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VIA ELECTRONIC FILING

Attention: Nancy Marconi, Registrar of the OEB

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

Dear Registrar:

**RE: EB-2022-0086 – Enbridge Gas Inc. – Dawn to Corunna Replacement Project
CAEPLA-DCLC Proposal for Intervenor Evidence**

We are the lawyers for the Canadian Association of Energy and Pipeline Landowner Associations (“CAEPLA”) and its subcommittee the Dawn Corunna Landowner Committee (“DCLC”) in the EB-2022-0086 proceeding. CAEPLA-DCLC was approved as an intervenor in Procedural Order No. 1 issued by the OEB on May 24, 2022 and submitted Interrogatories to Enbridge Gas Inc. (“Enbridge Gas”) on June 10, 2022. We are writing in response to Procedural Order No. 2 issued by the OEB on July 12, 2022.

The members of CAEPLA-DCLC are agricultural landowners directly affected by Enbridge Gas’ proposed project. Lands owned by CAEPLA-DCLC members represent a substantial proportion of the overall lands affected by the project – of the 55 non-Enbridge Gas Land Titles parcels identified in Enbridge Gas’ Application¹, 30 are owned by CAEPLA-DCLC landowners. In its Intervention Request Letter dated May 9, 2022, CAEPLA-DCLC stated its intention to participate actively in the proceeding by submitting interrogatories, evidence and argument, and requested that an oral hearing be held with the opportunity to cross-examine Enbridge Gas’ witnesses and fully test Enbridge Gas’ evidence in support of its application. CAEPLA-DCLC landowners wish to ensure that the environmental and socio-economic impacts of the proposed project are properly assessed and addressed by Enbridge Gas and the OEB.

In Procedural Order No. 2 issued on July 12, 2022, the OEB has determined that it will proceed by way of a written hearing with a technical conference as a forum in which the parties can seek clarification on Enbridge Gas’s responses to Interrogatories. A timetable has been set for the technical conference, responses from Enbridge Gas to undertakings from the technical conference, and written argument from the parties. No provision has been made in Procedural Order No. 2 for the filing of evidence by intervenors.

¹ Enbridge Gas Application, Exhibit G, Tab 1, Schedule 1, Attachment 2.

While CAEPLA-DCLC's strong preference is for an oral hearing with the opportunity to cross-examine Enbridge Gas' witnesses on their evidence, CAEPLA-DCLC is trusting that the technical conference may provide a similar opportunity to test Enbridge Gas' evidence including its responses to Interrogatories. Therefore, CAEPLA-DCLC is not requesting that the OEB reconsider its decision to proceed by way of a written hearing.

However, CAEPLA-DCLC is requesting that provision be made by the OEB for intervenor evidence in this proceeding. In written argument, CAEPLA-DCLC intends to ask the OEB to impose conditions of approval on the Enbridge Gas project in respect of the mitigation of environmental and socio-economic impacts and in connection with the form of landowner agreements to be approved by the OEB to the extent that these issues may not have already been resolved as between CAEPLA-DCLC and Enbridge Gas. CAEPLA-DCLC wishes to file evidence from landowners regarding the environmental and socio-economic impacts of the proposed project and the appropriate mitigation measures to be implemented by Enbridge Gas.

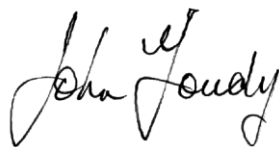
It is submitted that without evidence from CAEPLA-DCLC and its landowner members, the OEB will not have a sufficient evidentiary record on which to determine whether Enbridge Gas has adequately addressed environmental and socio-economic impacts through its proposed mitigation and restoration program, whether the form of landowner agreements proposed by Enbridge Gas are appropriate and should be approved, and whether any additions or revisions to the OEB's standard conditions of approval are warranted for this project. Under the process set out in Procedural Order No. 2, the OEB will only have evidence from Enbridge Gas, and CAEPLA-DCLC will only be able to refer in its submissions to the OEB to the evidence provided by Enbridge Gas. This results in a procedural unfairness for the CAEPLA-DCLC landowners directly affected by the proposed project.

CAEPLA-DCLC requests that the procedure set out in Procedural Order No. 2 be modified in accordance with Rule 4.03 of the OEB's *Rules of Practice and Procedure* to include the filing of intervenor evidence together with provision for Enbridge Gas to file reply evidence and written interrogatories on intervenor evidence. CAEPLA-DCLC proposes that the deadline for filing of intervenor evidence be set for Friday, August 26, 2022, two weeks following the deadline for responses by Enbridge Gas to undertakings from the technical conference, and that the balance of the procedural schedule be built out from that date. Should the OEB require a formal Notice of Motion from CAEPLA-DCLC in respect of this request, please let us know. Otherwise, we look forward to the OEB's decision on this request.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Yours truly,

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