

**ONTARIO ENERGY BOARD**

**Enbridge Gas Inc.**

**EB-2025-0064 Enbridge Gas Phase 3 Rebasing**

**Pollution Probe Motion**

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**POLLUTION PROBE REPLY ARGUMENT**

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## **1. Introduction and Overview**

Pollution Probe filed a motion on July 18, 2025 requesting that the Ontario Energy Board (OEB) require Enbridge Gas (Enbridge) to provide written responses to questions it refused to answer during the interrogatory and technical conference process<sup>1</sup>. The motion also requested that the OEB confirm the scope of Issue 13, specifically regarding Integrated Resource Planning and Enbridge Gas's updated marketing materials. Pollution Probe subsequently revised its motion on July 21, 2025 to delete Exhibit I.1.3-OHBA-2 from its request<sup>2</sup>. Procedural Order No. 5 dated April 21, 2026 outlined the written process to resolve the request<sup>3</sup>.

Procedural Order No.5 established the process to address the outstanding non-ratemaking matters, related to Issues 13 (a) through (d), more specifically:

*Issue 13: Has Enbridge Gas identified and responded appropriately to all relevant OEB directions and Enbridge Gas commitments made in OEB proceedings (inclusive of any relevant directions arising from the OEB's pending decision on Phase 2), including those relating to:*

- a) an update on the Automated Metering Infrastructure pilot project;*
- b) a report on the steps that it has taken to achieve the capital reduction set out in the Phase 1 Decision;*
- c) reporting on the status of its responses to previous Integrated Resource Planning directions;*
- d) filing updated written marketing materials or reference materials aimed at customers, potential customers, HVAC contractors or builders that include or previously included energy comparison information;*

The Pollution Probe motion relates to Issues 13 c and d, which are issues specifically carried over from previous phases of the Rebasing proceeding given that Enbridge had not provided the information in those phases to resolve the issues related to the Rebasing proceeding issues. Stakeholders and the OEB provided additional time through moving the issues to this Phase 3 proceeding. These issues are not on the Issues List by mistake and have been included for full review and resolution in this proceeding. In fact, many recent OEB Decisions have referenced that issues such as the full review of marketing materials will be reviewed and addressed in this proceeding.

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<sup>1</sup> PollutionProbe\_Motion\_20250718.

<sup>2</sup> PollutionProbe\_Motion\_Revision\_20250721.

<sup>3</sup> PO5\_EGI Rebasing Phase-3B\_20260421.

To be clear Issue 13 on the Issues List relates to whether “Enbridge *Gas identified and responded appropriately to all relevant OEB directions and Enbridge Gas commitments made*” for the issues listed. This is a current assessment relevant to this Rebasing proceeding and not a potential future review and amendment of an OEB Framework, as Enbridge seems to now suggest. As outlined by Pollution Probe and other stakeholders, these issues are specifically relevant to this proceeding and are not in the scope of any future proceeding.

It appears that Enbridge would prefer to avoid providing the requested information relevant to the IRP and marketing materials issues as outlined on the Issues List and to defer them or perhaps simply cross them off the list as resolved. The reason that these issues are on the Issues List is not a matter of Enbridge’s preference, but to consider the current and specific issues relevant to this proceeding, and which have been referred via several other proceedings (including earlier phases of the Rebasing proceeding, recent Leave to Construct decisions, and others proceedings that have identified a need to resolve these issues now).

Pollution Probe believes that the scope of Issue 13 is clear and that the information requested is required to provide the objective and transparent record needed to assess these issues in the procedural manner laid out by the OEB. Failing to provide the requested information would leave a void in the information needed to properly assess these issues.

No party has supported the approach that Enbridge has suggested in their comments<sup>4</sup>, and in fact stakeholder submissions noted the opposite and are in support of ensuring that the required information be placed in an open and transparent manner on the public record in this proceeding.

Issue 13c relates to Enbridge reporting on the status of its responses to previous Integrated Resource Planning directions and Issue 13d relates to Enbridge marketing and reference materials comparing natural gas to alternatives. Pollution Probe’s motion noted that “these issues represents a long-standing set of problems to be addressed in this Rebasing proceeding”<sup>5</sup>. As noted, recent OEB decisions specifically identify this Rebasing proceeding as being the appropriate place to thoroughly examine and resolve those issues. Additional details are included below under the specific submissions for the information requests related to Issue 13 c and d.

