



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. 5
September 19, 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 August 23, 2022, the OEB issued a letter in response to Enbridge Gas's request that the OEB order a formal settlement negotiation between Enbridge Gas and CAEPLA-DCLC. The OEB decided that an order for formal settlement negotiations is not required. The OEB instructed Enbridge Gas and CAEPLA-DCLC to file, by September 6, 2022, "a joint letter that advises whether any outstanding issues have been settled and describes any agreement. The joint letter should also describe any outstanding issues that have not been settled, if applicable." The OEB noted that any outstanding issues may be addressed by intervenors and OEB staff in their written submissions as currently provided for in Procedural Order No. 4, which established September 20, 2022 as the deadline for the filing of written submissions.

On August 26, 2022, the OEB issued a letter in response to a request from CAEPLA-DCLC to extend the due date for a joint letter from CAEPLA-DCLC and Enbridge Gas Inc. regarding the status of their settlement negotiations. The OEB adjusted the due date from September 6, 2022, to September 15, 2022.

On September 15, 2022, Enbridge Gas filed a joint letter (September 15 Joint Letter) with the OEB that stated that Enbridge Gas and CAEPLA-DCLC have been proactively engaged in constructive negotiations. However, negotiations remain ongoing, and more time is needed to complete the settlement process. Enbridge Gas stated that the two

parties would advise the OEB of the substantive outcome as soon as the process is complete. The letter was silent on any issues that have been settled and any outstanding issues that have not been settled.

The OEB finds that the September 15 Joint Letter does not comply with the information reporting requirements established in its letter of August 23, 2022. The information regarding the settled and remaining unsettled issues is intended to assist intervenors and OEB staff in preparing their submissions, which are currently due on September 20, 2022.

To provide additional time for negotiations and to help ensure parties have sufficient information upon which to base their submissions, the OEB will set September 20, 2022 as the due date for the filing of a compliant joint letter on the status of settlement negotiations. The compliant joint letter shall advise whether any outstanding issues have been settled and describe any agreement. The compliant joint letter shall also describe any outstanding issues that have not been settled, if applicable.

If the compliant joint letter does not confirm that any particular issues have been settled, then, for the purposes of their submissions, parties are to assume that no settlement has been reached on those issues and the OEB will adjudicate accordingly.

The due date for the filing of intervenor and OEB staff submissions will be extended to September 23, 2022. The due date for Enbridge Gas's reply submission remains unchanged.

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. Enbridge Gas and CAEPLA-DCLC shall file with the OEB a compliant joint letter regarding the status of their settlement negotiations by **September 20, 2022**.
2. OEB staff and intervenors shall file their written submissions with the OEB and serve them on all parties by **September 23, 2022**.
3. 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, **September 19, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar