



Evan Tomek
Senior Advisor
Regulatory Applications - LTC
Regulatory Affairs

tel (226) 229-9598
Evan.Tomek@enbridge.com
EGIRegulatoryProceedings@enbridge.com

Enbridge Gas Inc.
3840 Rhodes Drive
P.O. Box 700
Windsor, ON N9A 6N7
Canada

March 9, 2026

VIA EMAIL and RESS

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th floor
P.O. Box 2319
Toronto, Ontario, M4P 1E4

Dear Ritchie Murray:

**Re: Enbridge Gas Inc. (Enbridge Gas or the Company)
Ontario Energy Board (OEB) File No.: EB-2025-0306
Lanark and Balderson Community Expansion Project (the Project)
Response to Climate Network Lanark (CNL) Evidence Proposal**

These are Enbridge Gas's submissions regarding the evidence proposals of CNL, filed with the OEB on March 1, 2026.

Enbridge Gas submits that the evidence proposal of CNL should be denied in its entirety. In addition to the fact of CNL's late evidence proposal (which has caused a knock-on effect in procedural timelines as documented in the OEB's Procedural Order No. 2¹), all of the proposals from CNL are for evidence that will be irrelevant, duplicative, or simply unhelpful to the OEB's decision in this proceeding. The OEB has repeatedly stated in its decisions on evidence proposals in several recent Community Expansion projects² and in Motions to Review³, that evidence of this nature was not required to inform their decisions, a view that was upheld by the Ontario Superior Court of Justice Divisional Court on February 23, 2026.⁴

The specific evidence proposals of CNL are addressed in more detail below.

Local Consumer Impacts

- a) *Local views on the proposed project, including views in the impacted municipalities that have not indicated support for the project.*

It is unclear from CNL's submission who will provide the affidavit evidence it proposes to supply, or, assuming this evidence will be provided by local residents or

¹ EB-2025-0306, Procedural Order No. 2, March 5, 2026.

² EB-2022-0156 Selwyn Community Expansion, EB-2022-0248 Mohawks of the Bay of Quinte and Shannonville Community Expansion, EB-2022-0249 Hidden Valley Community Expansion, EB-2022-0111 Bobcaygeon Community Expansion, EB-2023-0200 Sandford Community Expansion, EB-2023-0201 Eganville Community Expansion, EB-2023-0261 Neustadt Community Expansion.

³ EB-2023-0313, EB-2024-0186/0197.

⁴ *Environmental Defence Canada Inc. v. Ontario Energy Board*, 2026 ONSC 1002.

CNL members, how many individuals will provide it. In any event, even if all of CNL's purported 1,200 supporters⁵ opposed the Project, and assuming that they all reside within Lanark County, they would only represent 1.5 percent of the Lanark County population, and they are under no obligation to connect to natural gas after an extension of natural gas services to the community. The County of Lanark, representing approximately 76,000 residents,⁶ has clearly communicated support for the project.⁷ It is already understood, based on the Forum Research Survey undertaken to gauge support for the Project that only a portion of residents (71 percent) are likely to connect to natural gas.⁸ Accordingly, evidence proffered to support the contention that some community members may not connect is duplicative and unnecessary.

b) Enbridge marketing to potential local customers, and whether it has been fair and accurate

CNL is not specific in their evidence proposals on which marketing materials or activities they plan to examine. And, as above, it is not clear who will provide the associated "affidavit evidence" on this matter. More importantly, the issue of marketing materials (including fuel cost comparison information) has already been subject to considerable examination in other proceedings (including 2024 Enbridge Gas Rebasing), and in fact remains a live issue for Phase 3 Rebasing. In any event, similar evidence proposals from ED in the past have been denied repeatedly by the OEB (see footnotes 2, 3 and 4 above).

Further, any customer attachment decisions in the Project area would occur after the completion of construction (anticipated 2027-2028) and will necessarily be informed by then-current customer considerations, including energy pricing, market conditions, and/or non-economic factors. Therefore, not only is CNL's proposed evidence out of scope, any possible probative value to be gained from it would be highly questionable and unlikely to assist the OEB's deliberation of in-scope issues. Enbridge Gas stands behind its customer forecast for the Project filed on November 27, 2025, which is only partly informed by the 2023 Forum Research survey;⁹ and further, the Rate Stability Period (RSP) construct offers additional protections to ratepayers in the event of any revenue shortfall.¹⁰

c) Factors that may have a potential impact on the number of connections

While it is not clear what factors CNL is proposing to file evidence on, the OEB has been clear that the predominant factors in determining whether a Community Expansion project is in the public interest are the NGEF legislation, and survey and municipal support evidence:

⁵ EB-2024-0342, Affidavit of Susan Brandum, para. 4, April 22, 2025.

⁶ <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&SearchText=Lanark&DGUIDlist=2021A00033509&GENDERlist=1,2,3&STATISTIClist=1&HEADERlist=0>

⁷ Exhibit B, Tab 1, Schedule 1, Attachment 2.

⁸ Exhibit B, Tab 1, Schedule 1, pp 3-4.

⁹ Exhibit B, Tab 1, Schedule 1, p. 5.

¹⁰ Exhibit E, Tab 1, Schedule 1, p. 4.

“The principal evidence for this is derived from the legislation establishing the [NGEP] program and approving a commitment of funding the project through a selection process. Further confirmation of project need has been presented by survey and municipality representation favoring expansion of natural gas service.”¹¹

Additional evidence on other factors is unnecessary at best, and an inefficient use of time and ratepayer funds at worst.

Survey Evidence

Despite CNL’s submission to the contrary, their proposal to submit survey evidence to dispute or contradict the Company’s survey evidence is in fact, no different from the past survey evidence proposals by Environmental Defence (ED) in previous Community Expansion cases, which were denied by the OEB; a decision upheld by the OEB in a subsequent motion to review and by the Divisional Court on appeal. In EB-2022-0111, in its decision on ED’s proposal to file survey evidence, the OEB’s rationale for its decision to disallow the proposed survey evidence was as follows:

“The OEB is of the view that the proposed survey evidence is not likely to provide information that could support a definitive conclusion that the project does not meet the requisite goals established in legislation and/or is uneconomic and contrary to the public interest. The OEB further finds that there are potential protections to the public interest including the community’s continued unimpeded access to heat pumps, the RSP, and the OEB’s expectations concerning project financial results upon rebasing, the efficacy of which may be addressed in final arguments”¹²

The fact that CNL is a local organization with local interests has no bearing on whether additional survey evidence would be of any incremental value to the OEB.¹³

In this proceeding, as reinforced by the OEB in past proceedings where ED was denied the opportunity to file evidence related to the Company’s customer attachment forecast, CNL or any other party will still have an opportunity to test Enbridge Gas’s evidence. In denying ED’s motion to review its decision to disallow evidence proposed by ED in the Selwyn and Hidden Valley proceedings, the OEB noted:

“Despite not being allowed to file the evidence it wanted to, Environmental Defence was able to elicit and test Enbridge Gas’s evidence through interrogatories and to critique Enbridge Gas’s evidence in its final submission.”¹⁴

Finally, in an appeal of a similar decision in the Bobcaygeon, Neustadt, Eganville and Sandford matters, the Divisional Court noted that:

¹¹ EB-2022-0111 Decision and Procedural Order No. 2, February 20, 2024.

¹² Ibid, p. 19.

¹³ In EB-2023-0200 Sandford Community Expansion, survey evidence was proposed by a local resident Elizabeth Carswell, and it was similarly denied by the OEB.

¹⁴ EB-2023-0313 Decision and Order, December 13, 2023, p. 15.

“Leave to construct proceedings may involve many intervenors. The OEB must have the ability to make evidentiary decisions that balance fairness and efficiency.”¹⁵

And,

“The OEB properly considered whether the probative value of the proposed survey evidence outweighed the need to ensure the expeditious resolution of the proceedings.”¹⁶

It is respectfully submitted that the same assessment can and should be applied in this instance.

Conclusion

Based on the foregoing, Enbridge Gas submits that CNL’s evidence proposals should be denied by the OEB. Evidence of this nature will not be incrementally instructive to the OEB in making its decision, and the prejudice resulting from its inclusion would therefore not overcome the OEB’s need to ensure efficient and expeditious process. For these reasons, and as evidenced by the OEB and Divisional Court appeal decisions referenced above, the request to allow CNL to file evidence should be denied.

Yours truly,

Evan Tomek

Evan Tomek
Senior Advisor, Regulatory Applications – Leave to Construct

Cc: Arend Wakeford (Enbridge Gas Counsel)
Natalya Plummer (OEB Case Manager)
Michael Brophy (Pollution Probe)
Kent Elson (Climate Network Lanark)
Kate Siemiatycki (Climate Network Lanark)
Dwayne R. Quinn (Federation of Rental-housing Providers of Ontario)

¹⁵ *Environmental Defence Canada Inc. v. Ontario Energy Board*, 2026 ONSC 1002, par. 36.

¹⁶ *Environmental Defence Canada Inc. v. Ontario Energy Board*, 2026 ONSC 1002, par. 39.