



EPCOR Natural Gas Limited Partnership

Application for a Certificate of Public Convenience and Necessity for Norfolk County

PROCEDURAL ORDER NO. 1 November 22, 2024

EPCOR Natural Gas Limited Partnership (EPCOR Natural Gas) applied to the Ontario Energy Board (OEB) on August 15, 2024, under section 8 of the *Municipal Franchises Act, 1900* for an order granting EPCOR Natural Gas a limited certificate of public convenience and necessity (certificate) that would grant it the right to construct facilities and supply natural gas at Concession 7 – Lots 2 and 3 (excluding municipal address 220 and 230 8th Concession Road) in Norfolk County. The certificate is needed to authorize EPCOR Natural Gas to construct a new pipeline and increase gas supply to its existing greenhouse customer 100516320 Ontario Inc. carrying on business as EZ Grow Farms Ltd. (EZ Grow).

A notice of hearing was issued on October 23, 2024. Interventions closed on November 4, 2024. Each of Enbridge Gas Inc. (Enbridge Gas), 1390204 Ontario Inc., and 2670338 Ontario Inc. applied for intervenor status. 1390204 Ontario Inc. and 2670338 Ontario Inc. also applied for cost eligibility.

No objection was received from EPCOR Natural Gas.

Enbridge Gas, 1390204 Ontario Inc and 2670338 Ontario Inc are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. 1390204 Ontario Inc and 2670338 Ontario Inc are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Individuals that represent their own interests should carefully review the OEB's [Practice Direction on Cost Awards](#) for information about the types of costs and disbursements

that an individual may claim. For example, while wage or salary losses incurred as a result of participating in an OEB hearing may be claimed, fees are not generally permitted to be claimed by individuals under the OEB's Cost Award Tariff.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Request for Confidentiality

EPCOR Natural Gas has requested confidential treatment for certain information relating to load profiles and energy usage for EZ Grow pursuant to section 4.11 of the *Practice Direction on Confidential Filings* (Practice Direction) on the grounds that the information is presumptive confidential information. EPCOR Natural Gas states that the "information would disclose load profiles, energy usage and billing information of a specific customer that is not personal information".

Any objection by a party or OEB staff to the confidentiality requests must be submitted in accordance with sections 5.1.6 and 5.1.7 of the Practice Direction. EPCOR Natural Gas may respond to any objections in accordance with section 5.1.8 of the Practice Direction. Parties will be provided access to the confidential documents in accordance with the process outlined in Part 6 of the Practice Direction.

Interrogatories

At this time, provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues. For more information on applications for certificate of public convenience and necessity, please refer to the [OEB's Natural Gas Facilities Handbook](#).

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

The OEB is making provision for the following related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. OEB staff and intervenors shall request any relevant information and documentation from EPCOR Natural Gas that is in addition to the evidence

already filed, by written interrogatories filed with the OEB and served on all parties by **December 13, 2024**.

2. EPCOR Natural Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **January 7, 2025**.
3. Any written submissions from OEB staff and intervenors shall be filed with the OEB and served on all parties by **January 22, 2025**.
4. Any written reply submissions from EPCOR Natural Gas shall be filed with the OEB and served on intervenors by **February 12, 2025**.

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-2024-0239** 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, Natalya Plummer at natalya.plummer@oeb.ca and OEB Counsel, Richard Lanni at Richard.Lanni@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **November 22, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

SCHEDULE A

LIST OF APPLICANT AND INTERVENORS

EPCOR NATURAL GAS PARTNERSHIP

EB-2024-0329

PROCEDURAL ORDER NO. 1

NOVEMBER 22, 2024

EPCOR Natural Gas Limited Partnership
EB-2024-0239

APPLICANT & LIST OF INTERVENORS

November 22, 2024

APPLICANT

Rep. and Contact Information for Service

**EPCOR Natural Gas Limited
Partnership**

Tim Hesselink

Senior Manager, Regulatory Affairs, Ontario
EPCOR Natural Gas Limited Partnership
Tel: 249-225-5104
thesselink@epcor.com

APPLICANT COUNSEL

Taylor Meagher

Legal Counsel

EPCOR Natural Gas Limited Partnership
Tel: 780-412-3720
tmeagher@epcor.com

INTERVENORS

Rep. and Contact Information for Service

1390204 Ontario Inc.

Annette Demaiter

President

1390204 Ontario Inc.
Tel: 519-842-3966
ademaiter@live.ca

2670338 Ontario Inc.

Chris Demaiter

2670338 Ontario Inc.

Tel: (416-893-9510
2670338ontarioinc@gmail.com

EPCOR Natural Gas Limited Partnership
EB-2024-0239

APPLICANT & LIST OF INTERVENORS

November 22, 2024

Enbridge Gas Inc.

Patrick McMahon

Technical Manager

Enbridge Gas Inc.

Tel: 519-436-5325

patrick.mcmahon@enbridge.com