

December 22, 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”)
Ontario Energy Board (OEB) File: EB-2025-0333/EB-2022-0335
IRP Pilot – Notice of Motion to Review**

We represent Enbridge Gas.

Attached is Enbridge Gas’s Notice of Motion to Review the OEB’s Decision and Order in the EB-2022-0335 IRP Pilot Project Application (March 27, 2025).

In the OEB’s Decision and Order in the OEB’s Own Motion of the IRP Pilot Project Decision, the OEB contemplated that another party could initiate a review of the EB-2022-0335 Decision even though the 20-day time limit has already passed. Specifically, the OEB indicated that:

... if someone were to file a motion to review in respect of the IRP Pilot Project Decision, it would be reasonable for the OEB to consider starting the 20-day period for the filing of such a motion on the day when the decision on the Review is rendered. In accordance with this provision of Procedural Order No. 1, the 20-day period may be considered to start from the issuance date of this Decision and Order, being December 11, 2025.¹

Enbridge Gas’s Notice of Motion is filed within the stipulated timeline.

As set out in the Notice of Motion, Enbridge Gas requests that the panel that the OEB establishes to consider this Review Motion be comprised entirely of Commissioners who were not part of the panel that issued the Decision. The IRP Pilot Project Application proceeding to which this Review Motion relates was conducted in writing, so new Commissioners will not be disadvantaged. Enbridge Gas notes that there is precedent for having an entirely new panel of Commissioners determine a review motion, as seen in the review of the Enbridge Gas Phase 1 Rebasing Decision (EB-2024-0078) and the OEB’s Review of the EB-2022-0335 Decision on its Own Motion (EB-2025-0124).

¹ EB-2025-0124 Decision and Order, December 11, 2025, p. 7.

If you have any questions, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



David Stevens

c: all parties in EB-2025-0124
66921988.1

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended;

AND IN THE MATTER OF the OEB's EB-2022-0335 Decision and Order dated March 27, 2025.

AND IN THE MATTER OF Rules 8 and 40, 42 and 43 of the *Rules of Practice and Procedure* of the Ontario Energy Board.

NOTICE OF MOTION

Enbridge Gas Inc. (**Enbridge Gas**) will make a Motion to the Ontario Energy Board (**OEB**) on a date and at a time to be determined by the OEB.

PROPOSED METHOD OF HEARING: Enbridge Gas proposes that the Motion be heard in writing by a different panel of Commissioners from the Commissioners who issued the Decision.

THE MOTION IS FOR:

1. A review and variance of those portions of the Decision and Order in EB-2022-0335 dated March 27, 2025 (referred to herein as the **Decision**) in which the OEB made the following finding and direction as part of the approval of the Southern Lake Huron (**SLH**) Integrated Resource Planning (**IRP**) Pilot Project (referred to herein as the **Review Issues**):
 - i. The finding that the OEB will not approve an IRP pilot project that includes incentives for advanced gas technologies;
 - ii. The direction that Enbridge Gas reallocate the portion of the SLH IRP Pilot Project budget related to the denied advanced gas technologies¹ to electrification measures; and
 - iii. The direction that Enbridge Gas must consult with the IRP Technical Working Group (**IRP TWG**) on a potential second IRP pilot that explores creative solutions that go

¹ Enbridge Gas proposed a budget of \$1,522,560 for various gas-based technologies (hybrid heating, natural gas heat pumps, thermal energy storage). The OEB allowed funding for thermal energy storage but not for natural gas heat pumps or hybrid heating. The portion of the budget for simultaneous hybrid heating and natural gas heat pumps is \$1,229,514.

- beyond current DSM program offerings, including a number of proposed measures such as alternatives to new connections.
2. An Order that the Motion raises issues material enough to warrant a review of the Decision on the merits thus satisfying the “threshold test” in Rule 43.01 of the OEB’s *Rules of Practice and Procedure* in relation to each of the Review Issues.
 3. Variation of the Decision in relation to the Review Issues to:
 - i. Approve the inclusion of advanced gas technologies in the SLH IRP Pilot Project;
 - ii. Remove the direction to re-allocate the budget for the denied advanced gas technologies to electrification measures;
 - iii. Remove or correct the broader statements in the Decision supporting the determination not to approve initiatives that would result in the adoption of gas fired appliances and continue the use of natural gas; and
 - iv. Remove the direction to consult with the IRP TWG on a second IRP pilot project on specified proposed measures, pending further direction from the current and ongoing EB-2025-0125 IRP Framework Review².
 4. In the alternative to (3)(i) to (iv), an Order directing a rehearing of the Review Issues by a differently constituted panel of the OEB.
 5. A stay of the Decision in relation to the Review Issues until the Review Motion is determined.
 6. Such further and other Orders as Enbridge Gas may request and the OEB approves.

THE GROUNDS FOR THE MOTION ARE:

The Decision

1. The SLH IRP Pilot Project proposed to implement a suite of enhanced targeted energy efficiency programming for residential, commercial and industrial customers in the City of Sarnia and the Village of Point Edward. The plan included an enhanced version of existing DSM offerings, a limited offering for electrification measures (featuring limited units of electric air source heat pumps and electric ground source heat pumps for residential only), a limited offering for advanced gas technologies measures (featuring limited units of simultaneous

² [OEB moves forward with IRP Framework Review for Enbridge Gas | Natural Gas Integrated Resource Planning \(IRP\) | Engage with Us.](#)

hybrid heating, natural gas heat pumps and thermal energy storage), as well as a residential demand response program.

2. In the March 27, 2025 Decision³, the two OEB Commissioners considering the Application (the **Hearing Panel**) approved the IRP Plan for the SLH IRP Pilot Project, subject to “various changes”.
3. For the purpose of this Review Motion, the key “change” is that the Hearing Panel declined to approve the advanced gas technologies budget and directed that the associated funds be re-allocated to electrification measures.
4. The most relevant portion of the Decision states (emphasis added):

*... **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.⁴

5. The OEB also found as follows (emphasis added):

The IRP Framework decision determined that electrification solutions would not be part of the IRP approach initially, with the focus being on system optimization and demand-side management. However, the IRP Framework indicated this could evolve as energy planning evolves and **it is now clear that electric solutions are squarely on the table, as part of the IRP Framework.**⁵

6. Taking these findings into account, the Hearing Panel directed Enbridge Gas to to reallocate the portion of the \$1.5 million budget for the denied advanced gas technologies (hybrid heating and gas heat pumps) to the budget for limited electrification measures.

7. The key part of the Decision in that regard states as follows (emphasis added):

Enbridge Gas has proposed a budget of \$1,522,560 for various gas-based technologies (hybrid heating, natural gas heat pumps, thermal energy

³ [EB-2022-0335 Decision and Order, March 27, 2025](#) (Decision).

⁴ Decision, page 5.

⁵ Decision, page 4.

storage) under the heading of Limited Advanced Technologies. The OEB does not approve funding for hybrid heating or natural gas heat pumps, both of which would incent new gas-fired heating equipment. Recognizing that thermal energy storage can utilize electricity, the OEB will approve pilot funding for thermal energy storage, on the condition that it utilizes electricity and does not require or incent the customer to install, modify, or upgrade gas-fired space heating or water heating equipment. The OEB directs Enbridge Gas to reallocate the budget for the denied Advanced Technologies (hybrid heating and gas heat pumps) to the budget for Limited Electrification Measures. Enbridge Gas shall increase the number of participants for its electrification offerings. This could potentially include expanding the types of electrification measures beyond the proposed ccASHPs and GSHPs to consider funding for other technologies like a combination of water heating/ space heating. These updates should be incorporated into Enbridge Gas's detailed project plan (discussed in a later section).⁶

8. The Decision therefore improperly narrows the scope of permitted IRP alternatives (**IRPAs**) to exclude gas-fired technologies, and favours and prioritizes electrification. The implication is that the IRP Framework has changed on a prospective basis, such that gas technologies are no longer permitted in IRP Plans, even where they may underpin or support reduction of future infrastructure requirements.

9. On the topic of an additional IRP Pilot Project, the OEB directed as follows:

... the OEB requires Enbridge Gas to consult with the IRP TWG on a potential second IRP pilot that explores creative solutions that go beyond enhanced incentives for Enbridge Gas's traditional DSM program offerings. The OEB also recommends that Enbridge Gas and the IRP TWG consider pilots focusing on alternatives to new connections or avoidance of upstream reinforcement projects, as opposed to pruning the existing gas network.

The OEB directs Enbridge Gas to complete this analysis and report back on the IRP pilot opportunities it has identified with the IRP TWG as part of its 2025 IRP annual report (expected to be filed in June 2026).⁷

10. None of the items set out above were on the Issues List for the SLH IRP Pilot Project proceeding. The Pilot Project proceeding was not intended to review and change the IRP Framework, or to make pronouncements about the role of electrification or gas technologies in IRP or about what broad issues (like alternatives to new connections) should be part of future IRP Pilot Projects. The broad pronouncements made by the Hearing Panel

⁶ Decision, page 5.

⁷ Decision, pages 11-12.

preferencing electrification are inconsistent with and out of step with current Ontario government policy.

The OEB's Own Review Motion

11. Immediately after the Decision was released, the OEB issued a Notice of Review on the OEB's Own Motion (**OEB's Review Motion Notice**).⁸ The OEB's Review Motion Notice asked whether there are errors in the Decision related to the findings about advanced gas technology measures and whether the Decision improperly changes the IRP Framework by mandating electrification IRPAs and disallowing advanced gas technology IRPAs.
12. Ultimately, the OEB discontinued its own Review Motion. In a Decision dated December 11, 2025, the OEB found that hearing the questions set out in the OEB's Review Motion Notice would not result in the most just, expeditious and efficient determination of matters before the OEB.⁹ In particular, the OEB found that some (or potentially all) of the matters at issue in the OEB's Review Motion Notice may be in scope for the OEB's current IRP Framework Review¹⁰.
13. The OEB clearly indicated that its decision to discontinue its own review motion did not extend to prohibit another party from bringing its own motion for review of the Decision.

The Review Motion Standard

14. Rule 40.01 of the OEB's *Rules of Practice and Procedure* allows any person to bring a motion requesting the OEB to review all or part of a final order or decision, and to vary, suspend or cancel the order or decision.
15. Rule 42.01(a) of the OEB's *Rules of Practice and Procedure* requires that a Notice of Motion set out the grounds for the motion, which may include:
 - i. the OEB made a material and clearly identifiable error of fact, law or jurisdiction;
 - ii. new facts that have arisen since the decision or order was issued that, had they been available at the time of the proceeding to which the motion relates, could if proven reasonably be expected to have resulted in a material change to the decision or order;
or

⁸ [Notice of Review on the OEB's Own Motion, March 27, 2025](#) (EB-2025-0124).

⁹ [Decision and Order - Review on the OEBs Own motion of the IRP Pilot Project Decision.](#)

¹⁰ [EB-2025-0125 IRP Framework Review.](#)

- iii. facts that were not previously placed in evidence in the proceeding and could not have been discovered by reasonable diligence at the time.

16. The OEB has confirmed that this list of grounds is “not an exhaustive list”. What is required is that the motion to review must raise a question as to the correctness of the order or decision.¹¹ The moving party must also demonstrate that the alleged error is material and would vary the outcome of the decision.¹²

The Errors in the Decision

17. The parts of the Decision that deny any current or future role for gas-fired technologies within IRP and favour electrification instead are in error. The main reasons for this conclusion include the following:

- i. **The Decision goes beyond the issues in the SLH IRP Pilot Project proceeding.** 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. Up until the Decision, there was no OEB requirement that IRPAs must not include natural gas end-use equipment. Whether natural gas end-use equipment should be an approved technology for IRP Plans was not an issue in the proceeding. The question for the proceeding was whether testing of these advanced technology IRPAs should occur to better understand their impact on reducing system peak load. It was neither appropriate nor within the scope of this proceeding to conclude that natural gas end-use equipment cannot be used to defer or avoid natural gas facility projects. Similarly, it was not appropriate, accurate or within the scope of the proceeding to reach the conclusion that electric solutions are part of IRP. As seen in the EB-2025-0125 IRP Framework Review (discussed below), the question of whether electrification should be part of IRP is an open issue that all parties are addressing in that consultation.
- ii. **The Decision is not supported by the evidence.** The evidence in the SLH IRP Pilot Project proceeding did not support the OEB’s determination to categorically exclude gas technologies as an IRPA. Further the OEB’s requirement that Enbridge Gas can only implement thermal energy storage if it utilizes electricity and does not require or incent the customer to install, modify, or upgrade gas-fired space heating or water heating equipment effectively precludes the technology as it cannot be installed without modification to the existing natural gas water heating system. The OEB did not seek any submissions on that topic before issuing the Decision.
- iii. **The Decision is procedurally unfair.** The Decision denies a role for gas technologies as IRPAs. The Decision also says that electric solutions are now expressly part of the IRP Framework. These matters were not on the OEB-approved

¹¹ [EB-2016-0005 Decision on Motion to Review and Vary by the City of Hamilton, March 3, 2016](#), page 4.

