



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

**BY EMAIL**

October 10, 2024

Michael Brophy  
Michael Brophy Consulting Inc.  
Consultant to Pollution Probe  
[Michael.brophy@rogers.com](mailto:Michael.brophy@rogers.com)

Dear Mr. Brophy:

**Re: Enbridge Gas Inc. (Enbridge Gas)  
Application for East Gwillimbury Community Expansion Project  
OEB File Number: EB-2023-0343**

On September 3, 2024, Pollution Probe filed a letter with the Ontario Energy Board (OEB), outlining three main recommendations on how to improve the review of future Natural Gas Expansion Program (NGEP) projects:

1. For East Gwillimbury Community Expansion and all future NGEP projects that are similar, the OEB should adopt the record from previous NGEP projects to avoid duplication and enable a more efficient process.
2. The OEB should request from Enbridge Gas and publish a list of NGEP leave to construct (LTC) applications that are expected in 2024 and 2025.
3. For the OEB to combine all remaining 2024 NGEP LTC applications into a single proceeding and, similarly, combine all the 2025 NGEP LTC applications into a single proceeding.

On September 10, 2024, Enbridge Gas filed a reply letter submitting that the OEB should reject the Pollution Probe recommendations. Enbridge Gas argued that:

1. With regard to the first recommendation, each project has unique characteristics that make the recommended adoption potentially complicated. The records in the other community expansion proceedings are specific to the location, cost, environmental and other considerations specifically related to each project. There are some commonalities at a high level across the NGEP portfolio regarding the need for natural gas and government support for the projects, but the physical and financial characteristics of the projects are sufficiently distinct from one another.

2. With regard to the second recommendation, Enbridge Gas stated that the complete list of NGEP Phase 2 projects can be found on the Government of Ontario's NGEP webpage. However, the timing of each NGEP project can vary based on a number of factors, and providing lists would provide little benefit in terms of proceeding efficiency or costs.
3. Enbridge Gas suggests that the third recommendation would ignore the realities of project planning and execution for the reasons set out in the Enbridge Gas letter. Enbridge Gas noted that a similar request was made previously and was rejected by the OEB.<sup>1</sup>

The OEB appreciates the time and effort Pollution Probe has made to advance those recommendations and has considered them along with Enbridge Gas's September 10<sup>th</sup> response. The OEB will not be adopting the Pollution Probe recommendations.

#### *Pollution Probe's First Recommendation*

The OEB agrees with Enbridge Gas that there are some high-level commonalities across the NGEP projects regarding the need for natural gas and government support for the projects. The OEB has discussed these matters, and the applicable legislation that enables the NGEP, in its decisions on NGEP applications.<sup>2</sup> The parameters for financial contributions to enable these projects to be economic as set out in the legislation are common to all NGEP applications.

However, the OEB also agrees that the particulars of each application – including, among others, matters such as location, cost, and environmental considerations – will differ by project, and do not lend themselves to the adoption of a previous record.

The OEB does not accept that an attempt to adopt a common record related only to high-level, common elements will assist in improving the efficiency of the process related to these applications. Rather, the OEB agrees with Enbridge Gas that there is a risk that adopting the record from previous proceedings would unnecessarily complicate each proceeding, thereby decreasing efficiency. As such, the OEB will not implement Pollution Probe's suggestion.

#### *Pollution Probe's Second Recommendation*

The NGEP projects are listed on the Government of Ontario's Webpage.<sup>3</sup> The timing of each project and the corresponding LTC application, as experience has shown with the East Gwillimbury application<sup>4</sup>, can vary for a variety of factors.

---

<sup>1</sup> EB-2022-0111, OEB Decision on Intervenor Evidence, Consolidation of NGEP-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2 (February 20, 2024), pp. 21-22

<sup>2</sup> EB-2023-0201, Decision and Order, May 30, 2024, pp. 12

<sup>3</sup> [Natural Gas Expansion Program | ontario.ca](https://www.ontario.ca/natural-gas-expansion-program)

<sup>4</sup> [Enbridge Gas's Request for Abeyance Extension](#), June 14, 2024

The OEB remains satisfied with the current approach of filing applications when they are ready for consideration and is not convinced that keeping an additional and uncertain schedule for future applications would achieve regulatory efficiency, as has been suggested by Pollution Probe.

*Pollution Probe's Third Recommendation*

Pollution Probe has also recommended that the OEB combine the 2024 NGEP LTC applications into a single proceeding and take the same approach to the 2025 NGEP LTC proceedings. As Enbridge Gas observed in its September 10<sup>th</sup> letter, the OEB has previously found that hearing the proceedings together would have limited probative value and would cause further and unnecessary delays to the proceedings, given the unique timing and circumstances of each project.<sup>5</sup>

Similar to the OEB's discussion above in the context of Pollution Probe's first recommendation, the particulars of these projects differ in terms of geographical location, size, scope, and other project-specific considerations. Under the parameters of the Natural Gas Expansion Program, the OEB remains of the view that the public interest is best served by considering each NGEP application on its own merits when it is brought to the OEB.

Please direct any questions relating to this application to case manager Arturo Lau, at [Arturo.Lau@oeb.ca](mailto:Arturo.Lau@oeb.ca).

Yours truly,

Nancy Marconi  
Registrar

c: [EGIRegulatoryProceedings@enbridge.com](mailto:EGIRegulatoryProceedings@enbridge.com)

---

<sup>5</sup> EB-2022-0111, OEB Decision on Intervenor Evidence, Consolidation of NGEP-related Proceedings, Technical Conference, Confidentiality and Procedural Order No. 2 (February 20, 2024), pp. 21 - <https://www.rds.oeb.ca/CMWebDrawer/Record/839454/File/document>