

VIA RESS

May 12, 2025

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

**RE: EB-2024-0186 FRPO Motion to Review & Vary
FRPO Response to EGI Objection**

We are writing on behalf of the Federation of Rental-housing Providers of Ontario (FRPO) as directed in the Ontario Energy Board (OEB or the Board) Decision and Order in the Motions to Review and Vary proceeding and in response to the Enbridge Gas Inc. (EGI) Letter of April 28, 2025. FRPO respects the opportunity to assist the Board and serve our members. As such, we submit the following to assist the Board's determination of the value of our investment in the process.

The following submissions outline FRPO's general approach to engagement, our intent in filing the Motion and responses to assertions contained in EGI's Letter on this topic.

FRPO is Judicious in its Involvement in OEB Proceedings

In the Board's recently published report to the Minister on Intervenors and Regulatory Efficiency, the report made two key observations:¹

Intervenor costs are approximately 0.03% of the revenues of regulated utilities, on an annual basis.

Regular intervention by expert intervenors can support positive outcomes. Energy regulation is a complex, technical area where institutional knowledge can support more efficient adjudication.

FRPO has been an active intervenor in OEB proceedings since 2008. While FRPO has periodically participated in generic proceedings (e.g., Renewed Regulatory Framework), we have been intentionally focused on proceedings where our technical knowledge and expertise can be of assistance to the Board. As demonstrated recently, we did not request participation in the recently completed Cost of Capital proceeding² as we believed the Board could be served more efficiently by those with more extensive financial expertise. Further, even

¹ Ontario Energy Board's Report Back to the Minister entitled Intervenors and Regulatory Efficiency, September 27, 2024, pg. 5

² EB-2024-0063

though FRPO was an active participant in the first phase of EGI's 2024 Rebasing proceeding,³ we believed that some of our fellow intervenors with legal expertise could assist the Board more effectively in the Motion to Review and Vary elements of the Decision.⁴

FRPO respectfully submits that we can and have assisted the Board more effectively with our expertise in natural gas technical matters. As examples, we have strived to leverage our experience in gas supply⁵, pipeline system design⁶ and technical elements of infrastructure⁷ to provide the Board with key considerations and insights that were not found in the respective applications. Our technical expertise was recognized by the Board in being selected for Integrated Resource Planning (IRP) Technical Working Group⁸ and being asked to assist staff with the development of the Natural Gas Facilities Handbook.⁹ Our past contributions have resulted in other intervenors relying on FRPO for technical natural gas matters.

EGI's Pre-filed Evidence Contained No Customer Demand Data to Assess Facilities

FRPO's representative is DRQ with Dwayne Quinn acting on behalf of the organization. Given my technical experience, which includes Facilities Planning, Operations Stations Design and Plant Construction (Union Gas 1986-1992) and as chief engineer (Kitchener Utilities 1994-2007), I understand that any evaluation must start with a baseline understanding of system flows due to customer demand and an understanding of the facilities and pressures available to meet the demand.

EGI's application provided only a simple description of the facilities and an attachment forecast. However, the application did not provide forecasted design demand for these customers. Without demand, there is no way to size or to test the size of facilities. When the forecasted demand was provided in response to our IR,¹⁰ we were unable to reconcile the need for the Reinforcement pipeline and were denied the opportunity to pursue the issue in a Technical Conference.¹¹ As a result, we were unable to provide evidence to substantiate our position that simple pressure drop calculations demonstrate that the Supply pipe had sufficient capacity on its own for the 10 year demands.¹²

³ EB-2022-0200

⁴ EB-2024-0078

⁵ EB-2023-0326 Hearing on the Ontario Energy Board's own Motion regarding Enbridge Gas Inc.'s 2021 Vector Contracting Decision

⁶ EB-2019-0172 Windsor Pipeline Replacement Project

⁷ EB-2020-0293 St. Laurent Ottawa North Replacement Project

⁸ EB-2021-0246 Integrated Resource Planning Technical Working Group - Membership Selection, December 6, 2021

⁹ EB-2022-0081

¹⁰ Exhibit I.FRPO.1

¹¹ Decision_Procedural Order 2_EGI Bobcaygeon NGEP_LTC appn_20240220

¹² FRPO_MOTION_EGI LTC BOBCAYGEON_20240527, para. 10-15

EGI's Objection initially focuses on our issue being narrow and the length of our submissions.¹³ That view does not capture the complexity involved with communicating the essential nature of technical information that was limited or absent on the record to justify the project. FRPO respects that the Board weighs evidence in making its decisions but, respectfully, one cannot weigh evidence that is not on the record.¹⁴

FRPO has not brought a Motion to Review and Vary any past decision in our 17 years of not being able to convince the Board of our position in contested proceedings. However, the recent approach of EGI to limit technical data in pre-filed applications requires parties testing the evidence to elicit this crucial data in interrogatories. When the assessment of the received data creates questions of appropriateness, the parties are at a disadvantage in making their case if a technical or oral hearing is not provided, as in this case. Although we have no experience in this realm of making a motion, we set out to use this appropriate process to aid the Board's understanding of the need for baseline crucial data using the timing of the Reinforcement pipeline that was not supported by the evidence.

