

Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

August 26, 2022

**EB-2022-0088 – Dawn to Corunna Replacement Project Leave to Construct
Pollution Probe Letter of Comment**

Dear Ms. Marconi:

Pollution Probe is in receipt of the OEB letter for this proceeding dated August 26, 2022. In the letter, the OEB extended the time period for Enbridge and CAEPLA-DCLC to file their letter outlining negotiations and outstanding issues by nine days from the original due date set by the OEB.

Pollution Probe supports the OEB's decision to provide the time needed to adequately work through relevant issues and potentially reduce the number of issues requiring attention in the Enbridge and stakeholder submissions. The OEB timeline for this proceeding is not the gating (i.e. critical path) factor for this project and there are several outstanding activities that will be required in order for Enbridge to proceed with the proposed project (e.g. complete landowner agreements, permits, mitigation plans, etc.).

An OEB Decision in the next few months is in alignment with overall reasonable timelines. Enbridge has suggested some urgency for consideration of this project and stakeholders have questioned the actual urgency of the proposal through the proceeding. Regardless, timelines should not override due process and transparency of the regulatory process. Of course, it will also be important for Enbridge to highlight any urgency it feels exists in its Argument.

Pollution Probe requests that the OEB adjust the deadline for Enbridge Argument, stakeholder submissions and Enbridge Reply Argument accordingly, by the same nine days. This will provide an orderly, transparent and efficient approach enabling all parties to work from the most current and complete information. Receiving the required joint letter 9 days after Enbridge files its Argument will initiate a process that is not orderly, transparent or efficient. If Enbridge does not include all relevant and current issues in its Argument, that will only result in the Enbridge Reply Argument to address those issues.

A Reply Argument is intended for reply to submissions only and not for new information or arguments to be introduced that should have been in the Applicant's initial Argument. Procedural fairness could then be jeopardized and could result in the need for stakeholders to make incremental submissions following Enbridge's Reply Argument. A more efficient approach would be to simply adjust the remaining procedural dates by the nine days proposed by the OEB. This is a minor adjustment in timeline, but will result in a major improvement to the process.



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Respectfully submitted on behalf of Pollution Probe.

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