

Elson Advocacy

April 22, 2025

BY RESS

Ms. Nancy Marconi

Registrar

Ontario Energy Board

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

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge – Approval to Construct Gas Works in Tay Valley Township
EB-2024-0342**

I am writing on behalf of the Climate Network Lanark pursuant to Rule 22.05 of the OEB's *Rules of Practice and Procedure* in response to the letter of Enbridge Gas dated April 17, 2025, requesting that the Climate Network Lanark be denied intervenor status. Enbridge's objections are baseless. The Climate Network Lanark has a substantial interest and should be accepted as an intervenor. Their participation would provide the OEB with an important perspective and would not prejudice any party as there is no urgency to the proceeding.

Substantial Interest

As required by Rule 22 of the OEB's Rules of Practice and Procedure, the Climate Network Lanark has an interest or policy perspective relevant to the OEB's mandate in this proceeding, namely, to determine whether "public convenience and necessity" require an expansion of the geographical area in which Enbridge is permitted to construct gas works in Tay Valley Township and Lanark County.

Enbridge's main argument with respect to the substantial interest test is the allegation that the Climate Network Lanark has insufficient local connections and that "there is no indication that there are residents within the Township of Tay Valley associated with CNL." This is false. The Climate Network Lanark has deep connections with both Lanark County and Tay Valley Township – both of which are impacted by the requested relief. That connection is outlined in the attached affidavit prepared by the co-founder of the Climate Network Lanark.

The Climate Network Lanark has an interest in environmental protection that is relevant to the OEB's mandate and the issues in this proceeding. The OEB has confirmed on numerous occasions that environmental interests are relevant to its mandate, including in a procedural order issued recently which granted intervenor status to three environmental groups in an Enbridge proceeding and explicitly confirmed that they "represent a policy interest relevant to the OEB's

mandate and therefore have a substantial interest in this proceeding.”¹ The Climate Action Network is legitimately concerned about expanding the geographic scope in which gas infrastructure can be built as this is contrary to the Tay Valley Township Climate Action Plan, the Lanark County Climate Action Plan, and will result in increased gas consumption and greenhouse gas emissions. The approvals also have potential adverse financial consequences for local residents. For more details regarding the connections between the hearing issues and the interests of the Climate Network Lanark and its supporters, see the attached affidavit of Ms. Brandum and the initial intervention application of the Climate Network Lanark.

Scope

Enbridge states that the Climate Network Lanark seeks to expand the scope of this hearing beyond what is provided for in legislation and even that it seeks to propose “changes to the provisions of the *Municipal Franchises Act*.” There is no basis for these assertions. The Climate Network Lanark described the issues it wishes to raise in its intervention application as follows:

The Climate Network Lanark wishes to address whether “public convenience and necessity” require approval to expand the area in which Enbridge Gas is allowed to construct gas works in the relevant area. The Climate Network Lanark will argue that this approval is not in the public interest and is certainly does not meet the prerequisite in section 8 of the *Municipal Franchises Act* of being a “necessity.”

The Climate Network Lanark merely seeks to address the question that the OEB is required to address under s. 8 of the *Municipal Franchises Act*.

No Prejudice

Enbridge argues that the intervention application should be denied because it is too late. This would be entirely inconsistent with OEB practice, which generally allows late intervention requests at the early stages before procedural steps have been set out.

Enbridge asserts that there is prejudice because the Climate Network Lanark seeks to file evidence. There is no indication that this will delay the steps that would be required regardless. More fundamentally, Enbridge misunderstands the types of prejudice that need be considered at this stage. The question is whether there is prejudice arising from the timing of the intervention application, not whether the party wishes to engage in procedural steps.

Furthermore, Enbridge has not identified any urgency or suggested a date by which Board approval is needed. As such, there cannot be any real prejudice even if the involvement of the Climate Network Lanark would require additional time in the schedule, which is nevertheless disputed.

¹ EB-2024-0198, *Procedural Order No. 1*, March 4, 2025, ([Link](#)), p. 6.

Other Proceedings

Enbridge makes reference to two other proceedings in which we are counsel for different parties. These proceedings are irrelevant as they have no bearing on the intervention application of the Climate Network Lanark. Furthermore, Enbridge's characterization of those events is incorrect. With respect to the Lennox and Addington County franchise agreement case, the OEB granted costs to the relevant intervenor and did not accept the grounds Enbridge raised in objections to its costs. With respect to eMERGE Guelph, it was granted intervenor status in the franchise agreement proceeding regarding Guelph. These examples are irrelevant and have been misrepresented.

Conclusion

The OEB has repeatedly noted that intervenors play an important role in its decision-making process. Varied perspectives lead to better decisions. For example, the OEB noted as follows in its September 27, 2024 Report to the Minister on Intervenors and Regulatory Efficiency:

The OEB is an adjudicative tribunal founded on a quasi-judicial adversarial model. Therefore, external participation in OEB adjudicative proceedings, including those by regular intervenors, is an important part of how the OEB hears applications and makes its decisions.²

That principle applies equally in this case. The OEB would benefit from the involvement of the Climate Network Lanark.

Yours truly,



Kent Elson

cc: Parties in the above proceeding

² Ontario Energy Board, Report Back to the Ministry – Intervenors and Regulatory Efficiency, September 27, 2024 ([Link](#)), p. 2.

ONTARIO ENERGY BOARD

EB-2024-0342

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S. O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application by Enbridge Gas Ins. for approval to construct gas works in an expanded area in Tay Valley Township

AFFIDAVIT OF SUSAN BRANDUM

I, SUSAN BRANDUM, of the Township of Drummond/North Elmsley, in the Province of Ontario, hereby AFFIRM:

1. I am the Co-Founder of Climate Network Lanark (“CNL”) and a current member of its board. Because of that role, I have knowledge of the information contained in this affidavit. Where I refer to information from others, I state the source of the information, and I believe all such information to be true.
2. I make this affidavit in support of the request by CNL to intervene in the application by Enbridge Gas to expand the area in which it has approval to build new gas infrastructure in Lanark County and Tay Valley Township. I understand that Enbridge Gas objected to CNL’s intervention on the basis that “there is no indication that there are residents within the Township of Tay Valley associated with CNL.”¹ That is incorrect. There are many residents of both Lanark County and the Township of Tay Valley associated with CNL.

Lanark County Connections

3. Tay Valley Township is located within Lanark County. The permissions that Enbridge Gas is requesting would expand the area of Lanark County within which it is allowed to

¹ EB-2024-0342 Letter from Enbridge Gas Inc., April 17, 2025 at p. 3.

build gas infrastructure. CNL and its supporters are legitimately concerned about this as it would have climate impacts for Lanark County.

4. CNL is the largest and most active environmental and climate organization in and for Lanark County. CNL has a database of supporters, which I estimate to contain 1,200 residents of Lanark County. In addition, there are a number of County residents who have participated in or benefited from our programs who are not in our supporter database.
5. CNL has helped residents of Lanark County reduce greenhouse gas emissions, including greenhouse gas emissions associated with heating homes. It is important to many residents of the County that local greenhouse gas emissions decline.
6. The work of CNL in Lanark County is described in the intervention request that we submitted on April 11, 2025. I have excerpted those details here and I confirm that they are true and accurate:

The Climate Network Lanark brings people together to act on climate change by reducing greenhouse gas emissions (GHGs). They focus on practical strategies like promoting the use of renewable energy instead of fossil fuels; using natural systems to absorb carbon emissions; improving energy efficiency; and expanding organic waste composting. They also help the local community prepare for the impacts of climate change by advocating for measures to mitigate the social, psychological, and economic risks of extreme weather and the loss of nature.

The Climate Network Lanark's initiatives include the Neighbourhood Climate Concierge. This program connects community members who own single-family homes with tailored resources, information, and expertise specific to Lanark County and Smiths Falls. The initiative supports residents in navigating and implementing climate action in their homes, empowering them to make informed decisions about sustainable practices and reduce their environmental impact. The offerings include:

- **Personalized Guidance:** Tailored advice on energy efficiency and sustainable practices;
- **Expert Knowledge:** Details on the latest trends and information regarding building and home retrofits;
- **Peer Support:** Connections with fellow community members who care about the environment and saving money; and
- **Resource Hub:** Access a variety of materials, including guides, videos, and local resources to help participants implement sustainable practices in their homes.

The Climate Network Lanark also pursues initiatives relating to:

- Composting and waste reduction;

- Helping to make public events more environmentally friendly; and
- Promoting nature-based climate solutions.

More details can be found at <https://www.climatenetworklanark.ca/>.

7. CNL was also a major contributor to the Lanark County's Climate Action Plan. Expanding approvals to build new gas pipelines and increase use of gas in Lanark County is contrary to that plan.

Tay Valley Connections

8. CNL also has deep connections in Tay Valley Township. The permissions that Enbridge Gas is requesting would expand the area of Tay Valley Township within which it is allowed to build gas infrastructure. CNL and its supporters are legitimately concerned about this as it would have climate impacts for the Township
9. CNL is the largest and most active environmental and climate organization in and for Tay Valley Township. CNL has a database of supporters, which I estimate to contain 120 residents of Tay Valley Township. That number may not seem large, but the Township itself is relatively small. If a province-wide organization had the same proportion of supporters to the total population, it would have over 285,000 supporters and would be a large organization.²
10. In addition, there are a number of Township residents who have participated in or benefited from our programs who are not in our supporter database.
11. CNL has supported residents of the Township in reducing greenhouse gas emissions in the County, including greenhouse gas emissions associated with heating homes. This includes individuals participating in the programs I discuss above. It is important to many residents of the Township that local greenhouse gas emissions decline.

² This estimate is based on the population figures from Statistics Canada for [Ontario](#) and [Tay Valley Township](#). The calculation is [TVT Supporters] divided by [TVT population] multiplied by [Ontario Population].

12. I played a key role in developing the Climate Action Plan for Tay Valley Township. Expanding approvals to build new gas pipelines and increase use of gas in the Township is contrary to that plan.

Interests of CNL and its Supporters

13. Expanded approvals to build new gas infrastructure involve expanded gas consumption and additional greenhouse gas emissions. Gas infrastructure lasts for a long time, and therefore the impacts of building new infrastructure can last for many decades. The request of Enbridge Gas is therefore contrary to the interests and wishes of CNL and its members and supporters.
14. Expanding new gas infrastructure is also financially risky because there will not be enough time to pay off those capital costs before gas consumption needs to stop or be drastically reduced for climate reasons. The request of Enbridge Gas is therefore also contrary to the financial interests of CNL, its members, supporters and gas ratepayers across the province.

AFFIRMED REMOTELY BY video)
 conference by Susan Brandum stated as)
 being at the Township of)
 Drummond/North Elmsley, Province of)
 Ontario, before me in the City of)
 Toronto, Province of Ontario on this)
 22nd day of April 2025, in accordance)
 with O. Reg. 431/20, Administering)
 Oath or Declaration Remotely.)



Commissioner for Taking Affidavits
 Kate Siemiatycki
 LSO No. 72392C



SUSAN BRANDUM