

October 27, 2025

BY EMAIL AND FILED VIA RESS

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, ON M4P 1E4

Dear Mr. Murray:

**Re: Enbridge Gas Inc. (“Enbridge Gas”, or the “Company”)
EB-2025-0124 – Review Motion of IRP Pilot Project Decision
Enbridge Gas Response to Preliminary Question from Procedural Order No. 1**

We represent Enbridge Gas.

We write in response to the OEB’s “preliminary question” as set out in Procedural Order No. 1,¹ which asks whether there is still merit in proceeding with the Review Motion and addressing the three questions set out in the OEB’s March 27, 2025 Notice of Review on the OEB’s Own Motion.

Enbridge Gas submits that it is not only appropriate but is necessary for the OEB to proceed with the main parts of the Review Motion.

Executive Summary

The IRP Pilot Project Decision purports to change the IRP Framework by directing that advanced gas technologies are not appropriately included in the IRP Pilot Project, or as part of IRP more broadly. Instead, the Decision directs Enbridge Gas to reallocate the IRP Pilot Project budget related to natural gas-based technologies to electric technologies.

The OEB clearly recognized that there were concerns with the IRP Pilot Project Decision by taking the unprecedented (to our knowledge) step of issuing a Notice of Review on the OEB’s Own Motion at the same time as the IRP Pilot Project Decision was released.

It is important that the Review Motion proceed, to address and correct the aspects of the IRP Pilot Project decision that improperly narrow the scope of permitted integrated resource planning alternatives (IRPAs) to exclude gas-fired technologies. When the Review Motion is considered, Enbridge Gas will advance the following arguments (among other things):

- **The Decision exceeds the OEB’s jurisdiction.** The Decision exceeds the OEB’s jurisdiction by favouring one energy source over another. The OEB is an economic regulator with a mandate to facilitate rational expansion of the gas system, ensure just

¹ [Procedural Order No. 1](#) (October 6, 2025).

and reasonable rates, reliability and quality of gas service.² The OEB's overall statutory objectives and powers under the *Ontario Energy Board Act* do not include the regulation of GHG emissions or making determinations about what form of energy is preferable.³

- **The Decision is inconsistent with Ontario energy policy.** The Ontario government has been clear about the importance of natural gas and customer choice in the province's energy mix.⁴ The aspects of the Decision that deny advanced gas technologies and direct all associated IRP investment to electrification are fundamentally at odds with Ontario government policy and recent Ontario government public policy imperatives. These findings ignore customer choice and are not in keeping with an "all of the above" approach to meeting the province's energy needs as prioritized by the Ontario government. OEB decisions must take account of and implement Ontario government policy, rather than conflicting with such policy.⁵
- **The Decision conflicts with the intent of IRP.** The Decision misstates the goals of IRP (avoidance of future facilities where cost-effective alternatives exist) and improperly focuses on GHG emission reductions.
- **The Decision improperly disrupts the IRP Framework.** The Decision improperly goes beyond the scope of the Pilot Project proceeding by purporting to make changes to the IRP Framework and/or future IRP activities, when such changes were not part of the issues for the proceeding.

Each of these arguments fit within the first two questions asked in the OEB's Notice of Review, namely whether the IRP Pilot Project Decision changed the IRP Framework and did so improperly, and without sufficient notice or evidence.

The questions asked in the Notice of Review about the role for advanced gas technologies as part of IRP projects and plans are important questions not being addressed in other proceedings. Other than the Review Motion, there is no current OEB proceeding where the role of gas-fired technologies in the IRP Framework is squarely in issue. The topics set out for the OEB's IRP Framework Review Consultation (EB-2025-0125) do not include this item. The OEB staff Discussion Paper filed in the IRP Framework Review Consultation does not address the role of gas-fired technologies within IRP. There is a substantial risk, therefore, that if the Review Motion does not proceed, then the improper directions in the IRP Pilot Project Decision eliminating any role for gas-fired technologies within IRP will remain in effect and/or be relied upon by parties or the OEB into the future.

