



**Enbridge Gas Inc.**

**Application for leave to applied to construct natural gas  
pipelines in the City of Ottawa**

**PROCEDURAL ORDER NO. 1**

**August 21, 2024**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 17, 2024, under sections 90 and 97 of the *Ontario Energy Board Act, 1998* (OEB Act), for an order granting leave to construct approximately 17.6 kilometers of natural gas pipeline and associated facilities along St. Laurent Boulevard, Sandridge Road and Tremblay Road in the City of Ottawa. The proposed natural gas pipeline will address significant consequences to safety and operational reliability on the St. Laurent Pipeline System.<sup>1</sup>

A Notice of Hearing was issued on July 12, 2024. The following parties applied for intervenor status:

- City of Ottawa
- Community Association for Environmental Sustainability (CAFES Ottawa)
- Environmental Defence (ED)
- Energy Probe (EP)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Independent Electricity System Operator (IESO)
- Industrial Gas Users Association (IGUA)
- Pollution Probe
- School Energy Coalition (SEC)

CAFES Ottawa, ED, EP, FRPO, IGUA, Pollution Probe, and SEC applied for cost eligibility.

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<sup>1</sup> In 2021, Enbridge Gas applied for and was denied OEB approval to construct a similar project. The complete record of that proceeding may be found on the OEB's website under case number EB-2020-0293.

In its intervention request, CAFES Ottawa stated that it has been in contact with Pollution Probe and intends to coordinate where practical to promote efficiency and reduce overall costs.

On August 20, 2024, Enbridge Gas filed a letter stating that it has no specific objections to the intervention requests. However, Enbridge Gas did comment on the content of correspondence from both CAFES Ottawa and Pollution Probe.

In its letter, Enbridge Gas noted that CAFES Ottawa's intervention request did not state the areas of the evidence it wishes to probe and how its participation will be distinguished from Pollution Probe. Enbridge Gas requested that CAFES Ottawa provide further details on the areas of the evidence they wish to examine, and the materials they intend to file so it can be considered to ensure there is no unnecessary duplication and that the areas being explored are relevant to the application. Furthermore, Enbridge Gas requested that CAFES Ottawa provide the Issues and Policy Interests they intend to represent to determine how its participation will be distinguished from that of Pollution Probe.

## Interventions

City of Ottawa, CAFES Ottawa, ED, EP, FRPO, IESO, IGUA, Pollution Probe, and SEC are approved as intervenors. CAFES Ottawa, ED, EP, FRPO, IGUA, Pollution Probe, and SEC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Parties with common interests should coordinate their participation to avoid duplication. In making its decision on cost awards, the OEB will consider whether cost eligible intervenors made reasonable efforts to avoid duplication and to ensure that their participation in the hearing was focused on material issues. When submitting their cost claims, CAFES Ottawa, Pollution Probe, and ED, who all have indicated they intend to pursue environmental-related issues in this proceeding, should explain how they coordinated efforts, or if not, why that was not appropriate in their view.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

## Request for Confidentiality

Enbridge Gas has requested confidential treatment for personal information in Table 1 in the Environmental Report<sup>2</sup> and in the and in the Landowner List<sup>3</sup>. The OEB finds that the redacted information in the Environmental Report and in the Landowner List is personal information as defined in the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the OEB's [Practice Direction on Confidential Filings](#). Therefore, the information of property owners shall remain redacted and shall not be provided to the intervenors in this proceeding.

## Incremental Capital Module

In its intervention request, Pollution Probe noted that Enbridge Gas has requested in Phase 2 of its 2024 rebasing proceeding<sup>4</sup> that the OEB allow Incremental Capital Module (ICM) approval for projects into the Leave to Construct proceeding. The Leave to Construct process does not include that element since it has traditionally been part of a rates proceeding (or ICM application). Pollution Probe recommends that the OEB clarify the scope of the current proceeding, since it does not appear practical to change the scope of a Leave to Construct proceeding until after the OEB has issued its Decision for Phase 2 of Enbridge Gas's 2024 rebasing proceeding.

