



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2024-0342

ENBRIDGE GAS INC.

**Application for Certificate of Public Convenience
and Necessity for the Township of Tay Valley**

BEFORE: **David Sword**
 Presiding Commissioner

Fred Cass
Commissioner

December 2, 2025

BACKGROUND

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 21, 2024 for an order under section 8 of the *Municipal Franchises Act* granting it a new certificate of public convenience and necessity to construct works to supply natural gas in the Township of Tay Valley.

Climate Network Lanark intervened and was approved for cost eligibility.

On October 21, 2025, Climate Network Lanark filed a cost claim for \$17,328.44.

Enbridge Gas filed an objection, contending that the claim should be denied in full. Climate Network Lanark responded on November 5, 2025.

For the reasons that follow, the OEB approves Climate Network Lanark's cost claim.

FINDINGS

The OEB has reviewed the claim to ensure compliance with its [Practice Direction on Cost Awards](#).

The OEB finds that the cost claim is reasonable and should be reimbursed by Enbridge Gas.

Enbridge Gas disputed Climate Network Lanark's cost claim, separating their concerns into two separate arguments:

- 1) Enbridge disputed any claim made by Climate Network Lanark before the organization was granted intervenor status.

In its letter of objection dated October 30, Enbridge Gas stated: "Any costs incurred by [Climate Network Lanark'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."

The OEB does not agree. The OEB finds that costs incurred prior to formal acceptance as an intervenor may be claimed and approved for recovery. The OEB agrees with Climate Network Lanark that intervenors require time to review the application before being granted status, as this helps them identify the issues they intend to address. Such up-front reviews can also reduce the time needed to review the application after official acceptance. The OEB notes that this approach is not inconsistent with its current treatment of cost claims.

Environmental Defence was denied intervenor status and therefore was not eligible to recover costs for submitting an intervention application, nor did they seek such recovery. The invoices from Elson Advocacy were submitted on behalf of the approved intervenor, Climate Network Lanark, and include detailed entries of the work performed by two lawyers. These costs are eligible for recovery and have been approved accordingly.

- 2) Enbridge Gas submitted that Climate Network Lanark's entire participation in the proceeding was an exploration of issues that were not material to the proceeding and for that reason further contended that the OEB should decline Climate Network Lanark's request for costs.

The OEB scrutinizes intervenor cost claims closely, especially where they have been challenged by an applicant. This approach was reinforced by the Minister of Energy's December 19, 2024 Letter of Direction, which emphasized the expectation that the OEB ensure intervenors are cost-effective, efficient, and act in the public interest when addressing issues in a proceeding.

It was under this lens that Climate Network Lanark's cost claims were reviewed,

In granting intervenor status to Climate Network Lanark, the OEB recognized that the organization represented both a local interest and a policy perspective relevant to the OEB's mandate and to the issues pertinent to this proceeding. The OEB finds that Climate Network Lanark's participation assisted the panel in more effectively addressing the determination of contested Certificates of Public Convenience and Necessity. Their intervention contributed to a better understanding of the local issues and thus the development of a more comprehensive decision by the OEB.

Accordingly, considering the unique circumstances of this application and the contribution of Climate Network Lanark to the proceeding, the OEB approves their cost claim as submitted.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Inc. shall immediately pay Climate Network Lanark \$17,328.44 for its costs.

DATED at Toronto December 2, 2025

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar