

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

May 1, 2025

EB-2022-0335 Enbridge IRP Pilots
Pollution Probe – Cost Claim Objection Reply

Dear Ms. Marconi:

In accordance with OEB direction, the following are 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 24, 2025¹.

The information in Pollution Probe's response to Enbridge's comments is based on information from our Cost Claim and correlated to the proceeding record referenced against each category of activity outlined in Pollution Probe's Cost Claim. Pollution Probe has simply summarised information into this response to specifically resolve each of Enbridge's comments.

Pollution Probe has been one of the most active participants during Ontario Energy Board (OEB) proceedings pertaining to Integrated Resource Planning (IRP) since the OEB development of the IRP Framework and related Decision in 2021 under EB-2020-0091. Implementing effective IRP in alignment with the OEB requirements reduces ratepayer costs and risks, including those related to stranded assets. Pollution Probe believes that the OEB is fully aware of the potential benefits if gas IRP were to be effectively implemented by Enbridge. As the OEB is aware, the OEB Decision and Order in EB-2020-0091 required Enbridge to develop and implement two IRP Pilot Projects prior to December 31, 2022. Ongoing delays have resulted in no IRP Pilot Projects being implemented or delivered and Enbridge has not requested or received any relief from that OEB requirement. The EB-2022-0335 proceeding represents the first opportunity for the OEB to consider an IRP Pilot Project filing by Enbridge. The original application included two projects and was subsequently scaled down by Enbridge to just one project for consideration by the OEB.

¹ EGI_CostClaims_20250424

Pollution Probe was one of the most active participants in this proceeding which included a large number of relevant issues and the level of factual consideration required to assess those issues. This has been a long and atypical proceeding. Enbridge filed its original application for two IRP Pilot Projects in July 2023². Multiple versions and updates were filed by Enbridge ultimately resulting in the most recent application version (pertaining to one project) being filed by Enbridge in June 2024³. There were also multiple abeyance requests from Enbridge which caused the proceeding to be extended beyond the typical timeline for such a proceeding. By the time all these delays and changes were taken into account, it was 22 months from start to finish of the proceeding⁴. Every time Enbridge changed its application or approach mid-proceeding or made significant updates, it impacted the efficiency of the proceeding, increased the time required to review and assess the new applications and/or updates, and of course the related costs particularly for any stakeholder taking a leadership role on sets of relevant issues in the proceeding. Enbridge did not take responsibility or mention any of those facts in its objection letter. Pollution Probe suggests that its Cost Claim filed is reasonable for its specific participation and is certainly not excessive given the incremental efforts resulting from Enbridge's approach in this proceeding.

Over the 22 months period of the proceeding there were several large and time-consuming OEB proceedings occurring in parallel (including Enbridge Rebasing) impacting stakeholders involved in this proceeding. It is typical for Pollution Probe to coordinate with other stakeholders and this proceeding required coordination and prioritisation over the length of the proceeding. Pollution Probe took a leadership role on specific issues relevant to the IRP Pilot proceeding and believes that this level of coordination (including minimizing duplication of efforts across stakeholders) needs to be recognised. This was visible for Enbridge and the OEB based on Pollution Probe's Cost Claim and the record of the proceeding. This letter summarises some of these efforts but is not meant to be an exhaustive recount of all details over the 22 months of the proceeding.

Enbridge suggests that Pollution Probe did not provide any details to support its Cost Claim and references the requirement under Rule 10.02 of the OEB's *Practice Direction on Cost Awards*. Pollution Probe included details in accordance with OEB requirements and standard practice by Pollution Probe and other intervenors. Pollution Probe provided a cover note to the OEB (Registrar) and Enbridge with its March 29, 2025 Cost Claim email with the attached detailed information in alignment with the manner determined by the Board in respect of the current automated cost claim process. Pollution Probe notes that the approach we used is similar to that used by other intervenors in this proceeding and it is unclear why Enbridge selected to narrowly suggest that Pollution Probe and Federation of Rental-housing Providers of Ontario (FRPO) were different and not appropriate in this respect.

