

Elson Advocacy

February 24, 2026

Ritchie Murray

Registrar/A
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario, M4P 1E4

Dear Mr. Murray

**Re: Enbridge Gas Inc. Integrated Resource Planning (IRP) Pilot Project
Ontario Energy Board File Number: EB-2022-0335
Review Motion of IRP Pilot Project Decision: EB-2025-0333**

I am writing on behalf of Environmental Defence pursuant to Procedural Order No. 1 to make submissions on the following question posed by the OEB in *Procedural Order #1*:

Does the notice of motion to review filed by Enbridge Gas raise relevant issues material enough to warrant a review of the Decision on the merits, in accordance with Rule 43 of the OEB's Rules of Practice and Procedure (Threshold Question).

For the reasons outlined below, the requested review does not meet the threshold.

No material harm to the applicant's interest

Rule 43.01(e) indicates that the OEB should consider “whether the moving party’s interests are materially harmed by the decision and order sufficient to warrant a full review on the merits” when determining whether the threshold to conduct a review has been met. There is no material harm to the applicant sufficient to warrant a full review even if the alleged errors are assumed to have occurred, because:

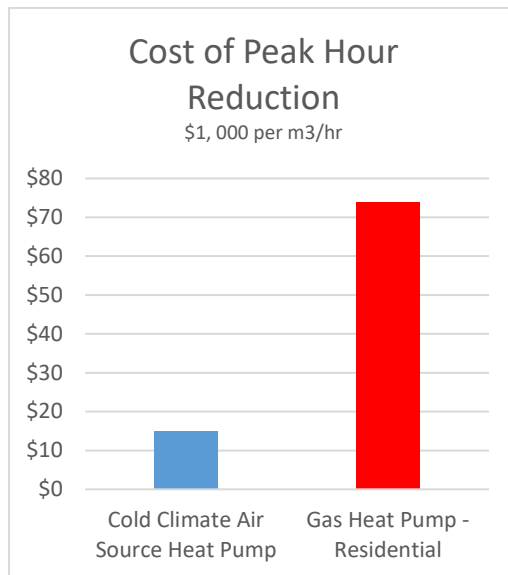
- Any issues with lasting impacts relating to IRP more generally will be determined in the IRP framework consultation process.
- *Stare decisis* does not apply to decisions of administrative tribunals. As such, the impugned decision is not binding on future OEB panels considering IRP issues. In any event, most of the comments that concern Enbridge were *obiter dicta* (i.e. comments said in passing that were not essential to the final decision).
- The issues specific to the pilot in question are moot and/or non-material as the pilot is proceeding regardless and involves sums that are immaterial to Enbridge’s overall budget and will be borne by ratepayers, not by Enbridge’s shareholder.

No errors in issues #1 and #2

Enbridge describes review issues 1 and 2 as follows:

- **Review Issue #1:** The finding that the OEB will not approve an IRP pilot project that includes incentives for advanced gas technologies,
- **Review Issue #2:** The direction that Enbridge Gas reallocate the portion of the IRP pilot project budget related to the denied advanced gas technologies to electrification measures, and

These impugned aspects of the decision were not made in error, and were instead based on the clear evidence that the electric IRP measures were far more cost-effective than the gas IRP measures. Enbridge's objections relate to non-essential passages in the decision unrelated to this key fact, which justifies the decision to reallocate pilot funding to the most cost effective measures. Enbridge's evidence in this proceeding clearly showed that reducing peak gas demand with a gas heat pump costs *five times* compared to an electric air source heat pump. This is shown in the figure to below.¹



The cost of peak demand reductions is key in the integrated planning resource context as peak demand reductions are typically what is needed to avoid traditional infrastructure investments. In light of this extreme cost differential on the key metric of peak hour reductions, the decision of the original panel would appear to be not only within the range of reasonable decisions, but the correct decision.² There are no errors justifying a review.

¹ JT1.4 (calculation: total cost divided by m3/hr reduction).

² *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65](#).

No errors re issue #3

Enbridge describes review issue 3 as follows:

- **Review Issue #3:** The direction that Enbridge Gas must consult with the OEB's IRP Technical Working Group on a potential second IRP pilot that explores creative solutions that go beyond current demand side management (DSM) offerings, including a number of proposed measures such as alternatives to new connections.

Enbridge has not identified any potential errors in relation to this issue. The crux of this aspect of the decision is that Enbridge did not put forward a pilot that would avoid, reduce, or delay infrastructure, or that would test the DCF+ test.³ None of the seven purported errors alleged by Enbridge relate to this. Furthermore, the direction to consult with a working group and to explore innovative solutions cannot be said to be in error. It is very common for the OEB to encourage consultation with experts and the exploration of innovative solutions.

For those reasons, Environmental Defence asks that the OEB close this file such that it and the parties can focus their efforts on the IRP framework consultation.

Yours truly,



Kent Elson

³ Decision and Order, March 27, 2025, p. 9.