¹² Rules 42.01(a) and 43.01(d); see also [EB-2006-0322/0338/0340 Decision with Reasons on Motions to Review the Natural Gas Electricity Interface Review Decision, May 22, 2007](#), pages 17-18.

- Issues List for the proceeding.¹³ The Decision effectively changed the IRP Framework and did so improperly without notice to the parties and without providing parties with a full opportunity to address this issue through the hearing process
- iv. **The Decision exceeds the OEB’s jurisdiction.** The Decision exceeds the OEB’s jurisdiction by favouring one energy source over another. Similarly, the direction to consider IRP Pilot Projects that include measures such as actions to find alternatives to attaching new customers exceeds the OEB’s jurisdiction. The OEB is an economic regulator with a mandate to facilitate rational expansion of the gas system, ensure just and reasonable rates, reliability and quality of gas service.¹⁴ The OEB’s overall statutory objectives and powers under the *Ontario Energy Board Act* do not extend to regulating the consumption of natural gas or the associated implications (including GHG emissions) or making determinations about what form of energy is preferable.¹⁵ While the OEB is mandated to “promote energy conservation and efficiency”, it must do so “in accordance with the policies of the Government of Ontario”,¹⁶ not in place of them (as discussed below).
- v. **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.¹⁷ 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. The same is true of directions to consider measures such as not connecting new customers in a future IRP Pilot Project. 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.¹⁸
- vi. **The Decision does not align with the IRP Framework Review.** The direction to Enbridge Gas to consult with the IRP TWG and report back on a potential second IRP Pilot Project by June 2026 is no longer appropriate or feasible. That is because the OEB itself (on the same day as the Decision was released) initiated a review of the IRP Framework that will consider, among other things, what changes should be made to the IRP Framework (including the role of the IRP TWG and the OEB’s expectations and approach for innovation-related IRP proposals such as IRP Pilot Projects). It is premature to design a new IRP Pilot Project before the IRP Framework Review is

¹³ [EB-2022-0335 Decision on Issues List and Procedural Order No. 2, October 5, 2023](#).

¹⁴ 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.).

¹⁵ See, for example, EB-2019-0159, [Procedural Order No. 2 and Decision on Issues List](#), pages 9 to 11 (March 6, 2020).

¹⁶ *Ontario Energy Board Act*, 1998, s. 2, para. 5.

¹⁷ [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](#).

¹⁸ 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)

- complete. The fact that the Decision does not align with the IRP Framework Review is also seen by the direct contradiction between the finding in the Decision that electric solutions are now part of the IRP Framework and the stated issue in the IRP Framework Review, which asks whether electrification should be an eligible IRPA.
- vii. **The Decision conflicts with the intent of IRP.** The Decision misstates the goals of IRP (avoidance of gas infrastructure where there are economic alternatives) and improperly focuses on GHG emission reductions.
18. As contemplated by Rule 42.01(a)(ii) and (iii), Enbridge Gas is permitted to rely upon new facts not considered within the Decision, where such facts could reasonably be expected to have resulted in a material change to the Decision. In that regard, Enbridge Gas relies upon key developments that arose after the close of argument (and in most instances after the Decision). These include, without limitation, the Federal Government's decision to set the carbon levy to zero, the OEB's initiation of the EB-2025-0125 IRP Framework Review, the Ontario Government's "Integrated Energy Plan" (which includes the "Natural Gas Policy Statement") and Ministerial Directives implementing the Integrated Energy Plan.

The Errors are Material

19. The errors described above have a material impact on Enbridge Gas and upon the development of IRP.
20. If the determinations and directions in the Decision that deny any role for gas technologies in IRP stand, then Enbridge Gas will lose the opportunity to evaluate the potential benefits of advanced gas technologies as part of the SLH IRP Pilot Project. Given the limited opportunities to date to implement and test IRP in Ontario, these limitations on gas technologies will be material even though the scale of the SLH IRP Pilot Project is limited.
21. More broadly, if the Review Issues are not corrected, the implication is that Enbridge Gas will not be permitted to include gas technologies as IRPAs in future IRP Plans. This will limit the potential for such IRP Plans by taking away the full array of available IRPAs, and it will limit customer choice.

Enbridge Gas Satisfies the Threshold Test

22. Rule 43.01 of the OEB's *Rules of Practice and Procedures* states that "prior to proceeding to hear a motion under Rule 40.01 on its merits, the OEB may, with or without a hearing, consider

a threshold question of whether the motion raises relevant issues material enough to warrant a review of the decision or order on the merits.”

23. Each of the errors highlighted in this Notice of Motion raises material questions about the correctness of the Decision. Some of the errors are related to new evidence not considered in the Decision. Correcting the errors will materially impact the Decision. As such, Enbridge Gas satisfies the OEB’s threshold test and the OEB should proceed to hear the Review Motion on its merits.
24. The fact that the errors in the Decision are material is supported by the fact that the OEB’s Review Motion Notice was issued immediately after the Decision was issued. Enbridge Gas immediately supported the OEB’s Own Review Motion, pointing to additional items that could be included. At no time has the OEB indicated that the OEB’s Own Review Motion lacked merit. To the contrary, the reason why the OEB’s Own Review Motion is not proceeding is that the OEB has determined that this would not be efficient where at least some of the substance of that motion will be considered in the IRP Framework Review Consultation.
25. Enbridge Gas disputes any argument that it’s unnecessary to proceed with this Review Motion. The Review Issues, which relate to the role for advanced gas technologies as part of IRP projects and plans, are important questions not being addressed in other proceedings. The topics set out for the OEB’s IRP Framework Review Consultation 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. This item was not a focus of submissions made in the IRP Framework Review. There is a substantial risk, therefore, that if this 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.
26. Importantly, even if the role of advanced gas technologies was considered in the IRP Framework Review Consultation, that would not address a key component of this Review Motion, namely whether it was appropriate for the OEB to have directed Enbridge Gas to re-allocate gas technologies funding to electrification measures in the SLH IRP Pilot Project.

Stay Request

27. Rule 40.05 of the OEB's *Rules of Practice and Procedures* states that "a motion brought under Rule 40.02 may also include a request to stay the implementation of the order or decision pending the determination of the motion".
28. Enbridge Gas requests that the OEB stay the portion of the Decision for which review is sought, namely the finding that the OEB will not approve an IRP Plan that includes incentives for advanced gas technologies; the direction that Enbridge Gas reallocate the portion of the advanced technologies \$1.5 million budget assigned to simultaneous hybrid heating and natural gas heat pumps to electrification measures; and the direction for Enbridge Gas to consult with the IRP TWG on IRP pilot opportunities .
29. Failure to grant a stay of these portions of the Decision will render much of the Review Motion moot. Without a stay, Enbridge Gas will be required to reallocate the simultaneous hybrid heating and natural gas heat pump budget for the SLH IRP Pilot Project to electrification measures, and the opportunity to implement, test and learn from these advanced gas technologies will be lost. Further, unless a stay is granted, time and effort will be expended on working with the IRP TWG on potential future IRP Pilot Projects, without having the guidance (and potential change in approach) that is expected to come from the IRP Framework Review. The balance of convenience favours granting a stay pending the determination of the Review Motion on its merits.
30. The requested stay will not impact the implementation of the other aspects of the SLH IRP Pilot Project. Enbridge Gas is taking active steps to implement the SLH IRP Pilot Project while this Review Motion is being considered, except for the directed reallocation of the portion of the \$1.5 million in the denied advanced gas technology funding to electrification measures or the implementation of thermal energy storage under the condition in the Decision that precludes natural gas.¹⁹

¹⁹ As communicated in Enbridge Gas's April 15, 2025 correspondence in EB-2022-0335/EB-2025-0124.

Rules and Additional Grounds

31. Enbridge Gas relies upon Rules 8, 11, 40, 42 and 43 of the OEB's *Rules of Practice and Procedure*.
32. In addition to the specific grounds set out above, the grounds for this Motion also include such further grounds as Enbridge Gas may advise and the OEB may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

1. The EB-2022-0335 Decision and Order dated March 27, 2025;
2. The records of the EB-2022-0335, EB-2024-0124 and EB-2025-0125 proceedings;
3. Additional Federal and Ontario Government policy and legislative documents released after the time that the evidentiary record of the EB-2022-0335 proceeding was completed, including the items noted earlier.
4. Enbridge Gas's submissions and Motion Record on this Motion to be delivered in accordance with the OEB's directions; and
5. Such further and other materials as Enbridge Gas may provide and the OEB may permit.

December 22, 2025

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AND TO: ALL INTERVENORS IN EB-2022-0335