² EGI_APPL_20230719

³ _EGI_APPL_IRP PilotProject_Updated_20240628

⁴ Initial application to Decision and Order.

Enbridge suggests that the Pollution Probe Cost Claim be reduced from \$15,568.58 to \$6,681.77, or a reduction of 57%. Enbridge's calculation is based on their suggestion that using the average of a subset of the lowest cost claims ranging from \$2,967.38 to \$10,553.07, and then excluding the two highest costs claims is a reasonable approach. The approach created by Enbridge is neither objective or reasonable, and the standard for denying a cost claim based on the real time and costs of an intervenor demands a higher standard than what Enbridge has used. This creative mathematical approach appears to have been derived by Enbridge to support a conclusion that they made without any real rational related to the actual facts supporting Pollution Probe's individual Costs Claim or participation in this proceeding. 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 part of the direct stakeholder coordination and does not have full visibility to the discussions and coordination occurring throughout the proceeding. The details are important and Pollution Probe submits that the actual facts support its Cost Claim. The OEB does see the public process, submissions, transcripts and the final argument of each party which provides a view to the issues relevant to each party and the level of coordination and details per issue occurring throughout the proceeding.

In addition to efficient coordination with other stakeholders, Pollution Probe went above and beyond in this proceeding to enable efficient coordination and broader benefits, including reduced overall costs for the proceeding. For example, Pollution Probe filed its comprehensive interrogatories one week early and in advance of all other parties⁵. Enbridge observes that the variance in Pollution Probe's Cost Claim is largely based on the Discovery portion of the proceeding. In the OEB's RESS system used to input and automate cost claims, the category of Discovery includes the following subcategories (the same categories included in Pollution Probe's Cost Claim):

- Read and Research Application and Evidence
- Preparation of Interrogatories
- Review Interrogatory Responses
- Technical Conference Preparation
- Technical Conference Attendance
- Technical Conference Follow-up

It should not be a surprise that Pollution Probe's time related to these six areas is collectively higher than the other claims submitted. The first three of these categories related to the evidence and related interrogatories are already addressed in Pollution Probe's comments above. There is a logical continuity between the areas led by Pollution Probe for the first three

⁵ PollutionProbe_IR_20231013 vs. the October 20, 2023 deadline.

subcategories and the Technical Conference. Pollution Probe was asked to go first in the Technical Conference and agreed to do so, covering a comprehensive list of questions pertaining to the filed evidence and relevant issues. Parties following Pollution Probe in the Technical Conference used significantly less time than Pollution Probe's 120 minutes when the Technical Conference schedule was developed on a coordinated basis. Several of the stakeholders Enbridge included as a comparator against Pollution Probe needed as little as 5 to 10 minutes for their Technical Conference questions that were incremental to those planned by Pollution Probe⁶. It is important to note that FRPO was second in the order and time allocated and Pollution Probe was aware of the areas that FRPO intended to cover, enabling us to avoid duplication. The efficient coordination between stakeholders enabled all questions to be covered within the allocated one day Technical Conference schedule. This is an exemplar of the benefits of stakeholder coordination during a proceeding. Although this approach resulted in higher time and costs for Pollution Probe, it reflects efficient coordination that benefited the broader process. It is truly challenging to understand why Enbridge has chosen to visibly ignore the facts underpinning the Pollution Probe Cost Claim.

Enbridge also suggests that Pollution Probe's role in the Discovery categories of activities did not align with Pollution Probe's final argument and suggest that Pollution Probe did not leverage factual references from Discovery in its final argument. This is absolutely incorrect. Pollution Probe leveraged the information from the Discovery phase extensively for our final argument, including being able to exclude some areas where Discovery appropriately responded to the concerns of Pollution Probe and the stakeholders we coordinated with. Enbridge did acknowledge that Pollution Probe's final argument was more comprehensive⁷. Pollution Probe also put extra effort into including the detailed (28) footnote references relied on in its final argument which is the highest of all intervenors and significantly more than the average of the intervenor subset that Enbridge used to support its recommendation. Pollution Probe is strongly supportive of the OEB Decision in this proceeding and it aligns well with the information and recommendations highlighted by Pollution Probe (and others) in this proceeding. Despite the application challenges and extended proceeding timeline noted above, Pollution Probe believes that the OEB was able to appropriately consider all the facts in the proceeding and deliver a fair and appropriate Decision.

