit I.ED.1(b)	Exhibit I.ED.9(b)(vii)	Exhibit I.ED.28(e)	Exhibit I.ED.32(b)
Exhibit I.ED.3(a)(i)	Exhibit I.ED.9(b)(ix)	Exhibit I.ED.28(g)	Exhibit I.ED.35(a)
Exhibit I.ED.3(a)(ii)	Exhibit I.ED.25(c)	Exhibit I.ED.28(h)	Exhibit I.ED.35(b)(i)
Exhibit I.ED.3(a)(iii)	Exhibit I.ED.25(d)	Exhibit I.ED.28(i)	Exhibit I.ED.35(b)(ii)
Exhibit I.ED.3(a)(iv)	Exhibit I.ED.26(a)	Exhibit I.ED.29(a)	Exhibit I.ED.35(b)(iii)
Exhibit I.ED.3(a)(vi)	Exhibit I.ED.28(a)	Exhibit I.ED.29(b)	Exhibit I.ED.35(c)
Exhibit I.ED.3(a)(vii)	Exhibit I.ED.28(b)(i)	Exhibit I.ED.29(c)	Exhibit I.ED.35(d)
Exhibit I.ED.3(a)(ix)	Exhibit I.ED.28(b)(ii)	Exhibit I.ED.30(a)	Exhibit I.ED.35(e)
Exhibit I.ED.7(f)	Exhibit I.ED.28(b)(iii)	Exhibit I.ED.30(b)	Exhibit I.ED.36(a)
Exhibit I.ED.9(a)	Exhibit I.ED.28(b)(iv)	Exhibit I.ED.30(c)	Exhibit I.ED.36(b)
Exhibit I.ED.9(b)(i)	Exhibit I.ED.28(b)(v)	Exhibit I.ED.30(d)	Exhibit I.ED.38(a)
Exhibit I.ED.9(b)(ii)	Exhibit I.ED.28(b)(vi)	Exhibit I.ED.30(e)	Exhibit I.ED.38(b)
Exhibit I.ED.9(b)(iii)	Exhibit I.ED.28(b)(vii)	Exhibit I.ED.30(f)	Exhibit I.ED.44(a)
Exhibit I.ED.9(b)(iv)	Exhibit I.ED.28(c)	Exhibit I.ED.31(a)	

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

Exhibit I.PP.7	Exhibit I.PP.10(b)	Exhibit I.PP.16(b)	Exhibit I.PP.20(c)
Exhibit I.PP.9(a)	Exhibit I.PP.11	Exhibit I.PP.19(a)	
Exhibit I.PP.9(b)	Exhibit I.PP.12	Exhibit I.PP.19(b)	
Exhibit I.PP.10(a)	Exhibit I.PP.14(b)	Exhibit I.PP.19(d)	

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

¹ EB-2023-0200, Enbridge Gas Interrogatory Responses, pp. 83-641 of the PDF ([link](#)).

intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.”²

Notwithstanding ED’s interests which consist of “efforts to help consumers adopt heat pumps” and “efforts to combat fossil fuel subsidies”,³ the OEB has stated the following regarding the issue of non-natural gas alternatives for NGEF 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;⁴
- ii. Matters such as potential uptake of consumer energy solutions need to rely on actual consumer and community interest;⁵
- iii. Factors that impact consumer choices between electric heat pumps and natural gas can change over time;⁶
- iv. The case for alternatives to natural gas service should primarily be a marketplace issue;⁷
- v. The approval of NGEF projects does not restrict consumers and communities from obtaining electric heat pumps;⁸
- vi. Enbridge Gas is not guaranteed total cost recovery in the event of revenue shortfalls;⁹ and,

² EB-2023-0200, OEB Procedural Order No. 1 (October 19, 2023), pp. 2-3 ([link](#)).

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

⁴ 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](#)).

⁵ EB-2022-0156/0248/0249, OEB Decision on Intervenor Evidence and Confidentiality (April 17, 2023), p. 4 ([link](#)).

⁶ 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](#)).

EB-2023-0201, OEB Decision and Order (May 30, 2024), p. 22 ([link](#)).

EB-2023-0200, OEB Decision and Order (July 4, 2024), p. 23 ([link](#)).

⁷ 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](#)).

⁸ 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](#)).

EB-2023-0201, OEB Decision and Order (May 30, 2024), p. 22 ([link](#)).