² See, for example, EB-2020-0134, [Decision and Order](#), p. 11 (May 6, 2021). See also *Advocacy Centre for Tenants-Ontario v. Ontario Energy Board* (2008), [293 D.L.R. \(4th\) 684](#), para. 49 (Div. Ct.)

³ See, for example, EB-2019-0159, [Procedural Order No. 2 and Decision on Issues List](#), pp. 9 to 11 (March 6, 2020).

⁴ [Ontario's Affordable Energy Future: The Pressing Case for More Power | ontario.ca](#), under the headings "Priorities for Natural Gas" and "Integrated energy resource planning". See also [Energy for Generations](#).

⁵ Note that section 2(5) of the [Ontario Energy Board Act, 1998](#) expressly states the OEB's objective "to promote energy conservation and energy efficiency **in accordance with the policies of the Government of Ontario**". (emphasis added)

Enbridge Gas submits, therefore, that there is merit (and need) to proceed with the Review Motion, to consider the OEB's questions related to the aspects of the IRP Pilot Project Decision that limit or eliminate a future role for gas-fired technologies within IRP.

Background

On March 27, 2025, the OEB issued its Decision and Order in the EB-2022-0335 IRP Pilot Project Application (Decision). The Decision approved the IRP Pilot Project, with some amendments and conditions as compared to what was proposed. One key difference was that the OEB declined to approve Enbridge Gas's request to include "advanced gas technologies" in the IRP Pilot Project, instead directing the Company to apply the associated funds to electrification applications.⁶

The Decision on the IRP Pilot Project purports to change the IRP Framework to exclude gas technologies from the range of permissible IRPAs. The Decision states:

.. the OEB will not approve an IRP pilot project that includes incentives for gas equipment. The inclusion of incentives for gas equipment is entirely inconsistent with the purpose of:

- IRP, which has as its objective the avoidance of gas infrastructure where there are economic alternatives, and*
- DSM, which has as its objective the reduction of the utilization of gas through various efficiency and conservation measures.*

*Incentives for gas equipment continue the need for gas infrastructure and utilization of gas, rather than reducing it.*⁷

The above-cited portion of the Decision has immediate impact, as Enbridge Gas is not permitted to test the IRPA potential of advanced gas technologies as part of the IRP Pilot Project. There is also longer-term impact, since the Decision at least implicitly changes the IRP Framework to exclude gas-fired technologies.

On the same date, the OEB issued a Notice of Review on the OEB's Own Motion, to review the Decision. The OEB's Notice of Review set out three questions that the OEB will consider. The questions, reproduced below, largely relate to the OEB's decision not to allow Enbridge Gas to include advanced gas technologies in the IRP Pilot Project.⁸

- 1. By requiring the use of electricity-based IRPAs and/or excluding funding for gas-fired technologies, did the Decision alter the IRP Framework improperly, without notice to parties or providing them a full opportunity to address the issue during the hearing?*
- 2. Was there sufficient evidence to support the categorical exclusion of funding for gas-fired technologies in the IRP Pilot?*
- 3. In assessing the cost-effectiveness of electric heat pumps versus gas-fired heat pumps—which formed part of the rationale for denying gas-fired heat pump funding—*

⁶ EB-2022-0335, [Decision and Order](#) (March 27, 2025).

⁷ EB-2022-0335, [Decision and Order](#), p. 5 (March 27, 2025).

⁸ [Notice of Review on the OEB's Own Motion](#), p. 3 (March 27, 2025).

was there sufficient evidence of, and did the Decision adequately consider, the potential cost of any required electricity system upgrades?