Strangely, Enbridge suggests that the OEB should apply on a perpetual basis a disallowance discount to Pollution Probe's participation and costs in this proceeding (and assumably any future proceedings) based on an isolated treatment of costs in a small grouping of unrelated previous community expansion projects proceedings⁸. The evidence and facts of the isolated proceedings Enbridge selected are not part of the record in this proceeding and related to a historical group of concurrent small community expansion project proceedings dealing with a

⁶ Please see attached Technical Conference schedule coordinated between stakeholders.

⁷ Excluding cover letter, Pollution Probe's final argument was 11 pages compared to the range of 3 to 7 pages for other intervenors. The average excluding Pollution Probe was approximately 3.8 pages per intervenor, excluding cover page.

⁸ EB-2022-0111, EB-2023-0261, EB-2023-0201 and EB-2023-0200.

set of system expansion projects under the Natural Gas Expansion Program⁹. That group of small community expansion projects proceeded in parallel and the approach for costs claims was applied to them all in a consistent manner. This is an apples to oranges comparison and Enbridge failed to explain why the OEB should apply a disallowance for an unrelated historical proceeding or how any of the details from the dockets selected had any relevance to this IRP Pilot Project proceeding. Enbridge failed to mention the disparate and isolated nature of the dockets it listed and also the atypical nature compared to the vast majority of OEB approval for Pollution Probe cost claims historically. Each proceeding is unique and the facts of this proceeding should be used in this proceeding without a theoretical extrapolation of an irrelevant and atypical discount to Pollution Probe's Cost Claim.

The comments and recommendations in the Enbridge letter are loosely constructed to support Enbridge's conclusion to reduce cost incurred after the fact and without any credible consideration of the facts of Pollution Probe's participation in this proceeding. Pollution Probe took a leadership role and coordinated efficiently with stakeholders throughout the proceeding to avoid duplication and enable parties to leverage work undertaken by Pollution Probe, as appropriate. Pollution Probe always coordinates with stakeholders as appropriate, but we believe that we went above and beyond in this proceeding and we appreciate this opportunity to ensure that there is no doubts about the level of effort undertaken and the value of such efforts. 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.

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

Respectfully submitted on behalf of Pollution Probe.



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⁹ Government of Ontario, Natural Gas Expansion Program - [Natural Gas Expansion Program | ontario.ca](https://www.ontario.ca/natural-gas-expansion-program)

Enbridge Gas Inc. - IRP Projects
Technical Conference EB-2022-0335

	Tuesday, August 27, 2024	START	DURATION	FINISH
1	Preliminary Matters	9:30 AM	5	9:35 AM
2	Panel 1 - Pollution Probe	9:35 AM	70	10:45 AM
3	Morning Break	10:45 AM	15	11:00 AM
4	Panel 1 - Pollution Probe (Resumed)	11:00 AM	50	11:50 AM
5	Panel 1 - FRPO	11:50 AM	10	12:00 PM
6	Lunch Break	12:00 PM	60	1:00 PM
7	Panel 1 - FRPO (Resumed)	1:00 PM	50	1:50 PM
8	Panel 1 - APPrO	1:50 PM	15	2:05 PM
9	Panel 1 - VECC	2:05 PM	20	2:25 PM
10	Panel 1 - OGVG	2:25 PM	5	2:30 PM
11	Afternoon Break	2:30 PM	10	2:40 PM
12	Panel 1 - BOMA	2:40 PM	45	3:25 PM
13	Panel 1 - CCC	3:25 PM	30	3:55 PM
14	Afternoon Break	3:55 PM	10	4:05 PM
15	Panel 1 - OEB Staff	4:05 PM	35	4:40 PM
16	Panel 1 - SEC	4:40 PM	15	4:55 PM