Enbridge highlights the number of interrogatory responses it agreed to provide during the earlier stage of this process. The broader scope of this proceeding was significant and important, including the rate harmonisation issues that took significant additional

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<sup>4</sup> EGI\_Response to Pollution Probe motion\_EB-2025-0064\_05012026.

<sup>5</sup> PollutionProbe\_Motion\_20250718.

time to work through and resulted in an OEB approved settlement proposal. Extrapolating the interrogatory responses provided earlier by Enbridge to the remaining issues where Enbridge has refused to provide responses is clearly an apples to oranges extrapolation. It is not useful or relevant to this motion. If Enbridge provided the answers to the questions related to the IRP and marketing material issues requested, there would have been no need to put forward this motion. Pollution Probe would have much preferred that approach.

Interestingly, Environmental Defence has questioned the basis on why Enbridge continues to take significant efforts to refuse providing full responses based on the Pollution Probe request and motion<sup>6</sup>. It is unclear why Enbridge has provided some information as a sample and not provided the full information as requested by Pollution Probe. It will only be clear once the OEB orders Enbridge to provide a full record of the information requested.

### **Requested Clarity Related to the Scope of Issue 13**

As noted in Procedural Order No. 5<sup>7</sup>, the motion also requested that the OEB confirm the scope of Issue 13, specifically regarding Integrated Resource Planning and Enbridge's marketing materials, (parts c and d of Issue 13). Pollution Probe was a party to the Issues Conference and agreed with the updated Issues List submitted to the OEB on April 1, 2025<sup>8</sup>, which was ultimately accepted by the OEB for purposes of scoping this proceeding<sup>9</sup>. It appears that Enbridge is now suggesting that questions on certain topics that it prefers to avoid are out of scope, despite the clear language included under Issue 13. It is common for the OEB to allow an inclusive consideration of information related to the Issues List unless there is specific wording included that restricts the scope of the issue. There are no such restrictions in this case. Pollution Probe was a party to the Issues Conference that led to the specific wording for Issues 13 c and d, and we believe that the wording and intent is clear for purposes of this proceeding. No party has requested that the actual Issues List wording be changed to reflect the changes that Enbridge is now attempting to apply.

If the OEB orders Enbridge to provide a complete and fulsome response to the questions Enbridge has refused to answer during the interrogatory process and the Technical Conference, it will reconfirm the scope of Issue 13 as written and approved, providing the clarity required. If the scope is restricted beyond the actual wording of the

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<sup>6</sup> ED\_Ltr\_20260515.

<sup>7</sup> PO5\_EGI Rebasing Phase-3B\_20260421.

<sup>8</sup> OEB Staff\_Proposed Issues List\_EGI 2024 Rebasing Phase 3\_20250401.

<sup>9</sup> dec\_Issues List\_PO2\_EGI\_Ph\_3\_20250516.

Issues List, it would impact the procedural fairness of the process and require specific direction for the remainder of this proceeding that does not exist. A narrowing of the scope for these issues would also not be aligned with the OEB approved settlement proposal from Phase 2 or the OEB's decisions from other recent proceedings that related to these issues being fully reviewed and resolved through this proceeding.

Pollution Probe is simply asking the OEB to require Enbridge to provide the requested information relevant to the issues that are on the Issues List in this proceeding, so that the necessary information is available on the record to properly consider these issues.

**Pollution Probe's request related to Issue 13c - reporting on the status of its responses to previous Integrated Resource Planning directions**

As noted above, the basis and importance for Issue 13c being included on the Phase 3 Issues List is based on this being the most appropriate place to consider this issue for purposes of the Rebasing proceeding. This issue was moved specifically to Phase 3 for the reasons outlined below. This issue is being considered in the context the 2024 Rebasing and is specifically different from any future review or evaluation of the IRP Framework itself. Issue 13c and the motion request is not to review and assess the IRP Framework, but simply to provide current and necessary information relevant to this proceeding.

It is also important to recognize other OEB Decisions relevant to the Rebasing term which specifically note that this issue is being reviewed and assessed as part of the Rebasing proceeding. There has been ongoing concern about IRP delivery and results in alignment with OEB requirements heading in this Phase 3 proceeding, including stakeholder concerns regarding the status of EGI's compliance with the IRP decision<sup>10</sup>. Phases 1 and 2 of the Rebasing proceeding identified issues related to IRP that led to this issue being specifically included on the Phase 3 Issues List. Other recent OEB Decisions highlighted similar concerns<sup>11</sup>.

Issue 13 in this Rebasing Phase 3 proceeding is based on Enbridge activities to the current period, not a future review and evaluation of the IRP Framework, as suggested by Enbridge. Enbridge noted in its response to this motion<sup>12</sup>:

*"In the EB-2025-0125 consultation titled "Review and Evaluation of the Integrated Resource Planning Framework for Enbridge Gas" ... "On April 28, 2026, the OEB concluded that consultation and directed Enbridge Gas to file an*

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<sup>10</sup> EB-2022-0133 Exhibit N1, Tab 1, Schedule 1, Page 12, Issue 7.

<sup>11</sup> E.g. EB-2022-0335 dec\_order\_IRP Pilot\_20250327, page 9.

<sup>12</sup> EGI\_Response to Pollution Probe motion\_EB-2025-0064\_05012026, page 2.

*updated IRP Framework for review, taking into account the proposals and submissions made by other parties in the consultation. Regulatory efficiency is not served, but in fact is undermined, by examining the same issue(s) in multiple proceedings.”*

Enbridge’s comments<sup>13</sup> focus on several incorrect and misleading statements which attempt to modify the actual scope of Issue 13c and suggest that it somehow relates to a future review and update of the IRP Framework. This Rebasing proceeding is focused on the here and now of issues specifically relevant to the Rebasing term and based on whether Enbridge has “*identified and responded appropriately to all relevant OEB directions and Enbridge Gas commitments*”. The issue in this proceeding does include a future review or modification to the IRP Framework and Pollution Probe is not requesting that the Issues List be modified to do so.

As noted in Pollution Probe’s July 18, 2025 letter, “The evidence filed by Enbridge in Phase 2 did not include sufficient details to allow the OEB and stakeholders to review if actions Enbridge has implemented are in accordance with requirements and commitments since the IRP Decision and IRP Framework was established in 2021, or what actions are required to come into compliance. Stakeholder concern with Enbridge’s compliance with IRP requirements has been ongoing and the Rebasing proceeding was intended to level set against those expectations and ensure that ongoing issues do not continue to persist. Stakeholder concern has also been noted in the recent Phase 2 proceeding and in order to proceed with a settlement for Phase, parties to the settlement (including Enbridge) agreed to provide additional time for Enbridge to provide the detailed information.”<sup>14</sup>

The information Enbridge has filed is selective, cursory and incomplete. It does not provide sufficient information to assess whether Enbridge has “*identified and responded appropriately to all relevant OEB directions and Enbridge Gas commitments*” pertaining to IRP. Pollution Probe has requested full and complete information related to the interrogatories that Enbridge has refused to answer. Below is a list of those interrogatories with a short summary of the relevance in this proceeding.

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<sup>13</sup> EGI\_Response to Pollution Probe motion\_EB-2025-0064\_05012026.

<sup>14</sup> Phase 2 settlement includes wording in EB-2024-0111 Exhibit N Tab 1 Schedule 1 Page 35.

