

Ms. Nancy Marconi  
OEB Registrar  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

October 29, 2024

**EB-2024-0200 St. Laurent Project Leave to Construct  
Pollution Probe Correspondence**

Dear Ms. Marconi:

Pollution Probe is in receipt of the recent correspondence from Environmental Defence and Enbridge pertaining to the upcoming Technical Conference and the opportunity to question the Enbridge third party firms on the analysis and evidence they prepared on behalf of Enbridge. There is a large number of firms that were retained by Enbridge in support of its Leave to Construct application in an attempt to address (in part or whole) important issues relevant to the application. It is reasonable to assume that Enbridge retained these parties based on their apparent expertise (or that their expertise could be transferable to similar topics) and that Enbridge may also expect the OEB and stakeholders to consider some firms as experts and/or that their reports carry certain weight in the proceeding. The process for this to occur is pending subject to further procedural direction from the OEB.

Enbridge has made statements that highlight the reliance on this evidence to underpin its application and it is reasonable to assume that those efforts and the related costs would not have occurred unless Enbridge believed that they would bring value in assessing Enbridge's request for the \$209 million project. Enbridge has also indicated that Enbridge does not have certain expertise in-house and is relying on the work that some of the third-party firms have undertaken in support of the application. The ability to make an objective determination of the consultants' analysis and their products (i.e. proper testing of the evidence) is outstanding and should be part of the oral hearing consistent with the approached use for this project in EB-2020-0293.

It is always an option to include external firms as part of the Technical Conference Panel and this has occurred in other Leave to Construct proceedings (particularly large projects like this one). Enbridge has highlighted the stated purpose of the Technical Conference as outlined in Procedural Order No. 2, specifically that the Technical Conference is to "ask clarification questions related to interrogatory responses filed by Enbridge Gas". The OEB's Procedural Order did not preclude the inclusion of the external consultants, but it appears to presume that there will be a future opportunity in the proceeding to question the consultants directly and test the evidence filed in a prudent manner.

It seems unlikely that the Enbridge Technical Conference Panel members will change from the Enbridge proposal without specific OEB direction. Based on the assumptions noted above, Pollution Probe

prioritized focus for the Technical Conference on areas where Enbridge could potentially respond or take away an undertaking that could be completed in the time provided. This excludes more detailed questions related to the third-party consultant work that was not conducted by Enbridge.

Pollution Probe notes that the OEB direction on the Technical Conference and Decision on additional third-party experts for this proceeding was issued October 1, 2024. This is approximately one month after the due date for stakeholder interrogatories to the Applicant. The process the OEB uses for this proceeding is just as important as the evidence placed on the record. For example, if the OEB had accepted experts other than those retained by the Applicant, it could have enabled all experts to be available for the Technical Conference and/or oral hearing. Of course, nobody can predict the outcome of those Decisions until they are published. Knowing which evidence will be available for the proceeding and the scope of each part of the proceeding directly impacts the level of rigour and questions that are asked during each stage. As such, this increases the importance to allow the ability to test and validate the third-party evidence during an oral hearing. Removing the ability to adequately test the evidence filed in support of the application, reduces the value and accuracy that can be placed on that evidence. Pollution Probe requests that the OEB consider this when determining future steps in this proceeding.

Respectfully submitted on behalf of Pollution Probe.

A handwritten signature in black ink, appearing to read "Mike Brophy", is written over a horizontal line.

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