

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

July 18, 2025

EB-2025-0064 Enbridge Gas Inc. Rebasing Application Phase 3

Dear Mr. Murray:

Pollution Probe participated in the Issues Conference on March 27, 2025 which led to the OEB Staff letter dated April 1, 2025 and ultimately the OEB determination of the final Issues List for this Phase 3 Rebasing proceeding¹. Pollution Probe believes that the OEB approved Issues List is robust and appropriate to address the intended issues in Phase 3. However, through the interrogatory process and related Technical Conference held July 16-17, 2025 it has become apparent that Enbridge is interpreting certain items on the Issues List much more restrictively than noted during the Issues Conference and Enbridge's position differs based on the final Issues List approved by the OEB for Phase 3 of the Rebasing proceeding. Of specific note is Issue 13 which indicates:

Issue 13

Has Enbridge Gas identified and responded appropriately to all relevant OEB directions and Enbridge Gas commitments made in OEB proceedings (inclusive of any relevant directions arising from the OEB's pending decision on Phase 2), including those relating to:

- a) an update on the Automated Metering Infrastructure pilot project;*
- b) a report on the steps that it has taken to achieve the capital reduction set out in the Phase 1 Decision;*
- c) reporting on the status of its responses to previous Integrated Resource Planning directions;*
- d) filing updated written marketing materials or reference materials aimed at customers, potential customers, HVAC contractors or builders that include or previously included energy comparison information; and*
- e) various cost allocation and rate design directives and commitments, including the study regarding interruptible rates.*

Having clarity on the OEB's view of the scope of Issue 13 would assist in ensuring the proper attention in the remaining parts of the proceeding and enable Pollution Probe, Enbridge and other parties to focus accordingly. For example, if Enbridge's restricted interpretation of this issue aligns with the OEB's understanding, parties may have restricted interrogatory and Technical Conference questions in that particular area. Pollution Probe is writing to request OEB confirmation regarding the scope of Issue 13 (particular to the areas noted below) and request that the OEB require Enbridge to provide a fulsome

¹ dec_Issues List_PO2_EGI_Ph_3_20250516.

written response to the questions Enbridge has refused to answer during the interrogatory and Technical Conference process. Pollution Probe submits that Enbridge's position and approach is overly restrictive based on the stated issue and related context to how the issue was included in the Phase 3 proceeding. This issue represents a long-standing set of problems that Pollution Probe understands was meant to be addressed in the Rebasing proceeding. Delaying a fulsome assessment of these issues would leave them unresolved in relation the Enbridge rate term being assessed in this Phase 3 proceeding. Pollution Probe is amenable to the most efficient approach that the OEB believes is appropriate to provide clarity and direction.

The context wording included for Issue 13 is important to understand the full scope of this issue and specific topics that Pollution Probe would like to identify relate to Integrated Resource Planning (IRP) and the updated marketing and reference materials, which are subparts c and d, respectively. Each of those topics is addressed separately below.

Integrated Resource Planning

The issue pertaining to IRP is a carry forward issue from the Phase 2 Rebasing proceeding which included:

Issue 25: Has Enbridge Gas appropriately responded to relevant OEB directions and commitments from previous proceedings, including issues related to the IRP Framework².

The evidence filed by Enbridge in Phase 2 did not include sufficient details to allow the OEB and stakeholders to review if actions Enbridge has implemented are in accordance with requirements and commitments since the IRP Decision and IRP Framework was established in 2021, or what actions are required to come into compliance. Stakeholder concern with Enbridge's compliance with IRP requirements has been ongoing³ and the Rebasing proceeding was intended to level set against those expectations and ensure that ongoing issues do not continue to persist. Stakeholder concern has also been noted in the recent Phase 2 proceeding and in order to proceed with a settlement for Phase 2, parties to the settlement (including Enbridge) agreed to provide additional time for Enbridge to document their action and results in order to meet IRP requirements⁴.

The interrogatory request that Enbridge has refused to answer related to Enbridge IRP activities and results since the requirements were established in 2021.

Pollution Probe requested that Enbridge reconsider answering these IRP related interrogatories during the Technical Conference this week and Enbridge reconfirmed its refusal to answer those IRP related interrogatories⁵. In some cases Enbridge's refusal was based on Enbridge's position that the questions are not relevant to the approvals Enbridge is requesting in Phase 3, rather than the actual scope of the issue on the Issues List. The interrogatories noted that Enbridge refused to answer are:

² EB-2024-0111 Exhibit N Tab 1 Schedule 1 Page 4.

