

Elson Advocacy

May 26, 2026

Ritchie Murray

Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4

Dear Mr. Murray,

**Re: Enbridge 2027-2030 Demand Side Management (“DSM”) Plan
EB-2025-0295**

I am writing on behalf of the Green Energy Coalition (“GEC”) and Environmental Defence Canada pursuant to *Procedural Order #3* to respond to the objections of Enbridge regarding the proposed evidence of the Energy Futures Group (“EFG”).

Stakeholder Advisory Group report does not displace the need for expert evidence

Enbridge asks that the OEB “expressly direct intervenor evidence to only focus on matters not already dealt with by industry experts through the SAG.” This direction would undermine the OEB’s review of the proposed DSM plan and is based on a misunderstanding of the purpose of the SAG, the SAG activities, and the role of an OEB hearing.

Enbridge’s submissions seem to imply that the SAG reviewed the DSM plan that is before the OEB. That is not the case. Indeed, the SAG did not review:

1. The current 2027-2030 plan;
2. The 2026 rollover plan; or
3. The previous 2026-2030 plan.

With respect to the 2026-2030 plan, the SAG stated as follows:

Non-utility SAG members were not provided with a final version of Enbridge Gas’s DSM application in advance of filing, so the contents of this report should not be construed as SAG opinions or recommendations on the specifics of the application. The proposals put forward by Enbridge Gas will be adjudicated based on the evidence filed in the application.¹

¹ EB-2025-0295, Exhibit C, Tab 1, Schedule 4, Attachment 1, Page 80 of 89.

The SAG itself was clear in November of 2024 that even the 2026-2030 plan required adjudication. Much has changed since that time, including major changes to the proposed savings levels, investment levels, and program details. There has not been a process to secure SAG input on any of those changes following the 2024 SAG report.² It is absurd for Enbridge to argue that the 2024 SAG report is sufficient to displace the need for expert evidence at the adjudication stage of the DSM plan that is before the OEB today.

The purpose of the SAG was to surface ideas and information prior to the filing of a DSM plan, in part to “obviate some of the disagreements among Enbridge Gas and parties.”³ This does not displace the adjudicative process or the need for expert evidence. This is particularly the case where Enbridge has not adopted a recommendation by a SAG member. The fact that a SAG member has made a recommendation is not sufficient evidence in support of that recommendation. Expert evidence goes beyond a mere recommendation as it also includes the facts and rationales required in an adjudicative process to make a case for that recommendation.

Enbridge’s proposed restriction is also unworkable. It argues that witnesses be prohibited from addressing matters that were “dealt with” by the SAG. The SAG report discusses many matters. Interpreted broadly, Enbridge’s restriction would prohibit expert evidence on almost all matters.

Mr. Neme is extremely busy. If a point can be made in his evidence more efficiently by excerpting a portion of the SAG report, thereby saving some drafting time, he will do so. There is nothing to be gained – and a great deal to be lost – by restricting the expert testimony as suggested by Enbridge.

Evidence proposal not vague, open-ended, or beyond scope

Enbridge argues that the description of the proposed EFG evidence is overly vague. This is without merit. The description lists three areas of focus and seven more specific topic areas. This is consistent with *Procedural Order #3*, which asked parties filing evidence to “file a letter that briefly discusses the scope of the evidence” (emphasis added). It would not be efficient for intervenors to be expected to provide more lengthy and detailed evidence descriptions. This would also hinder efforts to retain experts from parties without funding to pay for experts beyond OEB cost award amounts as it would require additional work from the experts to identify issues with more specificity before costs eligibility has been confirmed.

Enbridge argues that the description of the proposed EFG evidence is too open-ended because it refers to “other topics” in its list of topic areas. The Enbridge submissions leave out important and operative wording in the evidence proposal, which refers to “other topics captured by the issues list that arise based on a further review of Enbridge’s evidence and interrogatory responses.” This has been included due to the reality that issues sometimes arise as a proceeding moves forward. For instance, interrogatory responses may provide information that allays initial concerns with a utility proposal and/or presents additional *new* concerns. It is not in the OEB’s interest for evidence on such topics to be ruled out.

² <https://engagewithus.oeb.ca/dsm-sag>.

³ EB-2021-0002, Decision and Order, November 15, 2022, p. 91.

Enbridge asserts that additional detail is required to ensure that the EFG evidence remains in scope. However, the proposal is clear that the EFG evidence will be limited to topics within the issues list and therefore remain in scope. Also, as noted above, the proposal listed three focus areas and seven more specific topic areas. Enbridge has not raised any scope concerns with those specifics.

DSM framework

Enbridge asks the OEB to “(e)xpressly direct intervenor evidence to only focus on matters that do not extend to fundamental changes to the DSM Framework.” Environmental Defence and the GEC do not anticipate at this time proposing what they would consider to be a fundamental change to the DSM Framework. However, the restriction proposed by Enbridge is premature, not in the interests of the development of DSM in Ontario, and not reflective of the way in which DSM policy evolves in Ontario.

If other parties or experts have proposals for how to achieve greater DSM savings more efficiently, we believe they should be considered even if they involve amendments to the DSM framework. If significant amendments to the framework would be required, it is likely that such changes would not be implementable until the next DSM plan. However, the OEB frequently makes directions in DSM and other proceedings that ask for more fundamental changes to be explored in future application materials and hearings. That should not be ruled out of scope here.

Furthermore, Enbridge’s concerns are too vague for us to adequately respond to. Enbridge simply refers to “the apparent desire of several of the intervenors to introduce expert evidence in relation to foundational DSM Framework matters.” It is unclear, for example, if Enbridge may consider any of the EFG evidence areas as straying into “foundational DSM Framework matters.” Accepting Enbridge’s proposal will create uncertainty and delay, such as triggering further efforts by intervenors to ascertain Enbridge’s specific concerns.

Conclusion

In its decision on costs in the previous DSM proceeding, the OEB stated as follows: “Among the intervenors, the OEB found Environmental Defence’s expert witness supported intervention particularly efficient and responsive to the objective of the proceeding.”⁴ Environmental Defence plans to take the same approach in this proceeding and hopes, with leave of the OEB, to provide a similarly efficient intervention that is responsive to the objective of the proceeding.

Yours truly,



Kent Elson

cc: parties in the above proceeding

⁴ EB-2021-0002, Decision and Order on Cost Awards, January 31, 2023, p. 3.