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VIA EMAIL and RESS

November 27, 2025

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

Dear Ritchie Murray:

**Re: Enbridge Gas Inc. (“Enbridge Gas” or the “Company”)
Ontario Energy Board (“OEB”) File No. EB-2024-0198
2026 Demand Side Management Plan Application
Cost Claim Comments**

Pursuant to the OEB’s Decision and Order dated November 6, 2025 in the above-noted proceeding, Enbridge Gas has reviewed the cost claims received from the following intervenors:

Intervenor	Cost Claim
Building Owners and Managers Association ("BOMA")	\$13,894.20
Canadian Manufacturers & Exporters ("CME")	\$10,635.11
Coalition of Concerned Manufacturers and Businesses of Canada ("CCMBC")	\$9,736.10
Consumers Council of Canada ("CCC")	\$21,297.69
Energy Probe Research Foundation ("EP")	\$10,344.60
Environmental Defence ("ED")	\$20,096.16
Green Energy Coalition ("GEC")	\$1,156.40
Industrial Gas Users Association ("IGUA")	\$18,457.99
Low-income Energy Network ("LIEN")	\$33,776.35
Minogi Corp. ("MC")	\$7,571.01
Ontario Greenhouse Vegetable Growers ("OGVG")	\$4,056.71
Pollution Probe ("PP")	\$15,922.56
School Energy Coalition ("SEC")	\$36,104.64
Small Business Utility Alliance ("SBUA")	\$7,547.51
Three Fires Group Inc. ("TFG")	\$7,726.05
Vulnerable Energy Consumers Coalition ("VECC")	\$11,847.35

For the reasons described below, Enbridge Gas recommends that the OEB:

- Consider the lack of coordination by ED/GEC and PP when assessing the appropriateness of these intervenors' cost claims;
- Reduce SEC's and LIEN's cost claims from \$36,104.04 and \$33,776.35, respectively, to no more than \$21,297.69 each; and,
- Reduce PP's cost claim to \$0.

Background

In Procedural Order No. 1, the OEB noted its *Report Back to the Minister on Intervenors and Regulatory Efficiency* and the Minister of Energy and Electrification's December 19, 2024 Letter of Direction, which both promote a focus on regulatory efficiency and effectiveness. The OEB went on to state that "there is a strong desire to avoid duplication and enhance efficiency, and this proceeding provides an opportunity to pilot the new approach, given the many groups interested in participating," and "[a]s such, the OEB will implement the idea of intervenor categorization to some extent in this proceeding."¹

Specifically, the OEB requested coordination from intervenors that represent similar interests, including with respect to coordinating questions at the Technical Conference by having one representative from the combined group take the lead on questioning for each issue, to the extent possible. If the requested coordination was not possible for any reason, the OEB stated that it expects parties will provide an explanation at the cost award stage. The OEB stated that it will consider the extent of collaboration when assessing cost claims at the conclusion of the proceeding.² The OEB found that the following interventions should be coordinated:³

- FRPO/HSC
- MC/TFG
- LIEN/VECC
- CCMBC/CME
- ED/GEC/PP

Comments on Intervenor Coordination

In Enbridge Gas's view, the coordination efforts of FRPO/HSC, MC/TFG, LIEN⁴/VECC and CCMBC/CME in this proceeding were appropriate, as described in further detail below.

¹ Procedural Order No. 1, March 4, 2025, p. 2.

² Procedural Order No. 1, March 4, 2025, pp. 2-3.

³ Procedural Order No. 1, March 4, 2025; and Procedural Order No. 2, April 10, 2025.

⁴ Separate from the issue of intervenor coordination, Enbridge Gas's comments regarding the magnitude of LIEN's cost claim is discussed in a separate section below.

With respect to ED/GEC and PP, Enbridge Gas found that there was no meaningful coordination between these intervenors. While ED/GEC, who are represented by the same law firm, coordinated their Technical Conference questions through a single representative, there was no apparent coordination between ED/GEC and PP at the Technical Conference. Instead, ED/GEC and PP asked similar questions on the same issues. Furthermore, ED/GEC/PP appear to have ignored the OEB's request to explain at the cost award stage why coordination was not possible. This is discussed further below.

FRPO/HSC

FRPO filed comments on November 19, 2025 regarding its coordination efforts with HSC and included some itemized coordination activities with HSC in its cost claim. FRPO stated that, for various reasons, its coordination efforts with HSC did not result in any efficiencies. Enbridge Gas notes that HSC did not request cost eligibility and did not file cost claims, and neither FRPO nor HSC asked questions at the Technical Conference.

