



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

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# DECISION AND ORDER ON COST AWARDS

## EB-2024-0198

### ENBRIDGE GAS INC.

Application for approval of natural gas demand side management  
plan for 2026

**BEFORE:** **Fred Cass**  
Presiding Commissioner

**Patrick Moran**  
Commissioner

**Vinay Sharma**  
Commissioner

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January 23, 2026

## OVERVIEW

Enbridge Gas Inc. filed an application with the Ontario Energy Board (OEB) under section 36(1) of the *Ontario Energy Board Act, 1998*, seeking approval for a new natural gas demand side management (DSM) policy framework effective January 1, 2026 and approval for a new multi-year DSM plan from January 1, 2026 to December 31, 2030.

The OEB determined that the following parties are eligible for cost awards:

- Building Owners and Managers Association (BOMA)
- Canadian Manufacturers & Exporters (CME)
- Coalition of Concerned Manufacturers and Businesses of Canada (CCMBC)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence
- Federation of Rental-housing Providers of Ontario (FRPO)
- Green Energy Coalition (GEC)
- Industrial Gas Users Association (IGUA)
- Low-Income Energy Network (LIEN)
- Minogi Corp.
- Ontario Greenhouse Vegetable Growers (OGVG)
- Pollution Probe
- School Energy Coalition (SEC)
- Small Business Utility Alliance (SBUA)
- Three Fires Group Inc. (TFG)
- Vulnerable Energy Consumers Coalition (VECC)

On November 6, 2025, the OEB issued its Decision and Order setting out, among other matters, the cost awards process. All of the above-listed eligible parties filed a cost claim.

### Overview of Enbridge Gas's Comments on Cost Claims

By letter dated November 27, 2025, Enbridge Gas submitted comments on the cost claims and recommended that the OEB:

- Consider the lack of coordination by Environmental Defence, GEC and Pollution Probe when assessing the appropriateness of their 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
- Reduce Pollution Probe's cost claim to \$0

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### Environmental Defence, GEC and Pollution Probe Cost Claims

Enbridge Gas noted statements made in Procedural Order No. 1 regarding coordination amongst intervenors as well as the OEB's expectation that an explanation be provided at the cost awards stage if the requested coordination was not possible for any reason. Enbridge Gas stated that Environmental Defence, GEC and Pollution Probe made no meaningful effort to coordinate their interventions with respect to the Technical Conference, during which they asked similar questions about the same issues and used nearly 40% of the Technical Conference time. Enbridge Gas further noted that no explanation for the lack of coordination was provided with the cost claims, and that it would be procedurally inappropriate for these intervenors to explain, in their responses to Enbridge Gas, why they did not coordinate their questions during the Technical Conference.

### Pollution Probe Cost Claim

Enbridge Gas stated that Pollution Probe made erroneous and misleading statements in the proceeding which, while not intentional, resulted in regulatory inefficiencies. Enbridge further noted that the OEB has previously reduced several of Pollution Probe's cost claims while expressing concerns about Pollution Probe's conduct.

### SEC Cost Claim

Enbridge Gas stated that SEC's cost claim of \$36,104.04 – the highest in the proceeding – is excessive and does not reflect the value of SEC's intervention in the proceeding, which in Enbridge's view was inefficient and repeatedly focused on out-of-scope issues, specifically the social cost of carbon. This directly contributed to inefficiencies in the proceeding and increased time and costs for other parties. In addition, Enbridge Gas noted that the OEB did not rely on SEC's submissions in any meaningful way in its November 6, 2025 Decision and Order.

### LIEN Cost Claim

Enbridge Gas stated that it is not clear why LIEN's cost claim – the second highest in the proceeding – is significantly higher than the others, including the \$11,847.35 claim filed by VECC which represents similar interests. Enbridge Gas also noted that the OEB did not rely on LIEN's submissions in its November 6, 2025 Decision and Order.

### Other Cost Claims

Enbridge Gas provided its view that coordination efforts by other intervenors were appropriate.

By letter dated December 3, 2025, Enbridge Gas indicated that it had no objections to the revised cost claim filed by SBUA on December 2, 2025.

### **Overview of Response by Intervenors**

Each of the intervenors whose cost claims were objected to by Enbridge Gas filed a response.

### Environmental Defence and GEC

Environmental Defence and GEC jointly asserted that there was extensive coordination between them and with Pollution Probe. They stated that they completely combined their work on all aspects of this matter, and that there was also extensive collaboration with Pollution Probe. They described how they did so in relation to the preparation of interrogatories and participation in the Technical Conference. They also stated that an explanation at the cost award stage was only required if coordination was not possible and, as such, they were fully compliant with the expectations set out in Procedural Order No. 1.

### Pollution Probe

Pollution Probe asserted that Enbridge Gas's recommendations are not aligned with the facts in the proceeding and are not supported by any reference or analysis based on the details set out in Pollution Probe's cost claim, including in respect of allegations that Pollution Probe introduced misinformation in this proceeding. In addition to providing examples of its coordination with other intervenors, Pollution Probe also noted areas where its participation was reflected in elements of the OEB's Decision and Order. Pollution Probe also stated that it would not be fair or proper to consider any inaccurate generalizations made by Enbridge Gas in relation to anecdotal considerations outside of this proceeding. The scope and value of Pollution Probe's cost claim is well within a reasonable value expected for a proceeding that spanned approximately one year, and there is no rational basis to dismiss that cost claim or reduce it as proposed by Enbridge Gas.

## SEC

SEC stated that its cost claim represents work that is both efficient and proper given the nature of the proceeding, the way in which the process unfolded and specific problems with the rollover. Time spent on the rollover itself was not out of line with others, and time spent on the initial application was a “prudent head start on what was going to be a complex process”. SEC also stated that Enbridge Gas’s assertion that the social cost of carbon was out-of-scope is incorrect.

## LIEN

LIEN stated that they and VECC made reasonable efforts to coordinate their intervention and that their respective cost claims reflect that coordination given that LIEN largely took the lead in the proceeding. Reducing LIEN’s cost claim as recommended by Enbridge Gas would, in essence, penalize LIEN for taking a leadership role and coordinating its intervention with VECC in order to promote efficiency in the proceeding. LIEN also noted that the average of LIEN’s and VECC’s total cost claims is only slightly more than the amount recommended by Enbridge Gas. To the extent that Enbridge Gas appears to essentially be asking the OEB to not award LIEN’s costs for legal counsel, that is inappropriate given that LIEN requires both legal counsel and a technical consultant in order to participate in a meaningful way in OEB proceedings.

## **Findings**

The OEB has reviewed the claims filed to ensure that they are compliant with the OEB’s *Practice Direction on Cost Awards*. The OEB has also considered the submissions made by Enbridge Gas and the responses filed by intervenors.

### LIEN costs

The OEB accepts the cost claim by LIEN, for the reasons that follow.

Enbridge Gas indicated that it is not clear why LIEN’s cost claim is higher than all other intervenors, except SEC. Enbridge Gas submitted that VECC represents similar interests as LIEN and that VECC’s cost claim is significantly less than LIEN’s.

In its response to Enbridge Gas’s objection, LIEN pointed out that its cost claim must be viewed in light of the coordination and collaboration that occurred between LIEN and VECC.

The OEB finds LIEN's response to Enbridge Gas to be reasonable, because:

- LIEN's coordination with VECC involved LIEN taking the lead on certain aspects of the proceeding.
- LIEN engaged both legal counsel and a technical consultant and LIEN explained how counsel and the technical consultant worked collaboratively with LIEN and VECC as part of the coordination of the LIEN and VECC interventions.
- As noted by LIEN, the average of the cost claims by LIEN and VECC is \$22,811.85, which is not unreasonable in the circumstances of this proceeding, where, for example, CCC's cost claim is \$21,297.69.
- Also as noted by LIEN, VECC reviewed and endorsed LIEN's response to Enbridge Gas.

### SEC Costs

The OEB also accepts the cost claim by SEC.

In its response to Enbridge Gas, SEC indicated how the work underpinning its cost claim was affected by the evolution of the nature and scope of this proceeding. In particular, SEC noted that it spent 41.7 hours (representing about \$15,000 of its total \$32,000 claim, net of HST) on the original multi-year DSM application.

The OEB appreciates that the fact that SEC incurred costs for work on the original multi-year DSM application does not necessarily distinguish SEC's cost claim from the claims of other intervenors. However, SEC's response to Enbridge Gas clarifies that its work on the original application included, among other things, activities such as coordinating with other parties, searching for expert witnesses and reviewing the application and comparing it to past filings. In the circumstances of this proceeding, the OEB sees no basis to reject SEC's submission that just under half of SEC's cost claim represents work by an experienced intervenor to get "a prudent head start on what was going to be a complex process".

Given SEC's explanation of the costs that it incurred in relation to the original multi-year DSM application, the OEB does not consider SEC's overall cost claim for this proceeding to be unreasonable. The OEB finds that there is nothing before it to support a conclusion that the work done by SEC was inefficient or improper in any material way.

Enbridge Gas also questioned the value of SEC's intervention in this proceeding, noting, for example, that the findings in the Decision and Order referred to SEC's submission "a total of two times". In this case, though, the extent to which the OEB

expressly referred to SEC's submissions in its findings is no indication of the value of SEC's intervention. Regardless of whether the OEB relied on SEC's submissions, or found them to be persuasive, SEC's intervention added value to the proceeding and its submissions were useful in the OEB's deliberations.

### Intervenor Coordination

The OEB has considered coordination by intervenors in its assessment of cost claims and has concluded that no reduction to any cost claim is justified on the ground of inadequate coordination.