Interrogatory	Summary of Relevance
Exhibit I.1.13-PP-2	The request for information related to Enbridge’s review (if any) of internal activities and improvements related to IRP requirements is directly related to Issue 13c. Concerns and gaps have been identified by stakeholder related to compliance with IRP requirements and related progress. This request relates to whether Enbridge has undertaken any activities to consider those IRP issues and put in place any improvements to mitigate the problems. If not, those issues will continue to persist in this Rebasing term.
Exhibit I.1.13-PP-9	This IR relates to IRP process changes Enbridge indicates it has made, controls and performance tracking related to IRP requirements and commitments. This IR also requests any Enbridge audits related to IRP which would help identify what IRP compliance gaps remain and if any actions have been put in place to resolve them. If not, those issues will continue to persist in this Rebasing term.
Exhibit I.1.13-PP-10	This IR relates to any Enbridge training efforts to ensure that staff are aware of IRP requirements and how to ensure that requirements and commitment are effectively implemented. This IR also requests any audits materials and results that would identify if the training outcomes are effectively ensuring that IRP requirements and commitment have been resolved heading in this Rebasing term. If not, those issues will continue to persist in this Rebasing term.
Exhibit I.1.13-PP-14	This IR relates to the actual results from Enbridge’s existing IRP process to identify or implement IRP alternatives. Per the preamble, Enbridge notes the importance to look at current state separately and in advance of any future review of the IRP Framework. The current state is the foundation for the Rebasing application and proceeding. The OEB has consistently linked the requirement for effective IRP assessment and alternatives to the AMP process. This IR simply asked for the current state information.
Exhibit I.1.13-PP-21	This IR relates to the current information that Enbridge committed to undertake as part of the IRP Pilot Project approved by the OEB. Enbridge confirmed that these activities have not been delayed <sup>15</sup> . The IRP Pilot is intended to improve the delivery of IRP, including during the Rebasing term. The requested information includes the scope and approach Enbridge has used to ensure IRP evaluation provides the IRP Pilot results reporting and improvements that apply during this Rebasing term. Also, the OEB consistently identified (including during the Rebasing proceedings) the requirement for Enbridge to deliver on two IRP Pilots and this information informs the OEB on Enbridge’s evaluation approach implemented as Enbridge works to comply with development and delivery of the second IRP Pilot project.
Exhibit I.1.13-ED-3	This IR relates to the status and actions undertaken by Enbridge to comply with IRP requirements. It requests a copy of Enbridge’s DCF+ Supplemental Guide and details of how it currently advances IRP Alternatives. Progress on DCF+ and IRP alternatives is directly related to OEB directions and Enbridge commitments for IRP.

<sup>15</sup> EB-2025-0333 dec\_order\_EGI\_Motion to review\_IRPP\_20260514, page 16.

**Updated written marketing materials or reference materials (Issued 13d)**

As the OEB is aware, among with other commitments, Enbridge agreed to suspend natural gas marketing materials that were based on comparative analysis and to file details on the material updates in this Phase 3 proceeding<sup>16</sup>. The requirement specifically notes:

*“Enbridge Gas agrees that updated materials shall be filed in Phase 3 of the 2024 rates proceeding, or in a subsequent proceeding if not complete at that time.”*

Enbridge only provided a limited sample (what Enbridge refers to as a representative set<sup>17</sup>) of its current marketing materials in its filing and has refused to provide the full set of materials requested and required in compliance with the Phase 2 OEB approved settlement proposal<sup>18</sup>. Pollution Probe has requested a full and complete copy of all the current materials and the reference information used to support the statements included. In its comments submitted on this motion, Enbridge actually reconfirms that it agreed to cease using marketing materials promoting natural gas and agreed that it would file any updated materials<sup>19</sup>. This request should not be a surprise.

Enbridge suggests that the marketing material review process is complete and there is nothing outstanding following this Phase 3 proceeding. If the process is complete, all the materials should be readily available. If Enbridge has not completed the required review and material updates, it can simply state which specific updates are not yet completed. The OEB requirement that Enbridge file a report on the materials review and update was intended to clearly lay out what was done, the process to validate the information and assumptions are objectively accurate and what the outcomes were. The report filed by Enbridge did not provide that useful level of information. Regardless, providing all current materials is the basis of the need and requirement. Having the more detailed report ordered by the OEB would provide context to understand how detailed and effective the process was.

Issues with Enbridge’s marketing and informational materials have been long-standing. In Phase 1 of the Rebasing proceeding, the OEB directed Enbridge to undertake a review of its energy comparison information, file a report on those activities and to make

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<sup>16</sup> EB-2024-0111 Exhibit N Tab 1 Schedule 1 Page 34.

<sup>17</sup> EGI\_Response to Pollution Probe motion\_EB-2025-0064\_05012026, page 3.

<sup>18</sup> E.g. refusal to provide the full set of materials in Exhibit I.1.16-PP-23 and during the technical conference.

