



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipelines  
in the City of Ottawa**

**PROCEDURAL ORDER NO. 5**

**December 16 , 2024**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 17, 2024, under sections 90 and 97 of the *Ontario Energy Board Act, 1998* (OEB Act), for an order granting leave to construct approximately 17.6 kilometers of natural gas pipeline and associated facilities along St. Laurent Boulevard, Sandridge Road and Tremblay Road in the City of Ottawa. According to Enbridge Gas, the proposed natural gas pipeline will address significant consequences to safety and operational reliability on the St. Laurent Pipeline System.

To date, the OEB has issued four procedural orders setting the schedule for discovery by written interrogatories, Enbridge Gas responses, a transcribed virtual technical conference and the filing of undertaking responses from the technical conference. The technical conference was originally scheduled for two days and took place on October 30 and 31, 2024.

Following a request by Environmental Defence, the OEB scheduled an additional one-half day to allow for Environmental Defence, other intervenors, and OEB staff to ask clarification questions related to interrogatory responses filed by Enbridge Gas that pertain to the work of two of its consultants. That additional session took place on November 13, 2024. Enbridge Gas gave 61 undertakings during the technical conference, and delivered all responses by November 26, 2024. Following requests from the Federation of Rental-housing Providers of Ontario (FRPO), Enbridge Gas updated the undertaking responses on December 6 and December 13, 2024.

## FRPO AND POLLUTION PROBE REQUESTS FOR ADDITIONAL INFORMATION REGARDING TECHNICAL CONFERENCE UNDERTAKING RESPONSES

### *The FRPO Requests*

On November 29, 2024 FRPO requested that Enbridge Gas provide more information in relation to the following five undertakings from the technical conference<sup>1</sup>: JTX1.22, JTX1.24, JTX1.26, JTX1. 28 and JTX1.29. FRPO also sought information that related to a refusal given by Enbridge Gas during an exchange regarding the scope of undertaking JT1.20.

FRPO's rationale for asking additional information regarding undertakings JTX1.22, JTX1.24, and JTX1.26, was that Enbridge Gas must demonstrate that the cost of Gazifere's demand from the St. Laurent Pipeline system should be mitigated. FRPO suggested that Gazifere should contribute to the cost of St. Laurent Replacement Project.

FRPO submitted that additional information in response to undertakings JTX1.28 and JTX1.29 was necessary because Enbridge Gas "...must demonstrate that the demand has been optimized..." by the St. Laurent Pipeline operation and design parameters, such as station pressures and pipeline diameter.

With regard to undertaking JT1.20, FRPO requested that Enbridge Gas provide evidence "demonstrating the actual costs with supporting invoices from the Leamington project that show a separation of the costs of carrying, fabrication and inspection between NPS 16 and NPS 12."

In response to FRPO's concerns, Enbridge Gas provided amended responses to five of the six undertakings on December 6, 2024. Regarding FRPO's request related to undertaking JT1.20, Enbridge Gas maintained its refusal, stating (in part) that "The requested information (which is not readily available in any event) would not be relevant to the matters at issue in this application. Outdated costing information in a different project, eight years ago, and in a very different context – a rural setting -- would not be instructive to the OEB in evaluating the costing of the 2.4 km section of piping that uses NPS 16 versus NPS 12 size piping in this project." However, Enbridge Gas provided an updated response to undertaking JT1.20 "to provide additional support and justification for this estimate, and to respond to FRPO's assertions that the differences in weight and circumference between the two pipe sizes should warrant a higher incremental cost."

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<sup>1</sup> These undertakings were given by Enbridge Gas in a confidential part of technical conference on October 30, 2024

On December 12, 2024, FRPO followed up with a letter to the OEB re-stating and confirming its request for additional information stating that, “The updated undertaking responses do not contain EGI’s answers to key questions that pertain to pipeline sizing project cost and potentially cost recovery.” At the closing of the letter, FRPO noted that it would formally request an oral hearing “...unless EGI would provide or be compelled to provide complete responses to all our requests...”

On December 13, 2024, Enbridge Gas confirmed that in its view full responses to all six undertakings have been provided. Enbridge Gas filed an additional explanation to its response to JTX1.28.

