

VIA EMAIL and RESS

April 24, 2025

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-2022-0335
Integrated Resource Planning (“IRP”) Pilot Project
Cost Claim Objections**

Pursuant to the OEB’s Decision and Order dated March 27, 2025 in the above-noted proceeding, Enbridge Gas has reviewed the cost claims received from the following intervenors:

- Association of Power Producers of Ontario (“APPrO”) – \$6,421.79
- Building Owners and Managers Association, Greater Toronto (“BOMA”) – \$7,737.69
- Consumers Council of Canada (“CCC”) – \$9,322.50
- Environmental Defence Canada Inc. (“ED”) – \$2,967.38
- Federation of Rental-housing Providers of Ontario (“FRPO”) – \$12,678.60
- Ontario Greenhouse Vegetable Growers (“OGVG”) – \$3,990.03
- Pollution Probe (“PP”) – \$15,568.58
- School Energy Coalition (“SEC”) – \$10,553.07
- Vulnerable Energy Consumers Coalition (“VECC”) – \$5,779.95

Enbridge Gas does not object to the cost claims submitted by APPrO, BOMA, CCC, ED, OGVG, SEC, and VECC. However, Enbridge Gas objects to the cost claims submitted by FRPO and PP. For the reasons described below, Enbridge Gas respectfully submits that the approved cost claims of FRPO and PP should be reduced to \$6,681.77 each.

FRPO's and PP's cost claims are approximately double the average cost claim of all other intervenors (190% and 233%, respectively).¹ Importantly, neither FRPO nor PP provide any explanation as to the reasons for their high cost claims, despite the requirement under Rule 10.02 of the OEB's *Practice Direction on Cost Awards* that "[c]ost claims pertaining to a process must be accompanied by a letter addressing the reasons why costs should be awarded...".²

FRPO and PP's cost claims are largely based on the discovery portion of the proceeding (FRPO and PP claimed 29.00 hours and 33.25 hours, respectively, for discovery-related activities, which is much higher than all other intervenors).³ Furthermore, it does not appear that the relatively large amount of discovery undertaken by FRPO and PP was ultimately useful to either party in their final arguments:

- FRPO's final argument⁴ was only 3 ½ pages and FRPO did not take a leading role in submissions, largely adding on to submissions that had been submitted by other intervenors. Furthermore, FRPO did not refer to any of its own interrogatories and referred to just one of its technical conference undertakings in its final argument.
- PP's final argument⁵ was lengthier, but it similarly made little mention of the voluminous discovery that PP required from Enbridge Gas.

Ultimately, the OEB did not rely upon the submissions from FRPO and PP in any significant fashion in its Decision and Order. Taking into account the above, Enbridge Gas respectfully submits that FRPO's and PP's high cost claims are not proportional to the probative value of their contributions to this proceeding.

Additionally, in PP's case, the high cost claim appears to be part of a pattern of high cost claims from the intervenor which the OEB has previously found to be "excessive".⁶ In the past 10 months, the OEB has ordered a reduction to PP's cost awards relative to PP's cost claims for at least four separate Enbridge Gas proceedings:

- EB-2022-0111 – The OEB reduced PP's cost award by 33%.⁷
- EB-2023-0200 – The OEB reduced PP's cost award by 50%.⁸
- EB-2023-0201 – The OEB reduced PP's cost award by 50%.⁹
- EB-2023-0261 – The OEB reduced PP's cost award by 50%.¹⁰

¹ The average cost claim of all intervenors, excluding FRPO and PP, is \$6,681.77.

² OEB Practice Direction on Cost Awards, April 1, 2023, p. 8 ([link](#)).

³ The average hours claimed of all intervenors for discovery-related activities, excluding FRPO and PP, is 11.88 hours.

⁴ FRPO Final Argument, October 8, 2024 ([link](#)).

⁵ PP Final Argument, October 7, 2024 ([link](#)).

⁶ EB-2023-0200, OEB Decision and Order on Cost Awards, September 4, 2024, p. 3 ([link](#)); and, EB-2023-0201, OEB Decision and Order on Cost Awards, July 29, 2024, p. 2 ([link](#)).

⁷ EB-2022-0111, OEB Decision and Order on Cost Awards, July 15, 2024 ([link](#)).

⁸ EB-2023-0200, OEB Decision and Order on Cost Awards, September 4, 2024 ([link](#)).

⁹ EB-2023-0201, OEB Decision and Order on Cost Awards, July 29, 2024 ([link](#)).

¹⁰ EB-2023-0261, OEB Decision and Order on Cost Awards, July 22, 2024 ([link](#)).

Despite the OEB's repeated and consistent findings regarding the nature of PP's high cost claims for Enbridge Gas proceedings, PP submitted a cost claim in this proceeding that is significantly higher than other intervenors without any explanation to support the claim.

Based on the foregoing, Enbridge Gas respectfully submits that the approved cost claims of FRPO and PP should be reduced to \$6,681.77 each. This amount reflects the average cost claim of all other intervenors in the proceeding and is more consistent with the probative value of FRPO's and PP's contributions to this proceeding.

If you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Haris Ginis".

Haris Ginis
Technical Manager, Regulatory Applications

cc: David Stevens (Aird & Berlis LLP, Enbridge Gas Counsel)
Lawren Murray (OEB Counsel)
Stephanie Cheng (OEB Staff)
Intervenors (EB-2022-0335)