In Enbridge Gas's view, FRPO/HSC's coordination efforts in this proceeding were appropriate. Enbridge Gas agrees with FRPO that, with respect to potential coordination efficiencies for this proceeding, this situation may be an anomaly. Since HSC did not request cost eligibility, and since neither FRPO nor HSC asked questions at the Technical Conference (which is where any efficiencies would have been realized in this proceeding), there were limited opportunities for efficiencies between FRPO and HSC. Enbridge Gas submits that the FRPO/HSC example in this proceeding should not be relied upon by the OEB when assessing potential efficiencies that can be gained by intervenor coordination.

MC/TFG

MC/TFG, who are represented by the same two individuals at the same law firm, filed joint comments on November 19, 2025 regarding their coordination efforts. MC/TFG's letter describes several general coordination themes they pursued (although specific activities are not described). Enbridge Gas notes that MC/TFG's questions at the Technical Conference were coordinated through a single representative and as a result, in Enbridge Gas's view, MC/TFG's coordination efforts in this proceeding were appropriate.

LIEN/VECC

Neither LIEN nor VECC filed comments with their cost claims regarding their coordination efforts; however, both LIEN and VECC included itemized coordination activities in their cost claims. Enbridge Gas notes that LIEN/VECC's questions at the Technical Conference were coordinated through a single representative and as a result,

in Enbridge Gas's view, LIEN/VECC's coordination efforts in this proceeding were appropriate.⁵

CCMBC/CME

Neither CCMBC nor CME filed comments with their cost claims regarding their coordination efforts; however, CME included itemized coordination activities in their cost claims (CCMBC did not). Enbridge Gas notes that neither CCMBC nor CME asked questions at the Technical Conference.

Notwithstanding the limited coordination activity information provided by CCMBC/CME with their cost claims, in Enbridge Gas's view CCMBC/CME's coordination efforts in this proceeding were appropriate given neither CCMBC nor CME asked questions at the Technical Conference (which is where any efficiencies would have been realized in this proceeding).

ED/GEC/PP

ED/GEC, who are represented by the same law firm and in one case the same individual,⁶ did not file comments with their cost claims regarding their coordination efforts. However, both ED and GEC included itemized coordination activities between ED, GEC, and PP in their cost claims.

PP's approach to intervenor coordination in this proceeding was more nuanced. On May 12, 2025, while the proceeding was in abeyance, PP filed a letter suggesting that if changes are made to the proceeding as a result of the abeyance the OEB may need to select a different proceeding to assess intervenor coordination.⁷ To Enbridge Gas's knowledge the OEB did not respond to this suggestion.

In PP's final submission, PP recommended that the OEB "officially wind down the intervenor pilot" that was outlined in Procedural Order No. 1.⁸ In its Decision and Order, the OEB confirmed that PP's recommendation was not within the scope of the matters considered by the OEB in its Decision.⁹

PP filed comments with its cost claim on November 20, 2025 which described PP's interpretation of the OEB's above finding in its Decision and Order. PP's interpretation of the OEB's finding is that intervenor coordination is not in scope for this proceeding.¹⁰ PP went on to state that it could provide feedback on intervenor coordination at a later

⁵ Separate from the issue of intervenor coordination, Enbridge Gas's comments regarding the magnitude of LIEN's cost claim are discussed in a separate section below.

⁶ ED's cost claim includes hours for three individuals at the same law firm; GEC's cost claim includes hours for one of those same individuals at the same law firm.

⁷ PP Letter, May 12, 2025, p. 2.

⁸ PP Submission, September 2, 2025, p. 5.

⁹ OEB Decision and Order, November 6, 2025, p. 16.

¹⁰ PP Cost Claim Cover Letter, November 20, 2025.

date should the OEB request it. PP included itemized coordination activities between ED, GEC and PP in its cost claims.

The OEB's ask of intervenors regarding intervenor coordination in Procedural Order No. 1 was not for intervenors to provide feedback to the OEB on the matter. It was for PP to coordinate its intervention with ED/GEC, to the extent possible, including to coordinate questions at the Technical Conference by having one representative from the combined group take the lead on questioning for each issue.¹¹

There was no apparent coordination between ED/GEC and PP at the Technical Conference. Instead, Mr. Elson (on behalf of ED/GEC) and Mr. Brophy (on behalf of PP) asked similar questions about the same issues. Some examples include:

- Both Mr. Elson¹² and Mr. Brophy¹³ asked questions about the coefficient of performance ("COP") of electric heat pumps.
- Both Mr. Elson¹⁴ and Mr. Brophy¹⁵ asked questions about the switchover temperature for electric heat pump and natural gas furnace configurations.
- Both Mr. Elson¹⁶ and Mr. Brophy¹⁷ asked questions about Enbridge Gas's electric heat pump model.