³ Issue have been noted in OEB IRP Technical Working Group reports, project applications and Enbridge rate cases including the one most immediately preceding this Rebasing, as outlined in EB-2022-0133 Exhibit N1, Tab 1, Schedule 1, Page 12,

⁴ EB-2024-0111 Exhibit N Tab 1 Schedule 1 Page 35.

⁵ Final Transcript for EB-2025-0064 Technical Conference July 16 2025, page 12, line 6 to page 13, line 6.

- Exhibit I.1.13-PP-2
- Exhibit I.1.13-PP-9
- Exhibit I.1.13-PP-10
- Exhibit I.1.13-PP-14
- Exhibit I.1.13-PP-21
- Exhibit I.1.3-OHBA-2
- Exhibit I.1.13-ED-3

Pollution Probe submits that the information requested is needed to adequately assess the issues included in this proceeding.

Filing updated written marketing materials or reference materials

The Phase 2 Rebasing⁶ proceeding included the following issue⁷ stemming from problems and concerns identified in the Rebasing Phase 1 proceeding⁸:

Issue 24: Has Enbridge Gas appropriately reviewed the energy comparison information in its informational and marketing materials, and taken appropriate actions based on its review?

Issues with Enbridge's marketing and informational materials have been long-standing, noted in Phase 1 and this issue has been carried forward to Phase 3 to provide the time needed for Enbridge to make factual updates to these materials. In addition to the issue defined by the OEB in Phase 2, the OEB approved Phase 2 Settlement included the following commitment by Enbridge⁹:

Enbridge Gas agrees that beginning 45 days after the filing of this Settlement Proposal, Enbridge Gas shall not include statements, including cost comparison charts, related to the relative cost-effectiveness of natural gas heating or to savings that can be achieved with natural gas heating in written marketing materials, or reference materials aimed at customers, potential customers, HVAC contractors, or builders, that the Company distributes unless it includes a comparison with the relative cost-effectiveness of heating with electric cold climate heat pumps. This includes all such material disseminated in Ontario by Enbridge Gas, or by Enbridge affiliates on behalf of Enbridge Gas, to customers, potential customers, HVAC contractors, and builders.

Enbridge Gas agrees that updated materials shall be filed in Phase 3 of the 2024 rates proceeding, or in a subsequent proceeding if not complete at that time.

It is not known yet if Enbridge intends to make the updates to other materials and file those additional materials in this Phase 3 proceeding or if Enbridge plans to file additional updated materials in a subsequent proceeding¹⁰, in accordance with the settlement wording noted above. This is an issue that can be assessed later in this proceeding and could be reflected in the OEB's decision as appropriate. The

⁶ EB-2024-0111.

⁷ EB-2024-0111 dec_Issues List_PO 2_EGI Rebasing_Ph 2_20240530.

⁸ EB-2022-0200.

⁹ EB-2024-0111 dec_order_Sett_Prop_EGI_2024_Rates_Ph2_20241129, Exhibit N Tab 1 Schedule 1 Page 34.

¹⁰ Final Transcript for EB-2025-0064 Technical Conference July 16 2025, page 20, lines 7-28.

specific matter at this point of the proceeding is whether Enbridge is expected to provide the full set of materials that are already updated in alignment with the OEB approved Settlement Proposal wording.

Enbridge noted in its response to Exhibit I.1.16-PP-23 that the materials Enbridge filed in this proceeding are only intended to be a representative set of the updated marketing and reference materials that previously contained a reference to natural gas compared to another energy alternative. Pollution Probe requested the full set of updated materials in the Technical Conference this week and Enbridge reconfirmed its refusal to file the full set of updated materials¹¹. The OEB approved Settlement Proposal from Phase 2 did not include any wording to limit the filing of the updated materials to a subset selected by Enbridge, but in fact includes all updated materials. In Pollution Probe's view, refusal to provide those materials is in contravention of the OEB approved Settlement Proposal. If the OEB agrees, it is requested that Enbridge be required to file the full set of materials by August 1, 2025 in alignment with the due date for Technical Conference responses.

Respectfully submitted on behalf of Pollution Probe.



Michael Brophy, P.Eng., M.Eng., MBA
Michael Brophy Consulting Inc.
Consultant to Pollution Probe
Phone: 647-330-1217
Email: Michael.brophy@rogers.com

Cc: Enbridge Regulatory, (via EGIRegulatoryproceedings@enbridge.com)
All Parties (via email)
Richard Carlson, Pollution Probe (via email)

¹¹ Final Transcript for EB-2025-0064 Technical Conference July 16 2025, page 16, lines 4-27.