Enbridge Gas provided detailed comments on intervenor coordination in its submissions with respect to the cost claims. These comments by Enbridge Gas were helpful to the OEB and the OEB appreciates the work done by Enbridge Gas to prepare the comments.

Enbridge Gas stated its view that coordination by FRPO/HSC, MC/TFG, LIEN/VECC and CCMB/CME was appropriate and the OEB agrees with this view.

Enbridge Gas submitted, however, that there was no meaningful coordination between Environmental Defence/GEC and Pollution Probe. Enbridge Gas cited examples in support of that submission, particularly in respect of coordination of efforts for the purposes of the Technical Conference. Environmental Defence/GEC and Pollution Probe responded to the examples put forward by Enbridge Gas and provided their own examples of how they actually did coordinate their interventions.

They described, for instance, how they coordinated their efforts relating to interrogatories and the Technical Conference. Environmental Defence/GEC asserted that they "worked hard" to prepare a complete set of interrogatories well before the deadline in order to allow for coordination with Pollution Probe. Environmental Defence/GEC and Pollution Probe explained the actual steps they took to coordinate questions for the Technical Conference. In addition, other examples of coordination were provided, such as collaboration in respect of a proposed expert witness.

Accordingly, while the submissions on intervenor coordination provided by Enbridge Gas were helpful and appreciated by the OEB, the OEB finds that there is no basis on the record of this proceeding for a reduction to any intervenor cost claim due to inadequate coordination.

## Pollution Probe Costs

The OEB does not agree with the recommendation by Enbridge Gas that the entire cost claim by Pollution Probe be disallowed, but the OEB will disallow \$5,000 of the costs sought by Pollution Probe, resulting in approved costs of \$10,922.56.

The OEB is concerned about the extent to which Pollution Probe's participation in this proceeding was not focused in areas that would add value or assist the OEB with its deliberations. As noted by Enbridge Gas, the OEB had occasion to refer to Pollution Probe's submissions in its Decision and Order only to point out two areas where Pollution Probe's suggestions were not appropriate or helpful.

The two suggestions by Pollution Probe referred to in the Decision and Order (winding down the intervenor pilot design outlined in Procedural Order No. 1 and requiring a new multi-year 2027+ DSM application by October 31, 2025) were by no means the only areas in which Pollution Probe's submissions were unhelpful to the OEB. Another example is the assertion in Pollution Probe's September 2025 submissions that Enbridge Gas failed to provide "necessary program support documentation" and that "requests from stakeholders came with significant delays"<sup>1</sup>. Pollution Probe did not adequately substantiate this statement, nor did it make clear the relevance or usefulness of the statement in view of Pollution Probe's apparent support for the rollover of the existing DSM plan to 2026, as proposed by Enbridge Gas.

Following the filing of its submissions, Pollution Probe sent to the OEB a letter dated November 5, 2025, regarding incentives for participation in residential DSM programs. In its response to Enbridge Gas cost claim submissions, Pollution Probe attempted to justify the November 5<sup>th</sup> letter by reference to the 2027+ DSM application (*i.e.*, not this proceeding) and it noted that the letter was not part of its cost claim in this proceeding. But Pollution Probe seemingly has failed to recognize that, quite apart from its own cost claim, an irrelevant, unhelpful or even incorrect filing creates unnecessary work and costs for other participants in OEB proceedings.

In the circumstances, the OEB has concluded that it is appropriate to reduce Pollution Probe's cost claim by \$5,000, approximately one-third, which the OEB considers to be an appropriate assessment of the extent to which Pollution Probe's participation did not add any value to this proceeding or help the OEB in its deliberations.

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<sup>1</sup> Pollution Probe submission, September 2, 2025, p. 6

Cost Claims of Other Intervenors

The OEB finds that the cost claims of all other intervenors are reasonable and approved as filed.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

Pursuant to section 30 of the *Ontario Energy Board Act, 1998*:

1. Enbridge Gas shall immediately pay the following amounts to the following intervenors for their costs:

|                         |             |
|-------------------------|-------------|
| • BOMA                  | \$13,894.20 |
| • CME                   | \$10,635.11 |
| • CCMBC                 | \$9,736.10  |
| • CCC                   | \$21,297.69 |
| • Energy Probe          | \$10,344.60 |
| • Environmental Defence | \$20,096.16 |
| • FRPO                  | \$18,052.33 |
| • GEC                   | \$6,002.90  |
| • IGUA                  | \$18,458.00 |
| • LIEN                  | \$34,630.66 |
| • Minogi                | \$7,571.00  |
| • OGVG                  | \$4,056.71  |
| • Pollution Probe       | \$10,922.56 |
| • SEC                   | \$36,104.64 |
| • SBUA                  | \$12,814.76 |
| • TFG                   | \$7,726.05  |
| • VECC                  | \$11,847.35 |

2. Enbridge Gas shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

**DATED** at Toronto January 23, 2026

**ONTARIO ENERGY BOARD**

Ritchie Murray  
Acting Registrar