Further Determination of Need for Reinforcement Pipeline was NOT Included in LTC

EGI's additional objections to our cost claim make assertions regarding the legitimacy of our Motion.¹⁵ FRPO's efforts to assist the Board in the LTC proceeding focused on the adequacy of the Supply pipeline and as a result the lack of need for the Reinforcement pipeline. It is a fact that there is no data or analysis which supports a conclusion that the Supply Pipeline is inadequate to meet the needs for the Project for the winter of 2026/27. EGI only asserted that "*If the Reinforcement Pipeline is not approved or constructed, Enbridge Gas will not have sufficient system capacity to deliver natural gas to all customers included within the Project's natural gas attachment forecast within the Bobcaygeon area.*"¹⁶ A review of the complete evidence in the LTC proceeding presents no evidence for the need of the Reinforcement pipeline in 2026. That is the error in fact that FRPO was contesting.¹⁷

Moreover, a review of EGI's Argument-in-Chief¹⁸ and Reply¹⁹ provides that there is no formal or informal support for the need for the Reinforcement line in 2026. Interestingly though, in response to our Motion, EGI, for the first time states that if the demand for gas is not reached it would advise the OEB and seek approval for variance.²⁰ This contingent approach was not on the record of evidence nor EGI submissions and therefore the Board could not have relied

¹³ EGI_Submissions_on_Costs_20250428, pg.1

¹⁴ FRPO_REPLY_BOBCAYGEON MOTION_20240926, pg. 2-3

¹⁵ EGI_Submissions_on_Costs_20250428, pg. 2-3

¹⁶ Exhibit I.PP.1

¹⁷ FRPO_MOTION_EGI LTC BOBCAYGEON_20240527, para.9

¹⁸ EGI_ARGChief_20240308

¹⁹ EGI_ReplySUB_EB-2022-0111_20240408_eSigned

²⁰ EGI_Submissions_Motions_20240912, para.104

upon that in determining that the Supply pipeline installed in 2025/26 and the Reinforcement pipelines installed in 2026 were the minimum required to meet the demand.²¹ Ironically, the Review panel relied on this statement in making its determinations on the Motion²² when this assurance was not part of the record in the LTC proceeding. FRPO could not have been aware of this approach when it launched the Motion and its legitimate concerns.


Stay Request was in the Alternative in Original Motion as an Attempt at a Practical Solution

While most of EGI's objection goes to its concerns about the legitimacy of the motion, one aspect of their objection is mis-construed. EGI complains that we brought a request for a stay and then withdrew it asserting that the request has no proper basis.²³ Our request for the stay was as an alternative to the Motion for review²⁴ suggesting that a Technical conference focused on the Reinforcement pipeline could be a practical solution to deal with the issue respecting the Board's time. Given the Motion process, FRPO withdrew the request.²⁵

Conclusion

FRPO has contributed to the process of assisting the Board in its determinations and has an on-going respect for the process. We understand that this project was aligned with the wishes of the Ministry but believe that the process ought to be rigorous to reduce unnecessary cost for stakeholders. Our intent in this process was to highlight the need for this rigor in facilities' applications. While we respect that the Motion was denied, we trust the Board would respect our intent and award our reasonably incurred costs in the process.

Respectfully Submitted on Behalf of FRPO,



Dwayne R. Quinn
Principal
DR QUINN & ASSOCIATES LTD.

- c. EGIRegulatoryProceedings – EGI
Interested Parties, EB-2024-0186

²¹ dec_order_EGI_Bobcaygeon NGEP_20240514_eSigned, pg.16

²² dec_order_ED_FRPO_Review_Motion_20250401_eSigned, p.10, footnote 34

²³ EGI_Submissions_on_Costs_20250428, pg. 2, first bullet.

²⁴ FRPO_MOTION_EGI LTC BOBCAYGEON_20240527, pg. 1, para. 3)

²⁵ FRPO_REPLY_BOBCAYGEON MOTION_20240926, pg. 7