Importantly, Mr. Elson and Mr. Brophy (who represent 3 of the 19 intervenors in this proceeding, not including OEB staff) used nearly 40% of the Technical Conference time.¹⁸

It is not surprising that ED/GEC/PP asked similar questions about the same issues at the Technical Conference, as this occurs in many of Enbridge Gas's proceedings where these intervenors participate. This is because ED/GEC/PP represent the same main interest: environmental policy advocacy.

Enbridge Gas stated as much in its January 21, 2025 comments on intervenor status requests, noting that neither ED, GEC, or PP describe in their intervenor status requests how their organization's interests differ.¹⁹

In response to Enbridge Gas's comments, ED/GEC filed a joint letter asserting that ED and GEC have very different interests but only went as far as providing one general example of how they differ: "the most cost-effective way to achieve net-zero energy transitions". ED/GEC also asserted that there is even less alignment between ED/GEC

¹¹ Procedural Order No. 1, March 4, 2025, pp. 2-3.

¹² Technical Conference Transcript, July 24, 2025, Volume 1 ("Tr. v.1"), pp. 31-34 and 40.

¹³ Tr. v.1, pp. 62-65.

¹⁴ Tr. v.1, p. 31.

¹⁵ Tr. v.1, pp. 66 and 69-70.

¹⁶ Tr. v.1, pp. 33 and 41.

¹⁷ Tr. v.1, pp. 43-44 and 61.

¹⁸ Of the 201-page Technical Conference Transcript, 76 pages are questions from Mr. Elson (pp. 12-60) and Mr. Brophy (pp. 61-88).

¹⁹ Enbridge Gas Comments on Intervenor Status Requests, January 21, 2025, pp. 5-6.

and PP, but similarly provided just one example: “which approaches to decarbonizing the gas are best for gas ratepayers and for the gas system as a whole”.²⁰ Neither of these examples are meaningful enough to warrant separate interventions and cost awards paid by natural gas ratepayers (not to mention, matters related to the decarbonization of natural gas are not relevant to DSM Plan proceedings).

PP also responded to Enbridge Gas’s comments, asserting that there are “distinct and critical differences” between PP and ED/GEC, but did not go as far as providing a single example of such differences.²¹

It is telling that, given the opportunity, neither ED, GEC, nor PP can provide a single meaningful example of what differentiates each organization’s main interests.

The OEB ultimately approved all three organizations as distinct intervenors for the proceeding without referring to any specific differences among each organization’s main interests. The OEB did, however, acknowledge the similarities in ED/GEC/PP’s interests, stating that “[a]ll three groups have indicated that they intend to pursue environmental-related issues,” and required that these organizations coordinate their interventions.²²

Enbridge Gas expects that ED/GEC/PP might reply to these comments with additional examples of how they coordinated their interventions in this proceeding, and reasons why they did not coordinate their questions at the Technical Conference. This would be procedurally inappropriate as ED/GEC/PP were explicitly asked by the OEB to provide this information with their cost claims.²³ Enbridge Gas understands that the OEB relies on the Company’s review of intervenor cost claims to inform its assessment of the claims. As a result of ED/GEC/PP not adhering to the OEB’s request, the OEB will not have the benefit of Enbridge Gas’s assessment of ED/GEC/PP’s alleged coordination efforts. This could not only result in increased cost awards funded by natural gas ratepayers relative to what otherwise might have been approved by the OEB had it benefitted from Enbridge Gas’s review of the complete information, it also limits the OEB’s ability to fully assess the potential efficiencies from intervenor coordination, as was intended in this proceeding.

Notwithstanding this concern, it is clear that GEC/ED and PP made no meaningful effort to coordinate their interventions with respect to the Technical Conference. As a result, Enbridge Gas recommends that the OEB consider the lack of coordination efforts by ED/GEC and PP when assessing the appropriateness of their cost claims.

²⁰ ED/GEC Reply to Intervenor Status Requests, January 27, 2025, p. 2.

²¹ PP Reply to Intervenor Status Requests, January 28, 2025, p. 2.

²² Procedural Order No. 1, March 4, 2025, p. 6.

²³ Procedural Order No. 1, March 4, 2025, p. 3.

