

April 25, 2025

Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Via email: registrar@oeb.ca

**Re: EB-2024-0200 St. Laurent Pipeline Replacement Project
CAFES Ottawa Cost Claim Reply**

The Ottawa Community Associations for Environmental Sustainability (CAFES Ottawa) received the comments submitted by Enbridge Gas on April 17, 2025 and provides the following response. There was a large number of assertions and conjecture in the comments provided by Enbridge Gas' letter that do not align with the actual facts related to CAFES Ottawa's participation. We can understand that Enbridge Gas may not be naturally supportive of stakeholders who identified significant issues during the proceeding with one of Enbridge Gas' largest proposed capital projects. However, a recommendation by Enbridge Gas to reject the Cost Claim submitted by CAFES Ottawa is a serious issue and demands detailed facts and logical analysis, rather than the high level statements, subjective opinion and unsubstantiated proposed adjustments. This is particularly valid when the Cost Claim is well within the range that Enbridge agrees is reasonable. The comments from Enbridge Gas appear to be a collateral attack on Pollution Probe and although there was efficient coordination between parties (as appropriate), CAFES Ottawa is a separate and independent intervenor in this proceeding. We address those concerns in more detail below.

Enbridge Gas' confirmed the significant scale of the proposed project at \$208 million and indicated that small amounts of savings (e.g. a \$1.3 million cost reduction) are immaterial to ratepayer cost impacts for such a large project¹. CAFES Ottawa accepts the OEB's Decision in this proceeding, but suggests that if our constituents could save \$1.3 million on their natural gas bills, that would be welcomed. If a \$1.3 million cost is considered immaterial by Enbridge Gas, it is difficult for CAFES Ottawa to understand the real intent of Enbridge Gas' challenge of our Cost Claim. It appears that the challenge is to dissuade CAFES Ottawa or other similar community organisations from participating in project proceedings in the future. In our understanding, this is opposite to what the OEB process is intended to support. We trust that the information in this letter provides the necessary clarity to respond to Enbridge Gas' comments and should any additional information be required, please let us know.

The comments provided by Enbridge Gas in their letter appear to be constructed to support a spreadsheet exercise to target a cost disallowance rather than considering the facts related to our actual participation in this proceeding. CAFES Ottawa believes that we represented the interests of our constituents which include ratepayers in the City of Ottawa in a responsible manner and that the costs

¹ EGI_LTR_Response_to_Cost Claims_20250417, pages 5-6.

incurred to do so are reasonable and well within the range that is appropriate for this large and complex \$208 million project that directly impacts our city and our constituents that work and live in the City of Ottawa. Although CAFES Ottawa does not know how Enbridge Gas identified their suggested theoretical maximum claim of \$20,000 per intervenor, it is interesting to note that our Cost Claim is in the theoretical range supported by Enbridge Gas.

CAFES Ottawa is an independent organisation operating in the City of Ottawa that includes over 250 individuals and the interests of all ratepayers in the City of Ottawa through a network of organizational representatives from across 24 wards and over 50 neighbourhoods in the City of Ottawa. Environmental and climate issues are a focus for us, but to consider CAFES Ottawa as just an environmental organisation would be inaccurate and misleading. Our focus represents the interests of the community, residents, businesses and public interest of our communities within the City of Ottawa. This includes the economic and environmental wellbeing of our constituents and our city. This was the basis of our intervention request which was approved by the Ontario Energy Board (OEB). Enbridge Gas has retroactively suggested that CAFES Ottawa should not be accepted as an individual intervenor in this proceeding and has suggested that we should be consolidated as a joint organisation with Pollution Probe for purposes of our costs. Enbridge Gas provided no such suggestion throughout the proceeding and it was very surprising that this new request is being made during the Cost Claim process. CAFES Ottawa is treated as an independent intervenor as approved by the OEB, and therefore there is no basis for rejecting its Cost Claim as filed based on Enbridge Gas' comments.

Enbridge Gas's comments dismiss CAFES Ottawa's participation as an individual intervenor in part because we decided to use the services of the same independent consulting firm that Pollution Probe choose to use. CAFES Ottawa is not aware of any rules that restricts the use of a consultant or firm that is also used by another party. CAFES Ottawa indicated in its intervenor request that it intended to coordinate where practical with Pollution Probe and that is exactly what we did during the proceeding. By using a common consultant there were efficiencies and benefits gained, including a splitting of the consultant costs for the portion of the proceeding where the consultant attended in person (e.g. technical conference). Using a different consultant would have led to those costs being double (i.e. the cost of each consultant vs. splitting costs for one consultant). CAFES Ottawa submitted questions on issues relevant to our constituents and we spent time working through the evidence issues independently with our consultant. These individual activities relate to the group of Discovery activities (evidence and interrogatories) grouped by the OEB in the Cost Claim process. Once we understood the evidence, gaps and related issues we did coordinate to avoid duplication with Pollution Probe and other stakeholders.

Enbridge Gas suggests that CAFES Ottawa did not leverage efficiencies and Enbridge Gas uses an abstract approach to interpreting what collaboration and efficiencies are, rather than providing a detailed summary of the actual efficiencies they believe are missing and comparing those to what cost would have been otherwise. The CAFES Ottawa Cost Claim reflects benefits and efficiencies as we have explained. Enhanced coordination between parties takes time and effort. More coordination takes more time. Even though enhanced coordination takes incremental time, there are still benefits and efficiencies in that it reduces the time and effort from other parties (including Enbridge Gas, intervenors and the OEB). We highlight this in our example related to the incremental efforts to consolidate our final submission with that of Pollution Probe, but the same principle applies to other activities (e.g. reconciliation and removal of duplication in interrogatories). Enbridge Gas seems to be incorrectly

jumping to a conclusion that there are theoretical coordination activities that would have reduced effort and related costs further than what was already done. This is both logically and mathematically wrong. It is simply incorrect to assume that increased coordinating across parties does not take incremental time and effort. It is not fair to promote increased coordination and then ignore the effort required to do so.

