



Ms. Nancy Marconi  
OEB Registrar  
Ontario Energy Board  
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Toronto, ON M4P 1E4

April 28, 2025

**EB-2024-0200 St. Laurent Project Leave to Construct  
Pollution Probe – Cost Claim Objection Reply**

Dear Ms. Marconi:

In accordance with OEB direction, this is Pollution Probe's reply comments to the Enbridge's comments on the Pollution Probe Cost Claim. Without repeating the information included in the Cost Claim or all the activities undertaken by Pollution Probe for this proceeding, we have attempted to specifically provide a response to address each of the comments provided in Enbridge's letter dated April 17, 2025.

Pollution Probe (in coordination with CAFES Ottawa and other stakeholders) was one of the most active participants in this proceeding which included a large number of relevant issues and the level of detail required to assess those issues. Coordination required prioritisation based on a number of important OEB proceedings occurring in parallel with EB-2024-0200.

Pollution Probe coordinated efficiently with other stakeholders throughout the proceeding to avoid duplication and enable parties to leverage work undertaken by Pollution Probe, as appropriate. Although there were incremental efforts and enhanced coordination with the Ottawa Community Associations for Environmental Sustainability (CAFES Ottawa), Pollution Probe also coordinated in an efficient manner with other parties as outlined below and as noted in our Cost Claim. Given the current RESS formatting for creating cost claims, the coordination for each category of activities is embedded within each activity field. Pollution Probe believes that many of our coordination efforts were visible (e.g. consolidated submission, early filing of interrogatories, efforts to avoid duplication with other parties during various phases, etc.) and we also included a few incremental notes in the Cost Claim time docket to highlight some of those areas of coordination. To efficiently respond to the comments provided by Enbridge, we include some specific details below to address each concern raised by Enbridge. Pollution Probe always coordinates with stakeholders as appropriate, but we believe that we went above and beyond to ensure enhanced coordination in this proceeding and we

appreciate this opportunity to ensure that there is no doubts about the level of incremental effort undertaken and the value of such efforts.

Enbridge suggests that the Pollution Probe Cost Claim be reduced from \$26,569 to \$10,434, or alternatively that the OEB consider capping individual intervenor Cost Claims (including Pollution Probe's) at \$20,000<sup>1</sup>. Pollution Probe suggests that there is no rational or factual basis to implement Enbridge's recommendation and that each cost claim should be assessed on its own merit and the information provided. Pollution Probe recognises that it can be difficult for the OEB when assessing cost claims, particularly when there is a heterogeneity due to the specific details underpinning each specific cost claim. The OEB is not in the stakeholder coordination meetings and does not have full visibility to the discussions and coordination occurring throughout the proceeding. The details are important, particularly in large complex proceedings where there is significant enhanced coordination occurring behind the scenes. The OEB does see the public process, submissions, transcripts and in particular the final submissions (argument) of each party which provides a good summary of the issues relevant to each party and the level of coordination and details per issue occurring throughout the proceeding.

This proceeding pertains to a proposed \$208.7 million<sup>2</sup> large diameter extra high-pressure pipeline through the busy downtown core of Ottawa with a significant amount of documented environmental and socio-economic features<sup>3</sup>. This sensitive location is in part the basis for the proposed replacement. The pipeline is part of a broader system feeding Ontario and Quebec with options and alternatives put forward by Enbridge and other stakeholders that are complex in detail. Even the economic analysis provided for comparing alternatives included large amounts of assumptions and multiple spreadsheets. Enbridge was not able to provide the actual spreadsheets used for the project NPV due to their complexity and multiple dependencies to other working spreadsheet<sup>4</sup>. However, at our request Enbridge was able to provide a working version of the scenario spreadsheets with enough functionality to enable an objective sensitivity analysis based on key assumptions<sup>5</sup>.

Enbridge provides a table<sup>6</sup> summarising the cost claims filed by major RESS activity category with the range of cost claims from \$7,868 to \$46,239. Pollution Probe's Cost Claim was \$26,569 which is approximately the mid-point of this range. The major RESS system categories used are Discovery, Procedural and Written Argument. More granular details is available in the cost claims created and filed through RESS. The information provided by Enbridge does not include any comparative details pertaining to any of the parties or their detailed cost claims as filed. Providing a table of numbers without any supporting context is of limited value without

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<sup>1</sup> EGI\_LTR\_Response\_to\_Cost Claims\_20250417, page 6 (Conclusions).

<sup>2</sup> EGI\_Reply Submissions\_20250207, paragraph 140.

<sup>3</sup> Including a busy and dense downtown core, environmental contamination that already impacted a section of the existing pipeline, among other features documented in the proceeding and in Pollution Probe's consolidated final submission.

<sup>4</sup> Final Transcript for EB-2024-0200 Technical Conference October 31 2024, pages 101 to 103 and

<sup>5</sup> UNDERTAKING JT2.20 Attachments 1, 2 and 3.

<sup>6</sup> EGI\_LTR\_Response\_to\_Cost Claims\_20250417, Table 1.

considerations of the actual details behind those numbers. In this summary table Enbridge also combined the Pollution Probe costs with those of another intervenor (CAFES Ottawa) which is not standard practice or appropriate in Pollution Probe's view. Pollution Probe suggests that it is artificial and misleading to add intervenor costs together in a summary table and suggest that they be compared to other individual intervenor costs on an apples to apples basis. Given that Pollution Probe coordinated efficiently with many other parties, would it be logical to add several other cost claim to that of Pollution Probe? Of course not.

A portion of Pollution Probe's costs did relate to coordination with CAFES Ottawa and also taking a lead role on certain issues and analysis during the proceeding. Contrary to Enbridge's suggestion, Pollution Probe also coordinated with other parties during the proceeding (including Environmental Defence) and overall benefits and efficiencies were received from that coordination. For example, the Federation of Rental-housing Providers of Ontario (FRPO) agreed to lead and coordinated as appropriate with other parties on the Discovery, Procedural and Written Argument elements related to system analysis and project options<sup>7</sup>. Pollution Probe thanks FRPO for taking a lead role on that detailed and complex topic. Coordination across stakeholders and division of analysis is not magic and reasonably takes time and can increase stakeholder costs, but there is a collective benefit related to that coordination<sup>8</sup>. It should not be viewed that enhanced coordination simply increased an intervenors costs, but that it also provides broader benefits as we outline in this submission.

In addition to efficient coordination with other stakeholders, Pollution Probe took some extra steps in this proceeding. Pollution Probe (with CAFES Ottawa) filed interrogatories several days in advance of other parties to ensure that all parties had our final interrogatories. Similarly, Pollution Probe (in coordination with CAFES Ottawa) shared drafts of the final submission and appendix Excel analysis with parties to reduce duplication and enhance coordination. This not only provided coordination but also enabled an update in the Pollution Probe spreadsheet appendix prior to finalisation and filing. The NPV analysis of the evidence (via Discover and Procedural RESS categories) informed the consolidated submission in a material way. It is truly challenging to understand why Enbridge suggests that there is no sign of Pollution Probe coordination with stakeholders during this proceeding.

Enbridge suggests that Pollution Probe's Cost Claim did not reflect efficiencies and that it relied on factual errors and misleading statements. Pollution Probe disagrees with Enbridge's assertion, specifically related to the costs that it has claimed for this proceeding. Enbridge provides a few example to support their general assertion and suggests that these examples are sufficient to extrapolate across all activities in Pollution Probe's Cost Claim. Pollution Probe would like to respond to the Enbridge examples. The first example relates to clarifications during the Technical Conference to clarify if the age of the existing pipeline (i.e. 60 years) was a

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<sup>7</sup> This included the early intervenor coordination meeting August 24, 2024. Additional coordination and correspondence occurred on this and other issues and are included within the categories Enbridge outlined in their summary table.

<sup>8</sup> Including reduction of time by other parties needing to undertake analysis on the same details and/or also a reduction of time from all parties that would need to review additional materials if those efforts were duplicated.

principal driver of the recommendation to replace the entire pipeline. The Enbridge panel had indicated that it was not the age of the pipeline that was the principal driver for the replacement, but that it was the specific integrity data collected. Enbridge's spokesperson in the City of Ottawa had identified the age of the pipeline as the principal driver for the replacement<sup>9</sup>. Clarifying the information as done is exactly what the Technical Conference was meant to do.

The second reference made by Enbridge is a sentence Pollution Probe included in its December 17, 2024 submission pertaining to the need for an oral hearing. This submission was intended to be a quick confirmation of what had been previously submitted in support of an oral hearing component. As noted, the letter was coordinately to meet the procedural timelines prior to Pollution Probe being dedicated concurrently on the EB-2024-0111 (Rebasing) proceeding<sup>10</sup>. Enbridge indicates that Pollution Probe had an "incorrect recollection" related to the use of an oral hearing component in EB-2020-0293. Pollution Probe confirms that this sentence was incorrectly stated and the reference should have been for the recent (2023) EB-2022-0157 (Panhandle Leave to Construct) proceeding which is a similar large diameter extra high-pressure project. When Pollution Probe had time to revisit the reference following the EB-2024-0111 oral hearing, Enbridge had already flagged this mistake in its response letter dated December 20, 2024<sup>11</sup>. We apologise for this reference error and note that extra effort was placed on including the detailed (246) references relied on in the consolidated final submission. The time and costs related to Pollution Probe's December 17, 2024 submission on the need for an oral hearing was purposefully excluded from the timesheet and Cost Claim to the OEB as we felt that is an appropriate approach for that isolated error.

Enbridge criticized Pollution Probe's request for the original draft of the DNV report prior to edits being added to subsequent draft versions. Stakeholders are entitled to make requests and the OEB routinely makes a decision following such requests. There are examples of similar requests being fulfilled, including Pollution Probe's request for the Final DNV St. Laurent Risk Report<sup>12</sup> which was not filed by Enbridge in their initial application. The OEB responded to Pollution Probe's request in Procedural Order No. 5, dated December 17, 2024. Pollution Probe appreciates the OEB's consideration of its request even though the OEB decision was not to require the draft document to be provided.

Enbridge included some references in the Appendix 1 table in its Reply Argument<sup>13</sup> and suggested that the short table form a sufficient basis to suggest that that some of the hearing references Pollution Probe (or perhaps CAFES Ottawa) included in the consolidated final submission are not accurate. Pollution Probe worked diligently to ensure that its portion of the final consolidated submission was well documented and referenced. Enbridge did not provide any actual errors to any of the Pollution Probe consolidated final argument references. In, fact

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<sup>9</sup> Exhibit I.1-CAFES Ottawa-14d and Enbridge radio interview link included.

<sup>10</sup> The OEB oral hearing for EB-2024-0111 started December 17, 2024 and running through December 19, 2024.

<sup>11</sup> EGI\_Ltr\_Response\_Oral Hearing\_St.Laurent\_20241220.

<sup>12</sup> Copy provided as Exhibit I.1-PP-24, Attachment 5.

<sup>13</sup> EGI\_Reply Submissions\_20250207, Appendix 1.

some of Enbridge's reference reinforce the information used in the consolidated final submission. Pollution Probe took extra care in the consolidated final submission to go above and beyond in providing factual evidentiary references and transparency for the detailed analysis it undertook. The consolidated submission provided 246 footnote references to support the information and conclusions included. Pollution Probe submits that the consolidated<sup>14</sup> final argument submitted by Pollution Probe (in direct coordination with CAFES Ottawa) was among the most comprehensive and factually documented with references.

The final submissions reflects the range and complexity of the issues and correlates to the Discovery, Procedural and Written Argument that were undertaken. There was a wide variety in the length of submissions<sup>15</sup> and for almost all of the submissions and the related cost claim documentation, the level of coordination and attempt to reduce duplication visibly present. Pollution Probe received positive feedback when it jointly circulated draft versions of the consolidated final argument and we believe that it was a comprehensive and well documented submission.

Enbridge suggests that there is a supporting rationale for a disallowance of costs in this St. Laurent proceeding due to an adjustment of costs in an unrelated set of small previous community expansion projects proceedings<sup>16</sup>. The evidence and facts of those proceeding are not part of the record in this proceeding, but those small community expansion project proceedings collectively dealt with a set of system expansion projects under the Natural Gas Expansion Program<sup>17</sup>, which is distinctly different from the St. Laurent project. This is an apples to oranges comparison and Enbridge failed to explain how any of the details from the example selected had any relevance to EB-2024-0200 proceeding. If Enbridge was interested in referencing a relevant example of a large complex Leave to Construct for a large diameter extra high pressure proposed pipeline, a logical recent example is the recent Panhandle Leave to Construct<sup>18</sup>. Using an example that is relevant would not support Enbridge's preferred conclusion. Although the Panhandle project is a \$358 million project compared to the \$208.7 million for the St. Laurent project, the issues and scale of the OEB proceeding was more relevant as a comparator. Pollution Probe's costs were approved by the OEB and in a similar relative range to Pollution Probe's costs incurred in this proceeding, when considering that the Panhandle proceeding also had a three day oral hearing component<sup>19</sup>.

Pollution Probe submits that we acted responsibly in relation to all activities where costs have been claimed and we request that our Cost Claim be approved as filed.

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<sup>14</sup> Pollution Probe and CAFES Ottawa final submissions consolidated into a single document for the OEB.

<sup>15</sup> The average size was approximately 14 pages not including cover letter (Pollution Probe's consolidated submission was 46 pages excluding the cover page, or roughly 23 pages per stakeholder when averaged between Pollution Probe and CAFES Ottawa).

<sup>16</sup> EB-2022-0111, EB-2023-0261, EB-2023-0201 and EB-2023-0200.

<sup>17</sup> Government of Ontario, Natural Gas Expansion Program - [Natural Gas Expansion Program | ontario.ca](https://www.ontario.ca/natural-gas-expansion-program)

<sup>18</sup> EB-2022-0157.

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Should any additional information be required, please do not hesitate to reach out.

Respectfully submitted on behalf of Pollution Probe.



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