EB-2023-0200, OEB Decision and Order (July 4, 2024), p. 23 ([link](#)).

⁹ 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](#)).

EB-2023-0201, OEB Decision and Order (May 30, 2024), p. 23 ([link](#)).

EB-2023-0200, OEB Decision and Order (July 4, 2024), p. 24 ([link](#)).

- vii. ED's interests with respect to broader climate change issues and the promotion of electric heat pumps extend beyond the scope of NGEP proceedings.¹⁰

Additionally, many of ED's interrogatories for the Sandford Project¹¹ were replicated from, or very similar to, ED's interrogatories for previous NGEP proceedings.^{12,13,14}

Similarly, many of PP's interrogatories for the Sandford Project were replicated from, or very similar to, PP's interrogatories for previous NGEP proceedings (see Table 5).

Table 5: PP Interrogatories for the Sandford Project Proceeding Replicated From, or Very Similar to, PP Interrogatories for Previous NGEP Proceedings

Sandford Community Expansion Project¹⁵	Eganville Community Expansion Project¹⁶	Neustadt Community Expansion Project¹⁷	Bobcaygeon Community Expansion Project¹⁸
Exhibit I.PP-5(b)-(c)	Exhibit I.PP-6(b)-(c)	--	Exhibit I.PP.3(d)-(e)
Exhibit I.PP-4	Exhibit I.PP-5	--	Exhibit I.PP.4
Exhibit I.PP-6	Exhibit I.PP-3	--	Exhibit I.PP.5
Exhibit I.PP-7	Exhibit I.PP-7	--	Exhibit I.PP.6
Exhibit I.PP-8	Exhibit I.PP-8	Exhibit I.PP-2	Exhibit I.PP.7
Exhibit I.PP-10	Exhibit I.PP-11	Exhibit I.PP-3	Exhibit I.PP.8
Exhibit I.PP-11	Exhibit I.PP-12	--	Exhibit I.PP.9
Exhibit I.PP-12	Exhibit I.PP-13	Exhibit I.PP-4	Exhibit I.PP.10
Exhibit I.PP-13	Exhibit I.PP-10	--	Exhibit I.PP.11
Exhibit I.PP-14	Exhibit I.PP-16	Exhibit I.PP-6(a)-(c)	Exhibit I.PP.13
Exhibit I.PP-15	Exhibit I.PP-15	--	Exhibit I.PP.14
Exhibit I.PP-16	Exhibit I.PP-16	Exhibit I.PP-6(d)-(e)	Exhibit I.PP.15
Exhibit I.PP-17	--	Exhibit I.PP-7	Exhibit I.PP.16
Exhibit I.PP-18	Exhibit I.PP-18	Exhibit I.PP-8(a)	Exhibit I.PP.18
Exhibit I.PP-19	Exhibit I.PP-17(c)	--	Exhibit I.PP.19(b)-(e)
Exhibit I.PP-20	Exhibit I.PP-18 Exhibit I.PP-19	Exhibit I.PP-8(b)-(h)	Exhibit I.PP.20
Exhibit I.PP-22	Exhibit I.PP-23(b)	Exhibit I.PP-10	Exhibit I.PP.22
Exhibit I.PP-23	Exhibit I.PP-21	Exhibit I.PP-11	Exhibit I.PP.23
Exhibit I.PP-24	Exhibit I.PP-22	Exhibit I.PP-13	Exhibit I.PP.24
Exhibit I.PP-25	Exhibit I.PP-25	Exhibit I.PP-12	Exhibit I.PP.26
Exhibit I.PP-21	Exhibit I.PP-20	Exhibit I.PP-14	Exhibit I.PP.25
Exhibit I.PP-26	Exhibit I.PP-24	Exhibit I.PP-15	Exhibit I.PP.27

¹⁰ EB-2023-0313, OEB Decision and Order (December 13, 2023), p. 16 ([link](#)).

¹¹ EB-2023-0200, ED Interrogatories ([link](#)).

¹² EB-2023-0201, ED Interrogatories for the Eganville Community Expansion Project proceeding ([link](#)).

¹³ EB-2023-0261, ED Interrogatories for the Neustadt Community Expansion Project proceeding ([link](#)).

¹⁴ EB-2022-0111, ED Interrogatories for the Bobcaygeon Community Expansion Project proceeding ([link](#)).

¹⁵ EB-2023-0200, Enbridge Gas Interrogatory Responses ([link](#)).

