



Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and ancillary facilities in the Township of Dawn-
Euphemia and St. Clair Township**

**PROCEDURAL ORDER NO. 3
July 15, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on March 21, 2022, under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 20 kilometres of natural gas pipeline from its Dawn Operations Centre in the Township of Dawn-Euphemia to its Corunna Compressor Station in St. Clair Township. The project also includes station work at the Dawn Operations Centre and the Corunna Compressor Station, required to tie-in the new pipeline. Enbridge Gas also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of the project.

On May 24, 2022, the OEB issued Procedural Order No. 1 which, among other things, set a June 10, 2022 deadline for the filing of interrogatories by intervenors and OEB staff. Enbridge Gas was ordered to file its responses to the interrogatories by June 24, 2022. On June 22, 2022, Enbridge Gas requested that the OEB extend the deadline for interrogatory response to June 30, 2022. By letter, dated June 23, 2022, the OEB approved Enbridge Gas's extension request. Enbridge Gas filed its interrogatory responses on June 30, 2022, which included a request for confidential treatment for two of its interrogatory responses.

On July 12, 2022, the OEB issued Procedural Order No. 2 and Decision on Confidentiality, granting Enbridge Gas's request for confidential treatment for two of its interrogatory responses. The OEB also set the schedule for further steps in the proceeding, including a transcribed technical conference on July 27, 2022; written responses by Enbridge Gas to all undertakings from the technical conference by August 12, 2022; argument-in-chief by Enbridge Gas by August 17, 2022; written submissions from OEB staff and intervenors by August 31, 2022; and a reply submission by Enbridge Gas by September 14, 2022.

By letter, dated July 13, 2022, the Canadian Association of Energy and Pipeline Landowner Associations and its subcommittee, the Dawn Corunna Landowner

Committee (CAEPLA-DCLC, which is an intervenor in this proceeding), requested that provision be made by the OEB for intervenor evidence to be filed in this proceeding. CAEPLA-DCLC's letter indicated that it seeks 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". CAEPLA-DCLC's letter stated that without the opportunity to file intervenor evidence, the evidentiary record would be insufficient for the OEB to make determinations in respect of environmental and socio-economic impacts and Enbridge Gas's proposed forms of landowner agreement, resulting in procedural unfairness for directly affected CAEPLA-DCLC landowners. CAEPLA-DCLC proposed that its intervenor evidence be filed by August 26, 2022. CAEPLA-DCLC requested that the OEB also allow for the filing of written interrogatories on intervenor evidence and an opportunity for Enbridge Gas to file reply evidence (if necessary).

The OEB has considered CAEPLA-DCLC's request to file intervenor evidence regarding the environmental and socio-economic impacts of the proposed project and the appropriate mitigation measures to be implemented by Enbridge Gas. The OEB requests that CAEPLA-DCLC, by written letter, provide the OEB with more detailed information on the intervenor evidence it wishes to file to better understand the nature of CAEPLA-DCLC's request. After considering this letter, the OEB will provide further direction with respect to CAEPLA-DCLC's request.

The OEB will also allow other intervenors the opportunity to advise the OEB whether they are seeking to file intervenor evidence in this proceeding.

Next Steps

If any intervenor plans to file evidence in this proceeding, the intervenor must file a letter with the OEB describing the nature of the evidence, whether an expert will be retained, the estimated cost of preparing the evidence¹, and the proposed timing for filing the evidence. The OEB will provide Enbridge Gas the opportunity to respond to the intervenors' evidence letters and for intervenors to reply to Enbridge Gas. After reviewing this material, the OEB will consider whether the evidence is relevant and material to the proceeding.

All other dates set out in Procedural Order No. 2 remain unchanged.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

¹ The cost of the evidence only needs to be filed by cost eligible intervenors.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Intervenors shall inform the OEB by letter of their plans to file evidence in this proceeding, whether an expert will be retained, the estimated costs of the evidence, and the proposed timing for filing the evidence by **July 20, 2022**.
2. CAEPLA-DCLC shall provide the OEB, by letter, with more detailed information regarding the evidence that it seeks to file in this proceeding, whether an expert will be retained, the estimated costs of the evidence, and a confirmation of the proposed timing for filing the evidence by **July 20, 2022**.
3. Enbridge Gas may respond to the intervenors' evidence letter(s), by filing a letter with the OEB and copying all parties, no later than **July 22, 2022**.
4. Intervenors may respond to Enbridge Gas's letter, by filing a letter with the OEB and copying all parties, no later than **July 26, 2022**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2022-0086** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Ritchie Murray at ritchie.murray@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **July 15, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar