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February 21, 2025

VIA EMAIL and RESS

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario, M4P 1E4

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (“Enbridge Gas” or the “Company”)
Ontario Energy Board (“OEB”) File No.: EB-2024-0322
Kimball-Colinville and Bickford Maximum Operating Pressure Increase
Project (the “Project”)
Intervenor Status Request - Response of Enbridge Gas**

This letter is the response of Enbridge Gas to the intervention request filed in the above-noted proceeding by Mr. Hilton Johnston.

Enbridge Gas submits that for the reasons set out in this response, the OEB should deny the intervention request of Mr. Johnston.

It is important to provide context for the purposes of this submission and the OEB’s process for the determination of eligible intervenor participants.

On March 31, 2022, the OEB commenced a framework for the review of intervenor processes and cost awards (EB-2022-0111). This process culminated in the OEB delivering a report to the Minister of Energy and Electrification (the “Minister”) dated September 27, 2024.¹ The OEB released a copy of this report on January 22, 2025 which included a 10-point action plan to further improve the OEB’s adjudicative process, reduce regulatory burden and duplication in appropriate areas, and lower costs. The Minister has also clearly indicated support for the steps that will support greater regulatory efficiency. In the Minister’s December 19, 2024 renewed Letter of Direction (the “Renewed Directive”) to the OEB, the Minister highlighted his expectation that the OEB ensure intervenors are cost effective, efficient, and in the public interest.² The Minister expressed his expectations in this regard at page 8 of the Renewed Directive:

Keep my office and ministry informed on the progress of implementing the 10-point action plan outlined in the OEB’s report Back dated September 27, 2024 on Intervenors and Regulatory Efficiency. I also expect that the OEB management and staff will provide assistance, as appropriate, to

¹ OEB’s Report back to the Minister: Intervenors and Regulatory Efficiency, September 27, 2024 ([link](#)).

² Renewed Letter of Direction from the Ministry of Energy and Electrification to the OEB Chair, December 19, 2024, p. 8 ([link](#)).

*Commissioners **by being proactive and diligent in ensuring that such report recommendations – and other good practices for ensuring intervenors are cost effective, efficient and in the public interest – are followed**, and that Commissioners are transparently advised, as appropriate given the independence of their adjudicative role, where staff believe improvements are required, **or intervenors need to be limited or directed** (emphasis added).*

Enbridge Gas submits that the Renewed Directive makes it clear that it should not be business as usual when it comes to accepting intervention requests without giving due consideration to how the intervenor process can be rendered more efficient.

In 2023, the OEB's review of intervenor processes resulted in amendments to Rule 22 of the *OEB's Rules of Practice and Procedure* (the "Rules"). One of the purposes of the amendments was to clarify the meaning of substantial interest, which is a prerequisite for intervenor standing. The amended Rule 22.02 now reads:

22.02 The person applying for intervenor status must satisfy the OEB that he or she has a substantial interest and intends to participate responsibly in the proceeding. A person has a substantial interest if they have a material interest that is within the scope of the proceeding; for example, a person that: (i) primarily represents the direct interests of consumers (e.g., ratepayers) in relation to services that are regulated by the OEB; (ii) primarily represents an interest or policy perspective relevant to the OEB's mandate and to the proceeding; or (iii) has an interest in land that is affected by the proceeding. Examples of participation include participating in discovery, making submissions, and filing evidence.

To support an intervention request and satisfy the obligation incumbent on an intervenor to demonstrate they have a substantial interest in a proceeding, intervenors are required to complete an intervention request form and respond to specific questions as set out in Appendix A to the Rules. It follows that where responses to the specific questions asked are incomplete or inadequate, this should reflect upon the intervenors' alleged substantial interest in the proceeding. Where intervenors fail to provide enough information to substantiate their specific interests at an early stage in a proceeding, this can lead to costly inefficiencies and unnecessary steps/inquiries.³

Based on the above considerations and Mr. Johnston's intervention request for this proceeding, Enbridge Gas submits that the OEB should deny the intervention request of Mr. Johnston as he has not provided sufficient information to prove his purported substantial interest in the proceeding. In fact, it is clear from the information provided that he does not raise any issues with the actual subject matter of the proceeding (i.e., to increase the maximum operating pressure ("MOP") of the storage pools in question), as highlighted by his stated issue:

³ In the recent franchise agreement renewal proceeding for Lennox and Addington County in EB-2024-0134, the OEB was forced to cancel a scheduled hearing date, for which other parties had prepared, at the eleventh hour because the Concerned Residents ultimately determined their issues were out of scope for the hearing. It was open for the OEB to reach this conclusion at the stage of determining intervention status.

My client base cannot fairly compete in a monopolistic environment.

The “mandate and objectives” provided by Mr. Johnston in his intervention request form provide more background on his issue, but are also not relevant to the current proceeding:

Mandate: Provide Ontario Producers with over 30 years of geological engineering knowledge and advice with respect to their asset’s potential for conversion to support new underground storage growth.

Objective: HPJ Geological Engineering Ontario (HPJ GEO) Inc. is seeking just and equitable treatment for Ontario petroleum producers with regard to underground storage growth in a market region dominated by a single company focused on enhancing pre-existing legacy assets for their lucrative un-regulated storage market.

Enbridge Gas is of the view that Mr. Johnston’s mandate, objective, and issues are outside of the scope of this proceeding and do not meet the OEB’s criteria for intervenor standing. Mr. Johnston does not represent the direct interests of ratepayers or the public in general. Further, he does not represent an interest or policy perspective relevant to this proceeding, which is about an application to increase the MOP of specific pools within designated storage areas. Even if Mr. Johnston has the mandate/instruction to advance positions on behalf of his clients (and it’s not at all clear that he does or who his client producers are), this proceeding does not engage the issue of – as Mr. Johnston describes it – competition by his client base in a monopolistic environment. Lastly, he has not indicated that he has any interest in the land that is affected by the proceeding.

For these reasons, Mr. Johnston does not have substantial interest in the proceeding as defined in Rule 22.02 and approving his intervention request would not be cost effective, efficient, or in the public interest consistent with the Renewed Directive.

Please contact me if you have any questions.

Yours truly,

Evan Tomek

Evan Tomek
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