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December 17, 2024

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

Dear Ms. Marconi,

**RE: EB-2024-0111: Enbridge Gas Rebasing Phase 2
Objection of Energy Probe to the Qualification of EFG Witnesses**

During the EB-2024-0111 hearing earlier today, the Presiding Commissioner directed parties that have objections to the of qualification of Energy Futures Group witnesses as experts to provide their reasons in writing implying that Energy Probe did not provide adequate notice of its objections to the qualification of CEG and EFG witnesses.

Energy Probe believes that it provided adequate notice. On Friday, December 14 at 1:29 PM, Mr. Elson sent an e-mail to all parties, including OEB Staff, that he intended to qualify CEG and EFG witnesses as experts and asked if there were any objections. At 2:36 PM on the same day, Energy Probe replied, copying all parties, indicating that it intends to object to the qualification of CEG and EFG witnesses as experts. Energy Probe expected that OEB Staff managing the case would inform the Commissioners and would include this in the hearing schedule.

On Monday, December 16 at 6:10 PM OEB Staff sent out the hearing schedule. Energy Probe was surprised to see that there was no time provision for its objections. At 7:50 PM Energy Probe sent a note to all parties, including OEB Staff that it will need time in the schedule for its objection. Energy Probe expected OEB Staff to inform the Commissioners of this.

Energy Probe believes that it has provided adequate notice of its objections. In the experience of Energy Probe objections to qualification of witnesses were always provided orally and not in writing. Had Energy Probe been informed that objections in this proceeding should be provided in writing, it would have done so.

The following are the reasons for the objection of Energy Probe to the qualification of EFG witnesses.

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Mr. Elson proposes to qualify the Energy Futures Group witnesses, Mr. Hill and Mr. Neme as "*experts in energy transition planning and analysis for the gas sector.*"

Energy Probe submits that there is no such field of expertise. This is a new field created by Mr. Elson to get the Energy Futures Group witnesses qualified as experts. Mr. Elson has not explained what the criteria for individuals are for them to be considered as experts in his new field of expertise.

Mr. Elson is likely to name a number of other jurisdictions and other fields where his witnesses were accepted as experts. The OEB does not know what criteria these jurisdictions use in qualifying experts or what fields they were qualified in. Energy Probe submits that being qualified as an expert in another jurisdiction, or in another field or at an earlier time does not immediately qualify an individual as an expert in Ontario in this proceeding.

Now let's look at academic credentials and expertise of the two witnesses and their relevance to the issues that they are testifying to. Issue 17 is as follows.

"Are the specific proposals to amend the Voluntary RNG Program and to procure low-carbon energy as part of the gas supply commodity portfolio, appropriate?"

Mr. Neme has a BA degree in Political Science and MA degree in Public Policy. Based on his CV, Mr. Neme seems to be an all purpose witness, a regulatory *jack of all trades*. Mr. Hill has a BA in Geography and Political Science. Energy Probe submits that, as a minimum, one needs a degree in engineering or economics for design and analysis of a gas supply portfolio at expert level. Neither Mr. Hill nor Mr. Neme have such degrees.

Energy Probe submits that EFG evidence attempts to re-argue energy transition issues that were dealt with in Phase 1. Mr. Elson has also indicated that Mr. Neme will be referring to his Phase 1 evidence on energy transition and has filed about 500 pages of reference material on energy transition that he intends to use in the hearing. Energy Probe submits that the two EFG witnesses are not there to provide assistance to the Commissioners as experts but to help Mr. Elson to re-argue energy transition issues.

The commissioners should look at the OEB Form A, ACKNOWLEDGMENT OF EXPERT'S DUTY, particularly part 3, where it says:

"I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows: (a) to provide opinion evidence that is fair, objective and non-partisan".

The EFG witnesses signed this form. They must believe that their opinion evidence that is on the record is fair, objective and non-partisan.

Energy Probe submits that their opinion evidence is not fair, objective and non-partisan. By reading their evidence and by reviewing their CV's, it is clear that the Energy Futures Group witnesses are activists who are opposed to the use of natural gas and methane and want their use

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reduced and eliminated as soon as possible. It should also be noted that the two witnesses have degrees in Political Science. This proceeding is not a political process but a rate setting process.

Energy Probe has additional concerns about Mr. Neme. He is listed in PO No.1 for Phase 1 of this proceeding, issued on December 9, 2022 as a representative of the Green Energy Coalition. The PO can be found on the OEB website under the EB-2022-0200 docket. The intervenors in EB-2022-0200 were accepted by the OEB as intervenors in EB-2024-0111. Mr. Neme has represented the Green Energy Coalition on the EB-2022-0295 Natural Gas Demand Side Management Stakeholder Advisory Group and Evaluation Advisory Committee since January 2023. He was nominated by Mr. Poch of the Green Energy Coalition in a letter dated January 4, 2023 that can be found on the OEB website. It is clear that Mr. Neme is representing GEC even if he or Mr. Kent might claim that he is not. Energy Probe submits that an individual that is currently a representative of a party in this very proceeding and in an Enbridge Gas consultation, should not be qualified as expert whose opinion evidence is expected to be fair, objective and non-partisan.

Commissioners should ask themselves why the OEB found it necessary to require that witnesses seeking to be qualified as experts sign form A.

Energy Probe submits that the objective of Form A is to prevent exactly the situation that we have here where a party is asking that partisan evidence be accepted as expert evidence.

Energy Probe believes that for far too long the OEB has qualified witnesses whose evidence has not been fair, objective and non-partisan. Certain parties have exploited this permissive attitude by the OEB. The OEB has an opportunity in this case to enforce its own rules. If it does not, it is likely that there will be an increase in partisan expert evidence in future proceedings.

Energy Probe submits that the Energy Futures Group witnesses should not be qualified as experts.

Respectfully submitted on behalf of Energy Probe.

Tom Ladanyi
TL Energy Regulatory Consultants Inc.

cc. Parties to the Proceeding

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