

# Elson Advocacy

June 10, 2025

**BY RESS**

**Ms. Nancy Marconi**

Registrar

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge – Approval to Construct Gas Works in Tay Valley Township  
EB-2024-0342**

I am writing on behalf of the Climate Network Lanark to request leave to file evidence in this proceeding and to request adjustments to *Procedural Order #2*.

## **Proposed Evidence**

The Climate Network Lanark intends to file evidence to support its contention that expanding the geographic area in which Enbridge Gas has permission to construct gas works is not a necessity and is not in the public interest. For example, the evidence would include the climate action plans for Tay Valley Township and Lanark County, facts relating to the consistency of the relief requested in the application with the relevant policy documents, facts relating to the consistency of the relief requested in the application and the interests of local residents, and exhibits in support of those facts.

We anticipate that the evidence would be submitted by way of an affidavit with exhibits and would not require retaining an external consultant. As such, no external consultant costs would be required. Incremental legal fees in relation to preparing the proposed evidence would be in the range of \$2,000 to \$4,000 (excl. HST).

The Climate Network Lanark requests two weeks to prepare the evidence following the issuance of the OEB's decision on this evidence request, subject to the request below relating to the procedural order.

## **Procedural Order Amendments**

The Climate Network Lanark asks that the procedural order be amended to place intervenor evidence after Enbridge's interrogatory responses. It will be much more efficient and effective to produce intervenor evidence after interrogatory responses are available. The application is extremely brief, which is understandable as applications such as this are usually unopposed and

approved as a matter of course. However, in this unique situation, the brevity of the application makes it extremely difficult to prepare intervenor evidence. In particular, the application does not explain why expanding the geographic area in which Enbridge has permission to construct gas works is either a “necessity” or in the public interest. Without knowing the details of why Enbridge believes this is the case, it is extremely difficult to produce evidence refuting that.

Without interrogatory responses (or an expanded application) the intervenors do not know the case that they need to meet, which is an important element of procedural fairness. Interrogatory responses would provide, for example, a map showing the expanded area in which Enbridge would gain permission for the first time to construct gas works and the existing and planned pipelines in and around that area (if any). The responses would provide details on why Enbridge believes it needs permission to construct gas works in the expanded area (if that is the case) and what kinds of gas works would be constructed in this expanded area (if any). They would also address whether the current certificate is legally insufficient to meet local needs, and if that is the case, whether there is any urgency in securing a new certificate.

Without this kind of information, it is extremely difficult to prepare comprehensive evidence on whether expanding the geographic area in which Enbridge Gas has permission to construct gas works is necessary, in the public interest, and consistent with local policies. If this kind of information is only provided *after* intervenor evidence is filed, the intervenors may reasonably request an opportunity to submit reply or amended evidence, which would only slow the process.

Furthermore, the responses to interrogatories may reduce the scope of intervenor evidence that is necessary. For instance, the intervenor evidence may look different depending on whether Enbridge actually plans to construct gas works in the expanded geographic area in which it seeks permission to construct gas works.

Finally, this change to the process would allow the Climate Network Lanark and the Township of Tay Valley to coordinate to avoid duplication in their evidence.

We understand that Enbridge is keen to complete this application. However, there is no evidence of urgency on the record. In particular, there is no evidence of any construction of gas works that would take place in the expanded area at all whatsoever, let alone any construction that needs to occur on a certain timeline. Even if the application were to be time sensitive, truncating the process could be counterproductive. As the saying goes, short cuts make for long delays. There is plenty of time to ensure that intervenors know the case they need to meet before submitting their evidence. This will result in a more orderly, fair, and efficient process.

Yours truly,



Kent Elson

cc: Parties in the above proceeding