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BY RESS AND EMAIL

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto ON M4P 1E4

Dear Nancy Marconi,

Re: Enbridge Gas Inc. (Enbridge Gas or the Company)
Ontario Energy Board (OEB) File: EB-2024-0250
Ontario Line - Overlea Station Relocation Project (the Project)
Re: Intervention Requests

Enbridge Gas has reviewed the intervenor request letters for the above noted proceeding from the following parties:

- Environmental Defence (ED)
- Pollution Probe (PP)

At the outset, Enbridge Gas would like to reiterate that, as no person will be adversely materially impacted by this proceeding and the Project has no ratepayer impact, adverse environmental impact or land issues,¹ it is appropriate for the OEB to dispose of this application without a hearing in the circumstances of the proposed Project.

In the alternative, Enbridge Gas submits that the application should proceed by way of written hearing and Enbridge Gas does not object to the intervention requests made by ED or PP as they relate to whether the Project qualifies for the requested “special circumstances” exemption pursuant to section 95(1) of the OEB Act. Enbridge Gas objects to the intervention requests of ED and PP in relation to issues that are not directly relevant to the determination of this exemption application, as further explained below.

According to PP’s intervention request, PP wants to examine the cost of the Project. However, as stated in evidence, the Project is wholly funded by Metrolinx, consistent with other pipe relocations or reconstructions driven by priority transit projects. In addition, but for the very small segment (70 m) of pipeline that is being upsized as part of the Project solely for constructability reasons, the Project would have fit squarely under the ambit of the exemption for pipeline relocations or constructions under O. Reg. 328/03, subsection 3(3), where the OEB process would not consider project cost. Given that the Project has no ratepayer impact, the segment of pipe being upsized is nominal, and the Ontario Government has a clear policy intent to expedite the review of priority transit projects (and related infrastructure), the OEB

¹ Exhibit A, Tab 2, Schedule 1, p. 6, paras. 11 and 13.

does not need to examine cost in the context of this application in order to arrive at a just and expeditious determination of the exemption sought.

According to ED's intervention request, ED wants to explore, among other things, whether relief under the Municipal Franchises Act is required even if the exemption is granted. Enbridge Gas has no model franchise agreement with the City of Toronto. The Company's rights to distribute gas in the City originate from the 1848 Act to Incorporate the Consumers' Gas Company of Toronto. Moreover, the consideration of this issue has not been required even when the OEB was adjudicating full leave-to-construct (LTC) applications for prior pipeline projects in the City of Toronto (including most recently in the OEB's LTC approval of the Scarborough Subway Extension – Kennedy Relocation Project). Without commenting on whether the other issues raised by ED are properly in-scope of a LTC proceeding, those other issues are clearly not relevant to this exemption application since, as ED admits, ED wishes to pursue those issues only in the event that this exemption application is not granted.

Sincerely,

Eric VanRuymbeke

Sr. Advisor – Leave to Construct Applications

c.c. Guri Pannu (Enbridge Gas Counsel)