The OEB notes that Enbridge Gas has applied for approval under sections 90 and 97 of the OEB Act and that Notice was issued accordingly.

## Filing of Intervenor Evidence

In their respective intervention requests, City of Ottawa, ED, IGUA, Pollution Probe, and SEC stated that they may file intervenor evidence in this proceeding and requested to reserve the right to file such evidence.

In its August 20, 2024 letter, Enbridge Gas noted that Pollution Probe intends to commission and file expert evidence in this proceeding. Enbridge Gas requested that Pollution Probe provide further details on the nature of the evidence that Pollution Probe is requesting to file. As Enbridge Gas does not have the specifics of the proposed evidence, Enbridge Gas reserves its right to object to the relevance of the proposed evidence until the content of the evidence is better understood. As a matter of procedural fairness, Enbridge Gas asked that if the OEB makes provision for the proposed evidence, it also makes provision for discovery related to the proposed evidence and for Enbridge Gas to file responding evidence, should Enbridge Gas elect to do so.

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<sup>2</sup> Exhibit F, Tab 1, Schedule 1, Attachments 1-3

<sup>3</sup> Exhibit G, Tab 1, Schedule 1, Attachment 3

<sup>4</sup> EB-2024-0111

Any intervenor wishing to file evidence in this proceeding shall file a letter with the OEB describing the nature of the evidence, whether an expert will be retained, whether the expert evidence will be commissioned jointly with other intervenors, and the time needed to prepare and file the evidence. In addition, cost eligible intervenors must provide the estimated cost of preparing the evidence. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of an expert in the proceeding and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence. After reviewing this material, the OEB will consider whether they will permit the filing of expert evidence and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB's [Practice Direction on Cost Awards](#).

### **Type of Hearing**

In their respective letters of intervention, ED, FRPO, IGUA, Pollution Probe, and SEC stated that the OEB should make its determination on the type of hearing after the interrogatory process. Enbridge Gas requested a written hearing process. The OEB will make its determination on the type of hearing at a later date.

### **Interrogatories**

At this time, provision is being made for written interrogatories. Parties should refer to the OEB's [Standard Issues List](#) for natural gas leave to construct applications. Parties should not engage in detailed exploration of items 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.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

### **Technical Conference**

In their respective intervention requests, ED, Pollution Probe, and FRPO requested that the OEB make provision for a technical conference to clarify any interrogatory responses and to address any follow-up questions. The OEB will make its determination on whether to hold a technical conference at a later date.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. Any intervenor wishing to file evidence in this proceeding shall file a letter with the OEB describing the nature of the evidence, whether an expert will be retained, whether the expert evidence will be commissioned jointly with other intervenors, and the time needed and costs estimated to prepare and file the evidence. Any letters shall be filed with the OEB and served on all parties by **August 28, 2024**.
2. Any party wishing to comment on the relevance of any proposed intervenor evidence shall file its submissions with the OEB and serve them on all parties by **September 4, 2024**.
3. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 9, 2024**.
4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **September 27, 2024**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0200** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All

participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at [zora.crnojacki@oeb.ca](mailto:zora.crnojacki@oeb.ca) and OEB Counsel, James Sidlofsky at [james.sidlofsky@oeb.ca](mailto:james.sidlofsky@oeb.ca)

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Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, **August 21, 2024**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**  
**LIST OF APPLICANT AND INTERVENORS**  
**ENBRIDGE GAS INC.**  
**EB-2024-0200**  
**AUGUST 21, 2024**

**Enbridge Gas Inc.  
EB-2024-0200**

**APPLICANT & LIST OF INTERVENORS**

**August 21, 2024**

**APPLICANT**

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**APPLICANT & LIST OF INTERVENORS**

August 21, 2024

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**August 21, 2024**

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**Enbridge Gas Inc.  
EB-2024-0200**

**APPLICANT & LIST OF INTERVENORS**

**August 21, 2024**

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**APPLICANT & LIST OF INTERVENORS**

**August 21, 2024**

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