SEC's Intervention

SEC's cost claim (\$36,104.04) is the highest of any individual intervenor cost claim and is 3 times higher than the average cost claim of all other intervenors (excluding the cost claims of SEC and LIEN. LIEN's cost claim is discussed in a separate section below).²⁴

Enbridge Gas submits that SEC's cost claim is excessive and does not reflect the value of SEC's intervention in this proceeding. SEC's participation in this proceeding was inefficient and offered limited value to the scope of the proceeding, as SEC repeatedly focused on out-of-scope issues, as discussed in further detail below.

In Procedural Order No. 3 dated May 13, 2025, the OEB stated that issues related to a social cost of carbon and to what extent a social cost of carbon should be considered in relation to Enbridge Gas's multi-year DSM Plan is not in scope for the 2026 DSM rollover application. The OEB went on to state that it expects this issue will be addressed as part of Enbridge Gas's 2027+ DSM Plan proceeding.²⁵

On July 31, 2025, SEC ignored the OEB's direction and filed an unsolicited letter requesting that Enbridge Gas state their position on the OEB's jurisdiction and mandate to include a social cost of carbon in the DSM cost-effectiveness test.²⁶ This required Enbridge Gas to respond by way of a letter to remind parties of the OEB's direction regarding this issue (as per Procedural Order No. 3),²⁷ and required the OEB to respond by way of a letter to reiterate its direction regarding this issue (as per Procedural Order No. 3).²⁸

On September 2, 2025, SEC again ignored the OEB's direction and filed a final submission that primarily focused on a recommendation for the OEB to amend the DSM cost-effectiveness test to include a social cost of carbon.²⁹ Moreover, SEC went even further and advocated for support from other intervenors on this out-of-scope issue.³⁰

²⁴ The average cost claim of all intervenors, not including SEC and LIEN, is \$11,889.24.

²⁵ Procedural Order No. 2, May 13, 2025, p. 2.

²⁶ SEC Letter, July 31, 2025.

²⁷ Enbridge Gas Letter, August 1, 2025.

²⁸ OEB Letter, August 7, 2025.

²⁹ SEC's submission was creative enough to avoid using the term "social cost of carbon" and rather disguised its recommendation under a different term: "non-monetary benefits". Notwithstanding that issues related to "non-monetary benefits" would also be out of scope in this proceeding for the same reasons that issues related to a social cost of carbon were out of scope (i.e., amendments to the DSM Framework were not in scope for the 2026 rollover application), the representative for SEC is not qualified to present recommendations on these concepts in OEB proceedings. Even if SEC was interested in introducing evidence on these topics in OEB proceedings it would need to do so by seeking leave to file evidence, not by inventing its own concepts in final submissions.

³⁰ Both FRPO's and IGUA's final submissions refer to having reviewed SEC's final submission. IGUA's submission in particular specifically comments on SEC's social cost of carbon recommendation (p. 2), and IGUA includes 1.1 hours in its itemized cost claims to "Review draft SEC submissions shared; respond to SEC (and other parties) on concerns with adoption of social cost of carbon proposal and share thoughts with IGUA". LIEN and VECC's itemized cost claims also include activities related to review/discussions regarding SEC's final submission.

This required Enbridge Gas to respond to the issue in its final submission (to once again remind parties that this issue is not in scope for this proceeding)³¹ and required the OEB to address it in their Decision (to once again reiterate that this issue is not in scope for this proceeding).³²

SEC's inappropriate actions directly contributed to inefficiencies in the proceeding and increased time/costs for SEC, FRPO, IGUA, LIEN, VECC, Enbridge Gas, OEB staff, the OEB, and any other intervenors who were engaged by SEC on the out-of-scope issue.

Perhaps most importantly, the OEB did not rely on the submissions of SEC in any meaningful way in its Decision and Order for the application. In fact, in its findings the OEB referred to SEC's submission a total of two times (one of the times was to reiterate that issues related to a social cost of carbon are out of scope).³³

Enbridge Gas submits that SEC's excessive cost claim does not reflect the value of SEC's intervention in this proceeding. There is no reason why natural gas ratepayers should bear the cost of interventions that focus primarily on matters outside the scope of the proceeding, especially after the OEB's repeated directions in this regard. Cost awards are intended to compensate for meaningful contributions to OEB decisions, not for efforts that disregard the OEB's direction and consume resources without advancing relevant issues.

As a result, Enbridge Gas recommends that the OEB reduce SEC's cost claim from \$36,104.04 to no more than \$21,297.69, which represents the highest cost claim in this proceeding (excluding the cost claims of SEC and LIEN).

