

# Elson Advocacy

## BY RESS AND EMAIL

October 28, 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 request an order that Enbridge make its expert consultants available for questions at the technical conference. Environmental Defence requested this in earlier correspondence and Enbridge has declined.

A full and adequate testing of the expert evidence requires that the experts themselves be available to answer questions. This is the only way to have the kind of back-and-forth exchanges that are necessary to provide a true understanding of the evidence and fully explore potential concerns. In lieu of this, Enbridge has proposed that questions to Integral and Posterity can be posed at the technical conference and answered, not by the experts themselves, but by Enbridge during the technical conference, or afterwards by way of undertakings. This will not be effective. We need answers from the experts themselves in order to fully understand the models and explore potential concerns. Furthermore, we will be prevented from asking follow up questions if our questions are answered by undertakings. Again, it is the back and forth of a discussion that makes a technical conference so useful. Enbridge's proposal undermines that benefit.

Enbridge appears to argue that its approach is more efficient. That is clearly not the case. Rather than obtaining answers verbally, Enbridge will need to liaise with the experts and prepare written undertaking responses. That is not the best use of time. The only efficiencies that may be gained are not in fact efficiencies. Although we will be denied the opportunity to ask follow up questions, that is not more efficient, it is merely less effective.

Enbridge's letter emphasizes the fact that this technical conference is intended to ask follow up questions on the interrogatories. In our case, interrogatories were used to obtain a better understanding of the basic functioning of the models as well as the underlying data. This has meant that there is a continued need to follow up on the general interrogatory questions with more specific technical conference questions.

We also note that a technical conference was highlighted by the OEB as a way to ensure that the evidence around the new methodologies put forward in this application are appropriately tested. In *Procedural Order #2*, the OEB stated as follows: “the OEB is satisfied in this case that the discovery process in respect of the Enbridge Gas evidence – which will include a technical conference, as discussed below – will allow for appropriate testing of the evidence, including with regard to Enbridge Gas’s methodologies and consideration of alternatives.”

At this stage, Environmental Defence is not yet putting forward a position on the appropriateness of the methodologies used by Integral and Posterity as they relate to this particular application. That position will be developed based on the totality of the evidence, including the outcome of the technical conference. All we are seeking at this stage is an opportunity to better understand that evidence so that we can provide as meaningful submissions to the OEB at the conclusion of this proceeding as possible. We believe the requested order would be a benefit to the OEB and to the overall process.

Yours truly,



Kent Elson

cc: Parties to the above proceeding