

Elson Advocacy

BY RESS AND EMAIL

September 10, 2024

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

Dear Ms. Marconi:

Re: EB-2024-0200 – St. Laurent Pipeline Replacement Project

I am writing on behalf of Environmental Defence to respond to the objections to Environmental Defence's proposed expert witness.

Enbridge argues that the proposed project is too urgent to accommodate intervenor evidence from Mr. Neme. This is inconsistent with the evidence, which includes inspection and repair as a viable alternative.¹ According to the evidence, that option becomes inadequate only "in the long term."² The evidence is clear that the risks driving this project can be sufficiently mitigated with inspection and repair at least in the near term. There is no urgency from that perspective.

Enbridge suggests that Mr. Neme should adjust his schedule to be able to provide evidence in October. This is not possible, but not for lack of effort or commitment. On many occasions, Mr. Neme has worked in the evenings and on holidays and weekends to meet OEB deadlines. In this case, that would be insufficient as the demands on his time from other work commitments are simply too high. If the evidence could be produced in October, we would have proposed that.

In the alternative, if the OEB does not approve this evidence on the basis of scheduling, we ask that this be done in a way that does not prejudice Environmental Defence's ability to propose evidence examining Enbridge's new methodologies in a future leave to construct proceeding.

Energy Probe challenges the qualifications of Mr. Neme. With respect to his qualifications, we ask that the OEB refer to the outline of those qualifications in the evidence request letter and his attached CV. We also note that Mr. Neme's Masters in Public Policy had a heavy focus on applied economics and statistics.

Energy Probe also challenges Mr. Neme's independence. Although Mr. Neme has been retained to produce independent expert evidence in many OEB proceedings by the Green Energy

¹ Exhibit A, Tab 2, Schedule 2, Page 3.

² *Ibid.*

Coalition, and also by Environmental Defence more recently, that does not make him a “partisan advocate against the use of natural gas” as suggested by Energy Probe. It is common for intervenors and applicants to retain the same experts over time. This benefits OEB processes as these witnesses become increasingly knowledgeable about the Ontario context.

Furthermore, Mr. Neme does not participate in OEB committees, such as the gas Demand Side Management (“DSM”) Evaluation Committee, as an advocate for Environmental Defence or the Green Energy Coalition. Instead, his role is to act as an independent expert who is extremely knowledgeable about DSM in general and in Enbridge’s specific programs. He has earned broad respect and trust from the Ontario regulatory community and has been elected to these committee roles by other intervenors and/or appointed by the OEB.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Elson', with a stylized, cursive script.

Kent Elson

cc: Parties to the above proceeding