¹⁶ EB-2023-0201, Enbridge Gas Interrogatory Responses for the Eganville Community Expansion Project proceeding ([link](#)).

¹⁷ EB-2023-0261, Enbridge Gas Interrogatory Responses for the Neustadt Community Expansion Project proceeding ([link](#)).

¹⁸ EB-2022-0111, Enbridge Gas Interrogatory Responses for the Bobcaygeon Community Expansion Project proceeding ([link](#)).

Exhibit I.PP-27	Exhibit I.PP-28	Exhibit I.PP-16	Exhibit I.PP.30
Exhibit I.PP-28	Exhibit I.PP-27	--	Exhibit I.PP.31

Additionally, PP's total cost claim (\$12,958.29) is nearly 3 times the amount of ED's total cost claim (\$4,666.34) despite pursuing similar issues as ED and with limited focus on other topics, including topics directly related to PP's stated policy interests. More specifically, within PP's Intervenor Form for the proceeding PP states that its "Policy Interests" relate to environmental and socio-economic impacts including the Environmental Report.¹⁹ Notwithstanding these policy interests, of PP's interrogatories only Exhibit I.PP.29 relates to environmental and socio-economic impacts including the Environmental Report.²⁰ Similarly, of PP's 18-page submission only 1 page relates to environmental and socio-economic impacts.²¹

Based on the foregoing, Enbridge Gas recommends reducing PP's cost claim for "Discovery" by 75% to \$2,563.69 (25% reduction to reflect PP's interrogatories that consisted of detailed exploration of issues that are not material to the proceeding, plus a 50% reduction to reflect PP's partial replication of and reliance on its interrogatories from previous NGEF proceedings).

Enbridge Gas recently objected to ED's cost claim for a similar NGEF proceeding (the Bobcaygeon Community Expansion Project) on the basis that ED's approach to discovery involved detailed exploration of issues that are not material to the proceeding and many of ED's interrogatories were replicated from, or very similar to, ED's interrogatories for previous NGEF proceedings.²² Specifically, for the Bobcaygeon Community Expansion Project, ED submitted a total cost claim of \$7,934.86 and Enbridge Gas recommended that it be reduced to \$3,357.42. Although ED took a similar approach for the Sandford Project proceeding as with the Bobcaygeon Community Expansion Project proceeding, ED submitted a lower total cost claim of \$4,666.34 for the Sandford Project proceeding. As a result, Enbridge Gas does not object to ED's cost claim for the Sandford Project proceeding.

Notwithstanding ED's lower cost claim for the Sandford Project proceeding relative to previous NGEF proceedings, Enbridge Gas submits that ED did not make reasonable efforts to ensure that its participation in the proceeding was focused on relevant and material issues. Rather, ED's approach to the proceeding is part of a pattern of repeated attempts by ED to introduce evidence related to non-natural gas alternatives within NGEF proceedings,²³ resulting in inefficiency in the regulatory process. ED's pattern of conduct within NGEF proceedings is consistent with its Program Director's statement that "[o]ur overall goal is to put a target on the back of Enbridge, and on the back of gas, and there will be ample opportunity to do that".²⁴ While ED will no doubt leverage all means possible to advance this goal, there should not be ample opportunity

¹⁹ EB-2023-0200, PP Intervenor Form (filed October 2, 2023), p. 3 of the PDF ([link](#)).

²⁰ EB-2023-0200, PP Interrogatories ([link](#)).

²¹ EB-2023-0200, PP Submission, pp. 17-18 ([link](#)).

²² EB-2022-0111, Enbridge Gas Cost Claim Objections for the Bobcaygeon Project proceeding (May 28, 2024) ([link](#)).

²³ EB-2023-0343, Enbridge Gas Correspondence for the East Gwillimbury Community Expansion Project proceeding (May 21, 2024), p. 2 ([link](#)).

²⁴ See Environmental Defence webinar (April 12, 2024), [Energy For People, Not Profit: Stop Bill165 Webinar \(youtube.com\)](#), 45:36.

for ED to do so at the cost of natural gas ratepayers, including within NGEF proceedings.