### *The Pollution Probe Request*

Undertaking JT2.23 involved a request by Pollution Probe that Enbridge Gas file a draft of the St. Laurent Pipeline Risk Review prepared for Enbridge Gas by DNV (DNV Draft). Enbridge Gas undertook to consider whether to file the DNV Draft; and if not prepared to file it, to respond accordingly. Enbridge Gas refused to file the DNV draft. In a letter dated December 5, 2024, in response to Pollution Probe’s additional information request, Enbridge Gas stated that the DNV draft had no relevance as a full report entitled St. Laurent Pipeline-Risk Review<sup>2</sup> and a memo entitled DNV-St. Laurent Pipeline Risk Review Memo (2023)<sup>3</sup>, were both on the record and set out the scope and the final conclusions of the DNV review. Enbridge Gas also noted that the DNV Draft may “...represent incomplete data or intermediate conclusions” and is “...irrelevant and would not assist the OEB in its consideration of the issues.” Pollution Probe maintained that Quantitative Risk Assessment is important as it underpins Enbridge Gas’s support for a full replacement of the St. Laurent Pipeline and that placing the DNV Draft on the record would be beneficial.

## **Findings**

The OEB finds that Enbridge Gas’s further responses and clarifications to the five technical conference undertakings requested by FRPO (JTX1.22, 1.24, 1.26, 1.28 and 1.29), filed December 6 and December 13, to be adequate in terms of addressing the gaps that FRPO identified. The OEB also finds that Enbridge Gas’s additional explanation for its refusal to address undertaking JT 1.20 to be acceptable. The requested information in JT1.20 related to an eight-year old project pertaining to largely rural setting compared to the urban setting of the proposed project.

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<sup>2</sup> Response to interrogatory Exhibit I.1-PP-24

<sup>3</sup> Enbridge Gas pre-filed evidence Exhibit B, Tab 1, Schedule A, Attachment 3

Regarding Pollution Probe's request for an earlier draft of the DNV report, the OEB finds this is not necessary. Enbridge Gas filed the final report and an associated memo on the record of this proceeding which described the scope of the DNV study and its conclusions. Enbridge Gas also responded to interrogatories and technical conference questions related to this report. Draft technical reports typically evolve in scope and content and the OEB does not consider it necessary or helpful in this case to require the release of a preliminary incomplete early draft version of the report.

## **FORM OF HEARING**

Enbridge Gas requested a written hearing process.

At the outset of the proceeding, in their respective requests for intervenor status, Environmental Defence, FRPO, Industrial Gas Users Association (IGUA), Pollution Probe, and School Energy Coalition (SEC) submitted that the OEB should make its determination on the type of hearing after the interrogatory process. In Procedural Order No. 2, the OEB stated that it would make its determination on the type of hearing after the undertaking responses from the technical conference were filed. As of November 26, 2024, all the steps in the procedural schedule have been completed including the filing of undertaking responses.

On November 22, 2024, Community Association for Environmental Sustainability (CAFES) Ottawa filed a letter with the OEB expressing support for an oral hearing. CAFES Ottawa noted that "...In some cases, Enbridge has refused to provide information and documents requested by stakeholders, particularly related to Enbridge third party consultants...". CAFES Ottawa submitted that "Having the ability to objectively understand all the facts underlying the proposed project and alternatives would help ensure that the OEB has the best available objective information for making a decision." CAFES Ottawa asserted that decarbonization activities in the City of Ottawa have been proceeding in alignment with the City's Net Zero by 2050 target and attached a letter from a resident of the City of Ottawa regarding that resident's adoption of a cold climate heat pump system.

## **Findings**

The OEB will, by way of this Procedural Order, provide an opportunity for parties to file submissions on the need for an oral hearing (versus a written hearing) in this proceeding. If the OEB were to convene an oral hearing, it would be conducted virtually.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. Parties may file with the OEB and serve on all intervenors a submission on the need for a virtual oral hearing by **December 18, 2024**.
2. Enbridge Gas may file with the OEB and serve on all intervenors a response to any request for a virtual oral hearing by **December 20, 2024**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0200** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by the end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Zora Crnojacki at [zora.crnojacki@oeb.ca](mailto:zora.crnojacki@oeb.ca) and OEB Counsel, James Sidlofsky at [james.sidlofsky@oeb.ca](mailto:james.sidlofsky@oeb.ca)

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**DATED** at Toronto, **December 16 , 2024**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar