

October 30, 2025

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

Dear Mr. Murray:

**Re: Enbridge Gas Inc.
Certificate of Public Convenience and Necessity – Tay Valley Township
Climate Network Lanark Cost Claim
Ontario Energy Board File No. EB-2024-0342**

Pursuant to the Ontario Energy Board's (OEB's) Decision and Order dated October 16, 2025, Enbridge Gas has reviewed the cost claim submission from Climate Network Lanark (CNL) for activities from April 9, 2025 to October 16, 2025 and provides the following comments for the OEB's consideration.

As an initial comment, Enbridge Gas notes that CNL submitted its request for late intervenor status on April 11, 2025 and the OEB granted CNL intervenor status on May 29, 2025. The cost claim includes time prior to May 29, 2025 (6.2 hours @ \$303 + HST per hour for Kent Elson and 1.9 hours @ \$253 + HST per hour for Kate Siemiatycki = total \$2,666.01) which Enbridge Gas submits should be denied given it is out of the time frame for CNL's approved intervenor status. Any costs incurred by CNL's legal counsel (who also represented Environmental Defence in this same proceeding) prior to being granted intervenor status should not be the responsibility of Enbridge Gas' ratepayers.

Enbridge Gas submits that the OEB should reflect on the entirety of this cost claim through the lens of the OEB's Framework for Review of Intervenor Processes and Cost Awards (EB-2022-0011) policy consultation, which was undertaken pursuant to direction from the Minister of Energy and Electrification, as well as the Minister's December 19, 2024 Renewed Letter of Direction (Renewed Directive) to the OEB in which the Minister highlighted his expectation that the OEB ensure intervenors are cost effective, efficient and in the public interest¹. The Minister expressed his expectations in this regard at page 8 of the Renewed Directive:

*Keep my office and ministry informed on the progress of implementing the 10-point action plan outlined in the OEB's Report Back dated September 27, 2024 on Intervenor and Regulatory Efficiency. I also expect that OEB management and staff will provide assistance, as appropriate, to Commissioners **by being proactive and diligent in ensuring that such report recommendations – and other good practices for ensuring intervenors are cost effective, efficient and in the public interest – are followed**, and that Commissioners are transparently advised, as appropriate given the independence of their adjudicative role, where staff believe improvements are required, **or intervenors need to be limited or directed.** (emphasis added)*

¹ [Steven Lecce, Minister of Energy and Electrification, December 19, 2024](#), p. 8.

According to the OEB's [Practice Direction on Cost Awards](#), in determining the amount of a cost award to a party, the OEB may consider, amongst other things, whether the party has demonstrated through its participation and documented in its cost claim that it has: contributed to a better understanding by the OEB of one or more of the issues in the process; made reasonable efforts to ensure that its participation in the process, including its evidence, interrogatories and cross-examination, was not unduly repetitive and was focused on relevant and material issues; and has not engaged in any conduct that tended to lengthen the process unnecessarily. Enbridge Gas submits that the CNL participation in this proceeding has failed to meet any of these criteria.

Enbridge Gas submits that in accordance with the ongoing direction from the OEB about the limited scope of this proceeding, the OEB's review of the CNL cost claim in this proceeding provides another opportunity for the OEB to implement the Minister's directions in the Renewed Directive to achieve incremental regulatory efficiencies. Further, the experience of this proceeding once more demonstrates the importance of giving careful consideration to intervenor activities in regulatory proceedings – a need that has been highlighted in the intervenor processes policy consultation.

Enbridge Gas recommends that the OEB continue to reconsider how the value of intervenor participation is addressed through cost claims and cost awards. The frequency of some representatives appearing for multiple intervening organizations presents an opportunity for the OEB to assess value of those representations over time, provide that feedback to the intervenors, and scale customer-funded cost awards commensurate with value.

Enbridge Gas submits that CNL's entire participation in this proceeding was an exploration of issues that were not material to the proceeding at all.

In its [Decision on Intervenor Request and Procedural Order No. 2](#) dated May 29, 2025, the OEB accepted the intervention of CNL and determined that the OEB's expectation is that any evidence CNL may seek to provide would focus on factors that are specific to Tay Valley Township.

There was no ambiguity in the OEB's [Procedural Order No. 3](#), issued on June 18, 2025, about the limited scope of this proceeding:

"The OEB will allow Climate Network Lanark the opportunity to submit evidence, provided it focuses on factors unique to the Township of Tay Valley and is relevant to the consideration of a new certificate of public convenience and necessity to construct works to supply natural gas in the Township of Tay Valley under section 8 of the Municipal Franchises Act.

*The OEB agrees with Enbridge Gas that any evidence must be within the scope and jurisdiction of the OEB in this proceeding and focus on matters pertaining to the Township of Tay Valley."*²
(emphasis added)

On July 25, 2025, CNL submitted their evidence which consisted of a 7-page affidavit from a co-founder of CNL plus 325 pages of attached exhibits:

- Exhibit "A" - Climate Action Plan for Lanark County (October 2023)
- Exhibit "B" - Canadian Climate Institute report (June 2024) regarding decarbonization of buildings
- Exhibit "C" - "Cost Effective Energy Pathways Study for Ontario" - ESMIA and Dunskey Energy + Climate Advisors report (August 2024) to Ministry of Energy and Mines

² EB-2024-0342 – Procedural Order No. 3, June 18, 2025, page 2

- Exhibit “D” - 12 photos from local demonstrations against the continued combustion of fossil fuels.
- Exhibit “E” - Environmental Defence application to the Competition Bureau dated June 19, 2023 for formal inquiry into Enbridge Gas for deceptive marketing under the *Competition Act*

The affidavit briefly tries to support the following points:

- The expanded approval “to construct gas pipelines” that Enbridge seeks is inconsistent with both the Tay Valley Township and Lanark County Climate Action Plans.
- The expanded CPCN approvals are inconsistent with local opposition to fossil fuels by residents of Tay Valley Township and Lanark County.
- Granting the expanded CPCN approvals to Enbridge is contrary to the interests of residents because of Enbridge’s deceptive marketing and focus on fossil fuels.
- There is no need for any entity to be granted the expanded CPCN approvals.

The OEB is required to consider and facilitate implementation of the Ontario government’s Natural Gas Policy Statement contained within the [Integrated Energy Plan](#) (IEP). The IEP is clear in respect of the continuing role of natural gas into the future and that the OEB is expected to enable “the continued rational expansion of the natural gas system”. And, as noted, the IEP emphasizes the importance of ensuring and protecting customer choice. The IEP states that “Ontario’s approach to affordability centres on the principle of customer choice” since “customers are best positioned to decide which energy solutions work for them”. The IEP “supports this choice by making a diverse range of energy options available”, including natural gas. As further stated in the IEP, natural gas is “a critical component of Ontario’s future energy mix” and is a “critical energy source for Ontario”.³

Further and importantly, as an economic regulator, the OEB regulates the delivery, storage and supply of gas. The OEB has no jurisdiction or power to regulate the utilization of gas by customers or the effects arising from its use. The OEB’s statutory public interest powers do not extend to regulating the broad environmental issues or concerns (GHG emissions and climate change concerns) raised by CNL – a point the OEB has previously confirmed. Other governmental authorities, including the Ontario Ministry of the Environment, Conservation and Parks have jurisdiction in this area.

As noted in Enbridge Gas submissions, the OEB has previously determined that broad-based environmental concerns and concerns about emissions impacts from downstream use of gas and related climate concerns, including specifically “the effects of the consumption of the natural gas”, are out of scope and beyond the OEB’s statutory powers to address. The OEB noted that its public interest mandate must be interpreted in the context of its enabling legislation. And, relying on prior case law, the OEB confirmed that “the phrase ‘public interest’ does not broaden the OEB’s jurisdiction to include an assessment of the environmental or economic impact of the use of the gas flowing through a pipeline.”⁴

³ Government of Ontario’s June 2025 [Energy for Generations: Ontario’s Integrated Plan to Power the Strongest Economy in the G7](#), pages 14, 26, 95-96

⁴ EB-2019-0159, Application to Construct Natural Gas Pipeline and Associated Facilities in the City of Hamilton, [Procedural Order No. 2 and Decision on Issues List](#), March 6, 2020, pages 9-11

Sensitive to the OEB's limited resources and ratepayer costs, neither OEB Staff nor Enbridge Gas submitted any information requests related to any of the out-of-scope evidence from CNL. CNL wasted the time and efforts of Enbridge Gas and the OEB by submitting voluminous out-of-scope materials and requiring unnecessary consideration.

CNL's broad environmental concerns and referenced climate action plans, and its related policy opposition to natural gas, were not relevant or material to the OEB's ultimate determination in this application. As determined by the OEB in its [Decision and Order](#) dated October 16, 2025, those concerns and issues arising from the use of gas are outside the OEB's jurisdiction and not a basis to deny the application:

“36. Climate Network Lanark also opposed the application on environmental grounds arguing that the potential for natural gas expansion conflicts with the Township’s Climate Action Plan, which prioritizes reducing fossil fuels and greenhouse gas emissions. However, in granting a new certificate for the full boundaries of the Township of Tay Valley, the OEB is guided by its legislative objectives related to natural gas, in particular, “to facilitate rational expansion of transmission and distribution.” Additionally, the OEB Act stipulates that the OEB “in exercising its powers and performing its duties under this or any other Act, shall be guided by the objective of facilitating any directives issued under subsection 25.30 (2) of the Electricity Act, 1998.” The IEP Implementation Directive of June 11, 2025 is such a directive. It requires the OEB to “Consider the government’s Natural Gas Policy Statement to ensure the OEB appropriately considers the future role of natural gas in Ontario’s economy. There is a need for an economically viable natural gas network – as the province builds a more diverse energy system – to attract industrial investment, to drive economic growth, to maintain customer choice and ensure overall energy system resiliency, reliability and affordability.” The Natural Gas Policy Statement affirms the continued importance of natural gas in the province’s future energy mix, identifying natural gas as a “critical energy source” for Ontario. It also states that “homeowners in rural and northern areas who do not have access to natural gas, want the option to have it through expansion,” and identifies gas as being “indispensable” to the agricultural sector.”⁵ (emphasis added)

In summary, CNL has not contributed anything in this proceeding that warrants an award of costs by the OEB. This is significantly different from a case where the intervenor's position does not ultimately win the day but nevertheless contributes to the various perspectives that assist the OEB's understanding and adjudication. Here, CNL's positioning did not just fail to win the day; more importantly, it did not add material, relevant insight aiding the OEB's determination.

For these reasons, Enbridge Gas submits that the OEB should decline CNL's request for costs.

⁵ [EB-2024-0342 – Decision and Order, October 16, 2025](#), pages 9 - 10

Should you have any questions on this submission, please do not hesitate to contact me.

Yours truly,

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