<sup>19</sup> *ibid*

the required updates<sup>20</sup>. The Phase 2 Rebasing proceeding included an issue<sup>21</sup> stemming from problems and concerns identified in the Rebasing Phase 1 proceeding:

*Issue 24: Has Enbridge Gas appropriately reviewed the energy comparison information in its informational and marketing materials, and taken appropriate actions based on its review?*

The information filed in Phase 2 was not complete or sufficient and the OEB approved Settlement Proposal provided Enbridge additional time to package and file all the marketing materials and related references.

The OEB is aware of the challenges related to the legacy marketing materials and underlying references that Enbridge agreed to suspend pending a thorough review and update. The OEB has also consistently highlighted the need to ensure objective and factually correct information is provided to potential customers that may be considering natural gas<sup>22</sup>. In recent proceedings the OEB has noted, among other things that:

- *“The OEB requires and expects Enbridge Gas to provide fair and accurate information concerning its services to its current and potential customers. This includes any representations to customers concerning products and opportunities associated with competitors or the OEB-approved DSM programs.”<sup>23</sup>*
- *“The OEB also notes that “this does not appear to be an issue that has been bereft of regulatory scrutiny.”<sup>24</sup>*
- *“In Phase 3, the OEB made provision for the filing of evidence regarding the fairness and accuracy of Enbridge Gas’s marketing materials in Procedural Order #5. The OEB finds it would be duplicative to hear evidence in this proceeding, as the scope of the issue in Phase 3 applies to Enbridge Gas’s marketing materials beyond those potentially circulated within the subject area of this proceeding.”<sup>25</sup>*

Enbridge notes<sup>26</sup> that it provided in a separate filing the most current cost comparison disclaimer information that it has been using, in response to the April 17, 2026, letter

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<sup>20</sup> EB-2022-0200 Rebasing Phase 1 OEB Order, page 140, item d.

<sup>21</sup> EB-2024-0111 dec\_Issues List\_PO 2\_EGI Rebasing\_Ph 2\_20240530.

<sup>22</sup> E.g. EB-2023-0261 dec\_ord\_EGI Neustadt NGEP\_20240523 page 28, EB-2023-0201 dec\_order\_EGI\_Eganville\_NGEP\_20240530 page 30, EB-2023-0200 dec\_order\_EGI\_Sandford\_NGEP\_20240704 page 31, etc.

<sup>23</sup> E.g. EB-2023-0201 dec\_order\_EGI\_Eganville\_NGEP\_20240530, page 30 and similar wording in other recent proceedings.

<sup>24</sup> Ibid.

<sup>25</sup> EB-2025-0306 PO3\_EGI\_Lanark Balderson\_LTC\_20260501, pages 8-9. Similar references in other recent OEB project Decisions to this Phase 3 proceeding Issues List as the basis to review Enbridge marketing materials.

<sup>26</sup> EGI\_Response to Pollution Probe motion\_EB-2025-0064\_05012026, page 3.

from Environmental Defence. This is relevant to the Environmental Defence request, but does not actually provide the materials requested in this Pollution Probe motion. As noted above, the Environmental Defence submission in support of Pollution Probe's motion questions the basis of why Enbridge would continue to withhold the full set of requested materials.

Enbridge suggests that there is an onus on Pollution Probe to demonstrate that there are inaccuracies in the marketing materials that Enbridge has refused to provide in order to form a basis to provide those materials on the public record. This is contrary to any standard used by the OEB in a situation like this. Pollution Probe does not have a procedural requirement to prove the inaccuracies of the marketing materials in order for them to be placed on the public record in a full and complete manner. In fact, it is impossible to assess those materials until they are provided. Pollution Probe is hopeful that once the information requested is placed on the record and properly assessed, it is possible that it could represent updated objective and current information that parties were hoping for and Ontario consumers deserve. It is only possible to make that determination once all the information is made available by Enbridge.

Pollution Probe has requested a full and complete set of the natural gas marketing materials including the reference materials reference to support the comparative assumptions and calculations used (including those not yet distributed). If there are any materials that have not been updated, that should be stated. If any of the updated materials (e.g. marketing or survey materials used for community expansion) were updated, but not yet distributed, Pollution Probe requested an estimate on when Enbridge plans to use those materials.

Ensuring that the current marketing materials and related reference material for the natural gas marketing materials are placed on the public record in this proceeding is required to proceed openly and transparently with Issue 13d. Without them, there is no way to objectively assess a response for Issue 13d.