Enbridge Gas also recommends that the OEB consider intervenor cost claims in the context of all NGEF Phase 2 proceedings rather than as isolated proceedings given (i) the similar nature of the NGEF Phase 2 projects, (ii) the primary theme repeatedly pursued by ED and PP within each of the NGEF Phase 2 proceedings (i.e., the opposition to natural gas expansion and the promotion of non-natural gas alternatives), (iii) the OEB's findings that interests with respect to broader climate change issues and the promotion of non-natural gas alternatives extend beyond the scope of NGEF proceedings,²⁵ and (iv) NGEF Phase 2 communities have been identified by provincial policy and the OEB to receive natural gas service. See Table 6 for ED's and PP's cost claim submissions to date for NGEF Phase 2 proceedings.

Table 6: ED and PP Cost Claim Submissions to Date for NGEF Phase 2 Proceedings

NGEF Phase 2 Proceedings	ED Cost Claim Amount	PP Cost Claim Amount	TOTAL
Haldimand Shores Community Expansion Project ²⁶	N/A	\$7,271.55	\$7,271.55
Selwyn Community Expansion Project ²⁷	\$5,680.51	\$6,991.89	\$12,672.40
Mohawks of the Bay of Quinte Community Expansion Project ²⁸	\$5,268.06	\$5,593.51	\$10,861.57
Hidden Valley Community Expansion Project ²⁹	\$5,530.22	\$6,651.28	\$12,181.50
ED Motion to Review and Vary OEB Decisions in EB-2022-0156, EB-2022-0248, and EB-2022-0249 ³⁰	\$9,236.62	\$1,398.39	\$10,635.01
Bobcaygeon Community Expansion Project ³¹	\$7,934.86	\$9,057.76 ³²	\$16,992.62
Neustadt Community Expansion Project ³³	\$3,864.04	\$11,653.13	\$15,517.17
Eganville Community Expansion Project ³⁴	\$3,667.42	\$11,093.79	\$14,761.21
Sandford Community Expansion Project ³⁵	\$4,666.34	\$12,958.29	\$17,624.63
TOTAL	\$45,848.07	\$72,669.59	\$118,517.66

In addition to the cost claim amounts already submitted by ED and PP related to the 9 NGEF Phase 2 proceedings to date set out in Table 6, there remain up to 17 additional NGEF Phase 2 projects yet to undergo the OEB process.³⁶ If the same trend of intervenor tactics and costs continues, ED's and PP's interventions alone in NGEF

²⁵ EB-2023-0313, OEB Decision and Order (December 13, 2023), p. 16 ([link](#)).

²⁶ EB-2022-0088, OEB Decision and Order on Cost Awards (September 21, 2022) ([link](#)).

²⁷ EB-2022-0156, OEB Decision and Order on Cost Awards (November 21, 2023) ([link](#)).

²⁸ EB-2022-0248, OEB Decision and Order on Cost Awards (November 21, 2023) ([link](#)).

²⁹ EB-2022-0249, OEB Decision and Order on Cost Awards (November 21, 2023) ([link](#)).

³⁰ EB-2023-0313, OEB Decision and Order on Cost Awards (March 5, 2024) ([link](#)).

³¹ EB-2022-0111, OEB Decision and Order on Cost Awards (July 15, 2024) ([link](#)).

³² The OEB reduced by PP's cost claim by 33%, from \$13,517.64 to \$9,057.76.

³³ EB-2023-0261, ED Cost Claim (May 30, 2024) ([link](#)); and, PP Cost Claim (May 27, 2024) ([link](#)).

³⁴ EB-2023-0201, ED Cost Claim (June 13, 2024) ([link](#)); and, PP Cost Claim (June 5, 2024) ([link](#)).

³⁵ EB-2023-0200, ED Cost Claim (July 12, 2024) ([link](#)); and, PP Cost Claim (July 9, 2024) ([link](#)).

³⁶ <https://www.ontario.ca/page/natural-gas-expansion-program>

Phase 2 proceedings could cost natural gas ratepayers over \$340,000,³⁷ not to mention the delays and impacts to communities awaiting natural gas access, and the significant regulatory uncertainty created by ED's actions of challenging the OEB's interlocutory and final decisions on substantially similar and previously adjudicated grounds.

If you have any questions, please contact the undersigned.

Sincerely,

Haris Ginis
Technical Manager, Regulatory Applications

c.c. Kaidie Williams (OEB Staff)
Intervenors (EB-2023-0200)

³⁷ \$118,517.66 total ED and PP cost claims to date / 9 NGEP proceedings = \$13,168.63 per NGEP proceeding, * up to 26 total NGEP proceedings = \$342,384.35