

Elson Advocacy

January 27, 2025

Nancy Marconi

Registrar

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: 2026-2030 DSM Plan Application – Response of Enbridge Gas Inc. to
Intervenor Status Requests
EB-2024-0198**

I am writing on behalf of Environmental Defence and Green Energy Coalition in response to Enbridge Gas Inc.'s request for an order that Environmental Defence, the Green Energy Coalition and Pollution Probe combine their interventions in the above proceeding. For the reasons that follow, we submit that the OEB should take the same approach as in past proceedings by permitting separate interventions and then assessing contributions at the costs claim stage.

Environmental intervenors have distinct and important perspectives

Enbridge has requested that environmental intervenors be combined in previous proceedings. As recently as January 17, 2024, Enbridge requested an order that Environmental Defence and the Green Energy Coalition be combined for Phase 2 of its 2024 Rates Application, claiming that Environmental Defence and the Green Energy Coalition were “virtually identical intervenors” and that their positions in Phase 1 of the proceeding were “virtually indistinguishable.” Enbridge is repeating this claim now and also extending it to include Pollution Probe, stating that the “approaches taken by these intervenors throughout several recent OEB proceedings are largely consistent and indistinguishable from each other.”

The OEB rejected Enbridge's argument in Phase 2 of the Rates Application and should do so again now. The OEB stated that it was “satisfied that GEC and Environmental Defence have distinct interests and therefore does not see a need to require the interventions of GEC and Environmental Defence to be combined.”¹ Instead, the OEB articulated its ongoing expectation that Environmental Defence and the Green Energy Coalition “continue to coordinate their efforts”² and stated that the contributions of each intervenor would be considered in the assessment of their respective cost claims. This is the approach that both Environmental Defence

¹ Procedural Order No. 1 – Enbridge Gas Inc. – Application to change its natural gas rates and other charges beginning January 1, 2024 at page 5 [[LINK](#)].

² *Ibid.*

and Green Energy Coalition proposed in their intervention requests for this proceeding and Enbridge has provided no justification for why a different approach is required now.

Environmental intervenors are increasingly important to the OEB's mandate of protecting the interests of ratepayers, especially their financial interests. Our energy systems are undergoing a massive transformation with decarbonization. Environmental expertise and input can help avoid expensive pitfalls and find opportunities to reduce costs to customers during the transition.

Environmental intervenors already collaborate as much as possible. Environmental Defence and the Green Energy Coalition will continue to do so. We collaborate with all intervenors. In many cases we are very happy to have another party deal with an issue so that we do not have to. But that is also often not the case. Furthermore, collaboration does not always reduce costs. It can take more time to work together rather than less.

Requiring combined interventions will result in a significant loss of important perspectives and expertise to the board:

- **Lost perspectives:** Some environmental intervenors have very different viewpoints about issues relevant to OEB matters, such as the most cost-effective ways to achieve net-zero energy transitions. Requiring combined interventions will mean the loss of important viewpoints.
- **Lost expertise:** With all intervenors, the expertise and competence of their consultants and representatives is important, and varies. If the OEB will only allow one environmental intervenor, it may lose access to expertise.
- **Lost independence:** Environmental Defence and the members of the Green Energy Coalition are fiercely independent and do not receive funding from fossil fuel companies. That is not the case with all environmental intervenors. Requiring involuntary combined interventions could result in the loss of 100% independent environmental voices.

In the past the OEB has considered limiting environmental intervenors to one and has always decided against it. Now is not the time to change course.

Role for collaboration

Environmental Defence and the Green Energy Coalition intend to collaborate extensively in this proceeding. Both are represented by different counsel from the same firm, which allows for additional synergies. Although their perspectives and focus have not always fully aligned, there have been many opportunities where they have been able to provide joint materials. This letter is another example of that.

There is less alignment between Environmental Defence, the Green Energy Coalition, and Pollution Probe. Their perspectives differ in important ways on which approaches to decarbonizing the gas are best for gas ratepayers and for the gas system as a whole. They also take different approaches in OEB hearings in terms of advocacy, strategy, and focus.

Collaboration is still possible, but any requirement of a combined intervention between all three intervenors is untenable.

Role of the SAG

Enbridge suggests that the Stakeholder Advisory Group (“SAG”) process can take the place of a robust hearing process and should result in less opportunities for intervenors to test Enbridge’s evidence. This is unfounded. The SAG process was never intended to replace all or part of the adjudication of DSM plans. Nor have any members participated in the SAG on the assumption that their participation would reduce an examination of the DSM plan via the DSM proceeding. Furthermore, intervenors are not represented in the SAG as it consists of independent experts.