CAFES Ottawa had many questions related to Enbridge Gas' evidence and application, particularly during the Discovery (evidence and interrogatory) stages of the proceeding. Our local stakeholder information did not align with several areas of evidence in the Enbridge Gas application and also the Discovery phase of the proceeding provided responses and materials that differed from Enbridge Gas' application evidence. We can clearly and decidedly confirm that our costs would have been higher if we did not coordinate in the manner we have described. Although we did not make the decision to consolidate our final submission with Pollution Probe until after considering the benefits and downside of doing so during the drafting process for final argument, the consolidation of the CAFES Ottawa submission with that of Pollution Probe's would not have been possible had we chosen a different consultant. As we have noted, Pollution Probe was able to lead on some issues that were common and that resulted in a shift of costs that we would have otherwise incurred. We have recognised this extra effort and benefits due to coordination with Pollution Probe. There is no doubt that CAFES Ottawa costs were lower than they would otherwise have been if this approach was not used.

Consolidation of argument to include the input and issues across multiple stakeholders with the help of our consultant was also a time-consuming process. In hindsight, it would have been easier to just submit individual submissions even if some limited sections covered similar issues. Even though this coordination took significant effort, we still believe that having a consolidated final argument reduced overall time of the OEB, Enbridge Gas and all parties compared to reading and considering separate submissions. This approach also enabled our consultant to share versions of the consolidated draft final argument with other parties to validate information and ensure that they did not spend time duplicating what was already addressed. We appreciate the feedback and coordination from other parties during that process. FRPO took a similar approach for sharing the issues and level of detail it was using on system options and alternatives. This collaboration was helpful and enabled parties to avoid going into the same level of detail on those detailed options.

We trust that the extra effort to integrate our final submission into a consolidated submission with Pollution Probe was helpful to the OEB as intended. It was a certainly a difficult process and given that CAFES Ottawa and Pollution Probe had different perspectives on some issues, it was very hard to ensure a consolidated document that integrated our submissions and was acceptable to both organisations. If the OEB does not see value in this kind of incremental effort, it would be important to help inform efforts for the future.

Finally, CAFES Ottawa would like to respond to Enbridge Gas' suggestion that there were factual errors or misleading statements made by CAFES Ottawa in the proceeding. This is a serious and false accusation and CAFES Ottawa took extra effort to ensure that the facts were referenced appropriately, including many references in the portions of the consolidated final argument that related to CAFES Ottawa. In CAFES Ottawa's review of final submissions submitted, it appears that the level of references we included was among the highest of all parties in the proceeding. Enbridge Gas references a table appended to its Reply Argument as the basis for the areas it considered falsely represented. The examples highlighted by Enbridge Gas simply appears to be a summary of where Enbridge Gas' opinion

differed. The detailed references that were included in the consolidated submission were not added to the Enbridge Gas appendix table which made it appear that the consolidated submission had not included any evidence references. This is clearly not the case. In some examples Enbridge Gas does not provide any detailed basis for questioning the factual references and in others Enbridge Gas actually reconfirms the statements made by CAFES Ottawa/Pollution Probe (e.g. item 5, that the TSSA approval letter was not issued for the project which). We request that the OEB dismiss this supposition from Enbridge Gas.

Through the proceeding the position and evidence provided by Enbridge Gas differed for some important topics and depending on which evidence reference is considered, it may be possible to arrive at a different conclusion in some specific areas. This challenge highlighted again in Enbridge Gas' response to cost claims when it indicated that the St. Laurent project application was new and had no linkage to the previous (EB-2020-0200) proceeding². In various parts of the proceeding and in Enbridge Gas' own Reply Argument, it was confirmed that various project elements and costs "were brought forward from the previous SLP application after the LTC was denied" and that "Despite the OEB's denial of the project in EB-2020-0293, Enbridge Gas considers costs incurred at that time to be costs related to an earlier stage of the same project ..." ³. Enbridge is entitled to its opinion, but not entitled to create its own facts.

It was specifically important for our constituents in the City of Ottawa to ensure that accurate and objective information related to the project were made available to the OEB during the process. This is one of the factors that drove us to participate in this proceeding. Ensuring that the relevant factual information be provided to the OEB resulted in a higher level of participation in the Discovery phase of the proceeding and in some cases filing of evidence that in our opinion should have been included in the application filed. Beyond the benefits and efficiencies that we have already highlighted, our approach also enabled us to avoid duplication during the interrogatory process and we were able to intentionally file our interrogatories in coordination with Pollution Probe several days in advance of other parties to enable all parties to leverage our efforts and avoid duplication.

In summary, CAFES Ottawa requests that the OEB approve our Cost Claim as filed and recognise the level of coordination that we undertook, including the incremental coordination efforts undertaken with Pollution Probe. We truly feel that we went above and beyond in those efforts.

Sincerely,



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² EGI_LTR_Response_to_Cost Claims_20250417, page 5.

³ EGI_Reply Submissions_20250207, page 52.