Also on March 27, 2025 the OEB issued a letter indicating that it is launching a consultation titled Review and Evaluation of the Integrated Resource Planning Framework for Enbridge Gas (IRP Framework Review Consultation). The consultation, under docket EB-2025-0125, was expected to proceed in the Fall of 2025 after the issuance of an upcoming OEB staff report assessing progress implementing the IRP Framework and proposing updates to the IRP Framework.⁹

On April 15, 2025, Enbridge Gas sent a letter to the OEB seeking clarification as to the scope of the Review Motion. This letter was deliberately sent within the 20-day period for a Review Motion to be filed after the Decision. In this letter, Enbridge Gas indicated that it “*supports the questions noted by the OEB in the Notice of Review, and intends to actively participate in the process*”. Enbridge Gas noted three related items that it sought to confirm would be included within the Review Motion, stating that “*this approach is more efficient than the Company bringing its own similar, but not identical, review motion.*” At the end of its letter, Enbridge Gas stated: “[s]hould the OEB require a formal motion in relation to any of the items and requests set out in this letter, please advise.”¹⁰

No response was issued by the OEB to the Company’s April 15th letter.

On June 20, 2025, Enbridge Gas again wrote to the OEB, inquiring about the status of a Procedural Order setting out the process and scheduling and next steps for the OEB’s Review Motion. Enbridge Gas also confirmed that it is proceeding with the IRP Pilot Project as approved by the OEB, except for the direction to redirect funds for advanced gas technologies to electrification IRPAs, which is expressly at issue in the OEB’s Review Motion. Enbridge Gas further advised that it is not including advanced gas technologies in the IRP Pilot Project, pending further direction from the Review Motion.¹¹

No response was issued by the OEB until Procedural Order No. 1, which was released more than six months after the OEB issued the Notice of Review.

On October 6, 2025, the OEB released an OEB staff discussion paper (IRP Framework Discussion Paper) as part of the IRP Framework Review Consultation.¹² In the IRP Framework Discussion Paper, OEB staff propose an incremental evolution of the existing IRP Framework, including several proposed changes that are likely to better reflect the general principle that Enbridge Gas should be implementing the solution that is in the best interest of Enbridge Gas and its customers. The IRP Framework Discussion Paper groups OEB staff’s proposals into the four topics previously identified by the OEB as the focus of the IRP Framework Review Consultation:

⁹ EB-2025-0125, [OEB Letter re: Review and Evaluation of the Integrated Resource Planning Framework for Enbridge Gas](#) (March 27, 2025).

¹⁰ [Enbridge Gas Letter](#) (April 15, 2025).

¹¹ [Enbridge Gas Letter](#) (June 20, 2025).

¹² EB-2025-0125, [OEB Staff Discussion Paper - Integrated Resource Planning Framework Review](#) (October 2025).

- Update and oversight of the Framework
- Innovation
- Electrification as an IRP Alternative
- Other opportunities to improve the effectiveness and efficiency of the Framework

The IRP Framework Discussion Paper does not address the role, if any, for advanced gas technologies as an IRPA.

Parties are invited to file written comments by November 19, 2025, addressing the discussion questions advanced by OEB staff in the IRP Framework Discussion Paper and are also invited to provide additional suggestions regarding the IRP Framework.¹³

On the same date as the IRP Framework Discussion Paper was published (October 6th), the OEB issued Procedural Order No. 1 in this Review Motion. In Procedural Order No. 1, the OEB repeated the three questions set out in the Notice of Review, and indicated that it declines to expand the scope of the Review Motion. In coming to that determination, the OEB took the position that the time for filing a further review motion of other aspects of the Decision has now long passed.

Procedural Order No. 1 notes the OEB's view that *"the three questions identified in the Review notice appear to be predicated on issues that can be or will be raised in other ongoing OEB proceedings initiated mostly after the Review was filed"*. Taking this into account, the OEB asks parties to make submissions on the following preliminary question: *"Is there still merit in proceeding with the Review and addressing the three questions posed in the Review notice?"*

Procedural Order No. 1 also invites parties to address *"whether proceeding with the Review to determine the three questions [identified in the Review notice] is likely to result in the most just, expeditious, and efficient determination of matters before the OEB."*

The Review Motion Should Proceed

Enbridge Gas submits that the Review Motion should proceed.

(a) Importance of the Review Questions

The impact of the Decision is that Enbridge Gas is not permitted to test the IRPA potential of advanced gas technologies as part of the IRP Pilot Project. More importantly, the longer-term impact is that the Decision at least implicitly changes the IRP Framework to exclude gas-fired technologies as an allowed IRPA or IRP tool.

Enbridge Gas submits now, and will submit in response to the Review Motion, that the aspects of the Decision denying a role for advanced gas technologies not only in the IRP Pilot Project, but also more generally within any and all future IRP initiatives, should be varied or cancelled.

¹³ EB-2025-0125, [OEB Letter re: Review and Evaluation of the Integrated Resource Planning Framework for Enbridge Gas](#) (October 6, 2025).

Clarity and certainty is required on this important subject.

(b) Enbridge Gas's position on the Review Motion

The general arguments that Enbridge Gas will advance on the Review Motion, as indicated above in the Executive Summary, include the Company's submission that the parts of the Decision that deny any current or future role for gas-fired technologies within IRP,

- Exceed the OEB's jurisdiction,
- Are legally incorrect,
- Conflict with Ontario government policy,
- Are not supported by the evidence in the IRP Pilot Project application, and
- Go beyond the issues in the IRP Pilot Project proceeding and reach conclusions beyond the scope of the evidence and issues in that proceeding.

Enbridge Gas will submit that the OEB's determination/decision on this topic was wrong and should be cancelled or varied, under the OEB's "powers" as set out in Rule 41.01 of the Rules of Practice and Procedure.

(c) The Review Motion is the appropriate forum to address the Review Questions about gas-fired technologies

There are important outstanding questions about the correctness and appropriateness of the unsupported statements and directives in the Decision about the inclusion of gas technology IRPAs as part of the IRP Framework and whether the Decision erred in denying Enbridge Gas the opportunity to include advanced gas technologies as part of the IRP Pilot Project. These questions are not currently being addressed in any other proceedings. These questions are most efficiently addressed in the Review Motion, as was intended when the Notice of Review on the OEB's Review Motion was issued.

Enbridge Gas disagrees with the premise within Procedural Order No. 1 that *"the three questions identified in the Review notice appear to be predicated on issues that can be or will be raised in other ongoing OEB proceedings initiated mostly after the Review was filed"*.

The three proceedings cited by the OEB in connection with this statement are the 2026 DSM Plan proceeding, Phase 3 of the Rebasing case and the IRP Framework Consultation. None of these directly deal with the role of gas-fired technologies as part of the IRP Pilot Project, or within the IRP Framework.

- The items under consideration in the 2026 DSM Plan proceeding are, and should be, separate from consideration of the IRP Framework.
- The consideration of IRP issues in the Phase 3 Rebasing case is limited to questions of past responsiveness to previously stated IRP expectations.
- The issue of the role of gas-fired technologies within IRP is not directly included in the IRP Framework Review Consultation. It is not part of the topics identified by the OEB as being the focus of that consultation. There is no proposal from OEB staff on this topic in the IRP Framework Discussion Paper. While others may argue that the role for gas-fired

technologies is something that “could” be raised in the IRP Framework Review Consultation, it is not clear where and when and how that would happen. Any evidence, proposal or submission would have to come from interested parties because the topic is not addressed in the IRP Framework Discussion Paper. It is not clear what the OEB would do with any such proposal or submission. And in the meantime, the express and implicit directions from the Decision about the non-role for gas-fired technologies in IRP will remain in place as a limiting factor.

Enbridge Gas submits that is appropriate, efficient and timely to deal with the question of the role for gas-fired technologies within IRP in a focused review motion process. Even though there has been some delay in addressing the Review Motion, it remains the most expeditious and appropriate venue to address the OEB’s Review Motion questions about whether the Decision inappropriately excluded advanced gas-fired technologies from inclusion in the IRP Pilot Project and from future inclusion in IRP Plans.

In response to the OEB’s second question from Procedural Order No. 1, Enbridge Gas submits that proceeding with the Review Motion to consider the discrete issues related to gas-fired technologies as set out in the Notice of Review will result in the most just, expeditious and efficient determination of the important question of the role of gas-fired technologies within IRP. Waiting to see whether and in what form such questions may or may not be addressed in the IRP Framework Consultation is less efficient and less certain.

(d) *The role of electrification may be adequately addressed in the IRP Framework Review Consultation*

Different from the question of the role of gas-fired technologies within IRP, Enbridge Gas acknowledges that questions about the role of electrification and electricity-based IRPAs within the IRP Framework are expressly within the scope of the IRP Framework Review Consultation. As such, Enbridge Gas accepts that the parts of the Notice of Review questions #1 and #3 dealing with the appropriateness of adopting electricity IRPAs more generally are likely to be addressed in the IRP Framework Review Consultation such that it would not be efficient to proceed with the Review Motion on those items.

This concession on the scope of the Review Motion is expressly premised on Enbridge Gas’s understanding that the outcomes of the IRP Framework Review in relation to the role of electrification and electrification IRPAs will replace or supersede the findings and directions in the IRP Pilot Project Decision that purport to add and prioritize a role for electrification IRPAs in the IRP Framework. Therefore, if the OEB decides not to proceed with the portions of the Review Motion dealing with electricity-based IRPAs, then Enbridge Gas requests that the OEB confirm that: (i) all questions about the role of electricity-based IRPAs will be in scope for the IRP Framework Review Consultation; and (ii) the findings in the IRP Pilot Project Decision on this topic will not be treated as having precedential or persuasive value in the IRP Framework Review process.

Process Comments

In its April 15, 2025 letter, Enbridge Gas asked the OEB to confirm that several items related to the three questions set out in the Notice of Review would be considered in scope. The Company’s letter was submitted within the 20-day time limit for a review motion. At the end of

its April 15th letter, Enbridge Gas requested that the OEB advise if it believed it would be more appropriate for Enbridge Gas to advance a separate formal motion.

Enbridge Gas sent a follow-up letter on June 20, 2025, asking about the status of a Procedural Order and the next steps for the Review Motion.

Over the next (almost) six months, the OEB did not respond in any way to Enbridge Gas's letters, nor issue any communication whatsoever about the motion. Then, in Procedural Order No. 1, the OEB criticized Enbridge Gas for previously sending an "unsolicited letter" about the scope of the motion and further indicated that it is reasonable that a party seeking to amend or confirm the scope of the OEB's Review Motion would have brought its own motion.

With respect, these are entirely unwarranted and unfair positions and comments.

Enbridge Gas gave notice of its views on the scope of the Review Motion within the 20-day time limit and asked the OEB for guidance. Not only was no such guidance ever provided, but the OEB declined to provide any response whatsoever. Enbridge Gas was never given reason to expect that it would be denied the opportunity to expand the scope of the Review Motion in the manner indicated within the OEB's timelines.

At this time, given the OEB's apparent wish to scope the Review Motion as narrowly as possible, Enbridge Gas is not seeking to expand the Review Motion beyond the aspects of the OEB's own stated questions that relate to the role of gas-fired technologies within IRP. The arguments that Enbridge Gas intends to advance fit within the scope of these questions.

Finally, we note that the OEB's process for considering the preliminary question does not provide for any responding submissions. To the extent that parties raise items or arguments requiring a response, then Enbridge Gas will provide its further submission as soon as possible.

Thank you for your consideration.

Yours truly,

AIRD & BERLIS LLP



David Stevens

cc: all parties in EB-2025-0124