Enbridge also describes the SAG process and SAG report as being more supportive of the DSM application than it actually is. The members of the SAG have raised important areas of fundamental disagreement with certain elements of the DSM plan. Where agreement did exist at the SAG, it was usually agreement on specific high-level issues, rather than the SAG’s agreement on every detail. The SAG discussions in most cases did not get into the level of detail that occurs at a DSM plan proceeding. The SAG discussions cannot replace a proceeding where intervenors appropriately test Enbridge’s evidence and seek to make improvements to the DSM plan.

Interests of Environmental Defence

Enbridge asserts that Environmental Defence has broken the OEB Rules of Practice and Procedure by declining to give notice of certain interests and activities and that the OEB should order that it remedy this. This is an absurd argument.

Enbridge states that Environmental Defence “does not indicate that its interests include the promotion of non-natural gas alternatives such as electric heat pumps.” The frequent intervenor form appropriately describes the interests, mandate, and objectives of Environmental Defence at a high-level without itemizing the very long list of activities it undertakes. For instance, the form indicates that “Environmental Defence represents both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through measures that lower both costs and environmental impacts.” Heat pumps are just one of the measures that lower both costs and environmental impacts.

The wording that Enbridge uses seems to imply that Environmental Defence has some sort of nefarious activities or ulterior interest with respect to heat pumps. The suggestion of impropriety or a breach of the OEB’s rules of practice is ridiculous. For example, Environmental Defence does not sell heat pumps or have some sort of ulterior profit motive to promote heat pumps. Environmental Defence has supported incentives for heat pumps in the past simply because they both lower energy bills and environmental impacts, consistent with its stated interest in its frequent intervenor letter.

In support of its position, Enbridge includes cites the following: EB-2023-0313, ED Reply Submissions, November 29, 2023, p. 3: ED’s interests include “...efforts to help consumers

adopt heat pumps...” Enbridge has misused this partial statement in multiple previous instances to suggest that Environmental Defence has inappropriate ulterior motives, without success. The full quote from those previous Environmental Defence submissions are as follows:

[T]he decision is also important to Environmental Defence’s efforts to help consumers adopt heat pumps as the home heating option that minimizes energy bills and carbon emissions. Environmental Defence sought a condition that Enbridge provide accurate information on the annual operating costs of heat pumps versus gas in any marketing materials that discuss operating cost savings from gas. (emphasis added)

The full quote, which Enbridge does not include in its letter, shows very clearly that Environmental Defence’s submissions in that previous case were entirely consistent with the interest set out in its frequent intervenor form – namely an interest in measures that lower both costs and environmental impacts.

Enbridge also supports its allegations with four pages of materials that it attaches as an appendix. However, the first two of the four pages from the appendix are from a different environmental organization that is not Environmental Defence. The last two pages of the appendix are an invite to a public meeting hosted by Environmental Defence on energy efficiency and heat pumps with speakers such as research scientist Erik Janssen of the Toronto and Region Conservation Authority’s Sustainable Technologies Evaluation Program. Contrary to Enbridge’s suggestion, if anything, this meeting invite shows that Environmental Defence has important knowledge and expertise to contribute to the discussion around the DSM plan.

The OEB specifically highlighted the contribution of Environmental Defence in its decision on costs in the previous DSM proceeding, stating as follows:

Among the intervenors, the OEB found Environmental Defence’s expert witness supported intervention particularly efficient and responsive to the objective of the proceeding.³

In that proceeding, Environmental Defence advocated for improved offerings on a range of measures that would result in lower costs and lower environmental impacts, including heat pumps. Environmental Defence requests the opportunity to do so again and does not believe its frequent intervenor form is at all lacking.

Timely hearing

Environmental Defence and the Green Energy Coalition agree with Enbridge that this proceeding should move forward in a timely manner. However, Enbridge’s 13-page letter, including its absurd arguments regarding Environmental Defence, are hopefully not an indication of how this proceeding will unfold as that level of adversarial jockeying will not make for an efficient

³ EB-2021-0002 - Decision and Order on Cost Awards – Application for Multi-Year Natural Gas Demand Side Management Plan (2022-2027) at page 3.

hearing. It has already lead to unnecessary costs in requiring us to use our time to respond to baseless arguments.

If all of the parties act responsible, a timely process can occur while still allowing for the necessary procedural steps. Environmental Defence and the Green Energy Coalition, if they are granted intervenor status, are committed to taking the steps required of them in as timely a way as possible.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Elson', written in a cursive style.

Kent Elson