LIEN's Intervention

LIEN's cost claim (\$33,776.35) is the second highest of any individual intervenor cost claim and is 2.8 times higher than the average cost claim of all other intervenors (excluding the cost claims of SEC and LIEN. SEC's cost claim is discussed in a separate section above).³⁴

It is not clear to Enbridge Gas based on the information filed by LIEN with its cost claim why its claim is significantly higher than all other intervenors (excluding SEC). Additionally, VECC (who represents similar interests as LIEN) filed a cost claim significantly less than LIEN's (\$11,847.35). Furthermore, the OEB did not rely on the submissions of LIEN in its Decision and Order for the application.

³¹ Enbridge Gas Reply Argument, September 12, 2025, pp. 24-25.

³² OEB Decision and Order, November 6, 2025, p. 10.

³³ OEB Decision and Order, November 6, 2025, p. 10.

³⁴ The average cost claim of all intervenors, not including SEC and LIEN, is \$11,889.24.

As a result, Enbridge Gas recommends that the OEB reduce LIEN's cost claim from \$36,104.04 to no more than \$21,297.69, which represents the highest cost claim in this proceeding (excluding the cost claims of SEC and LIEN).

PP's Intervention

PP repeatedly introduced misinformation in this proceeding, which appears to be part of a pattern from PP's consultant and which the OEB has previously acknowledged as problematic.³⁵ Additionally, the OEB did not rely on PP's submission in its Decision and Order for the application and only referred to PP's submission in its findings twice (both times to confirm that PP's requests were not appropriate).³⁶

Some examples of PP's erroneous and misleading statements in this proceeding were addressed by Enbridge Gas in the Company's reply submission regarding its request for confidential treatment of an undertaking response³⁷ and in Enbridge Gas's reply argument.³⁸

Perhaps the most unacceptable example, however, is when PP filed an unsolicited letter to the OEB and all parties to the proceeding on November 5, 2025, erroneously claiming that Enbridge Gas is restricting incentives to residential program participants if customers displace natural gas use.³⁹ This required Enbridge Gas to respond quickly by way of a letter to correct the public record and confirm that PP's claims were not true (PP's claims incorrectly relied on information from IESO's business and industry electric conservation programs, not Enbridge Gas's residential program).⁴⁰

Enbridge Gas acknowledges that PP's misinformation in this instance was not intentional. However, it reflects yet another example of where PP's misinformation, misleading statements, and errors result in regulatory inefficiencies. Furthermore, PP's misinformation was filed on the public record and could negatively impact the program and potential program participants, as any customers who access PP's filing might choose not to participate based on the misinformation.

Given that PP's repeated instances of filing false and misleading information are not isolated, and that the OEB has already reduced PP's cost claims for at least six separate Enbridge Gas proceedings in the last 16 months (in some instances by as much as 50%⁴¹ and while expressing concerns about PP's conduct⁴²), Enbridge Gas submits that incremental percentage-point reductions to PP's cost claims may no longer

³⁵ EB-2024-0020, OEB Decision and Order on Cost Awards, May 27, 2025, p. 7.

³⁶ Decision and Order, November 6, 2025, p. 16.

³⁷ Enbridge Gas Reply Submission on Request for Confidential Treatment, August 22, 2025, pp. 3-4.

³⁸ Enbridge Gas Reply Submission, September 12, 2026, paras. 67-68.

³⁹ PP Letter, November 5, 2025.

⁴⁰ Enbridge Gas Letter, November 7, 2025.

⁴¹ See OEB Decision and Order on Cost Awards for EB-2022-0111, EB-2022-0335, EB-2023-0200, EB-2023-0201, EB-2023-0261, and EB-2024-0200.

⁴² EB-2024-0020, OEB Decision and Order on Cost Awards, May 27, 2025, p. 7.

be an appropriate remedy. At some point it should be recognized that percentage-point reductions are failing to address the underlying issues, and therefore Enbridge Gas recommends that the OEB disallow PP's entire cost claim to ensure PP rectifies its conduct going forward.

Conclusion

For the reasons described above, Enbridge Gas recommends that the OEB:

- Consider the lack of coordination by ED/GEC and PP when assessing the appropriateness of these intervenors' cost claims;
- Reduce SEC's and LIEN's cost claims from \$36,104.04 and \$33,776.35, respectively, to no more than \$21,297.69 each; and,
- Reduce PP's cost claim to \$0.

If you have any questions, please contact the undersigned.

Sincerely,

Haris Ginis

Haris Ginis
Technical Manager, Regulatory Applications

cc: Dennis O'Leary (Aird & Berlis LLP, Enbridge Gas Counsel)
Lawren Murray (OEB Counsel)
Michael Bell (OEB Staff)
Intervenors (EB-2024-0198)