



Enbridge Gas Inc.

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

**DECISION ON INTERVENOR EVIDENCE AND PROCEDURAL ORDER NO. 4
July 26, 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 that, among other things, set the schedule for the filing of interrogatories by intervenors and OEB staff and responses from Enbridge Gas. The due date for interrogatory responses was later extended at the request of Enbridge Gas.

On July 12, 2022, the OEB issued Procedural Order No. 2 and Decision on Confidentiality that, among other things, 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), requested that provision be made 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 proposed that its intervenor evidence be filed by August

26, 2022. CAEPLA-DCLC suggested 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).

On July 15, 2022, the OEB issued Procedural Order No. 3 that ordered any intervenor seeking to file evidence provide the OEB by July 20, 2022, with a written description of the nature of the evidence, whether an expert will be retained, the estimated cost of preparing the evidence, and the proposed timing for filing the evidence. The OEB set the schedule for a response from Enbridge Gas to any intervenors' evidence letters and a reply from intervenors to Enbridge Gas's response. All other dates set out in Procedural Order No. 2 remained unchanged.

On July 20, 2022, CAEPLA-DCLC filed a letter with the OEB that provided information on the evidence it seeks to file. No other intervenors expressed an interest in filing evidence.

In its letter, CAEPLA-DCLC, among other things, reiterated its suggestion that its evidence be due on August 26, 2022, which is two weeks following the deadline for Enbridge Gas to file responses to undertakings from the technical conference.

On July 22, 2022, Enbridge Gas filed a response letter with the OEB. Enbridge Gas did not object to CAEPLA-DCLC filing evidence in this proceeding. However, Enbridge Gas expressed concern that CAEPLA-DCLC's proposed timing would create undue delay in the proceeding. Enbridge Gas noted that August 26, 2022, is nearly eight weeks after the filing of interrogatory responses, four weeks after the technical conference, and two weeks after the deadline for the Enbridge Gas's undertaking responses. Enbridge Gas submitted that CAEPLA-DCLC did not need to wait for an order of the OEB to begin preparing its evidence, and that August 9, 2022 (i.e., one week after the completion of the technical conference) is a more appropriate deadline for the filing of evidence by CAEPLA-DCLC.

On July 25, 2022, CAEPLA-DCLC filed a reply letter with the OEB. CAEPLA-DCLC disagreed that it could have begun preparation of its evidence ahead of an order of the OEB that approved the filing of the evidence. CAEPLA-DCLC submitted that its recovery of costs in this proceeding depends on it participating reasonably, complying with the OEB's directions, and not engaging in inappropriate or irresponsible conduct.

The OEB has considered the information and submissions provided by CAEPLA-DCLC and Enbridge Gas in their letters and will grant CAEPLA-DCLC's request to file evidence. The OEB will set the due date for the filing of CAEPLA-DCLC's evidence as August 12, 2022. This date is eleven business days after the issuance of this Procedural Order. The OEB believes this date strikes an appropriate balance between providing CAEPLA-DCLC with sufficient time to prepare its evidence and not introducing

any undue delay in this proceeding. To assist CAEPLA-DCLC in the preparation of its evidence, Enbridge Gas will be required to provide responses to all CAEPLA-DCLC related undertakings before the balance of undertakings are due.

Some dates set out in Procedural Order No. 2 have changed. The amended procedural schedule is provided below.

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

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. A virtual, transcribed technical conference will be convened on **July 27, 2022** beginning at 9:30 a.m. The technical conference will continue on **August 2, 2022**. The technical conference will be conducted by way of a virtual hearing.
2. Enbridge Gas shall file with the OEB complete written responses to all CAEPLA-DCLC undertakings from the technical conference and serve them on all parties by **August 9, 2022**.
3. Enbridge Gas shall file with the OEB complete written responses to all other undertakings from the technical conference and serve them on all parties by **August 12, 2022**.
4. CAEPLA-DCLC shall file with the OEB its evidence and serve it on Enbridge Gas and all parties by **August 12, 2022**.
5. Enbridge Gas shall file its reply evidence, if any, with the OEB and serve it on all parties by **August 17, 2022**.
6. Enbridge Gas, OEB staff and intervenors shall request any relevant information and documentation from CAEPLA-DCLC that is related to its evidence, by written interrogatories filed with the OEB and serve them on all parties by, **August 23, 2022**.
7. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is related to its reply evidence, if any, by written interrogatories filed with the OEB and served on all parties by, **August 23, 2022**.
8. CAEPLA-DCLC shall file with the OEB complete written responses to all interrogatories and serve them on all parties by, **August 29, 2022**.

9. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on all parties by, **August 29, 2022**.
10. Enbridge Gas shall file its argument-in-chief with the OEB and send to all parties by **September 6, 2022**.
11. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **September 20, 2022**.
12. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on all parties by **October 4, 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 26, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar