

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

July 29, 2024

**EB-2024-0078 – Enbridge Motion to Review and Vary (the “Motion”)
Pollution Probe Submissions on Threshold Question**

Dear Ms. Marconi:

In accordance with Procedural Order No. 1 for the above-noted proceeding, please find below Pollution Probe’s submissions pertaining to the Threshold Question. Pollution Probe submits that Enbridge’s Fresh as Amended Motion to Review and Vary the OEB’s Phase 1 Decision in EB-2022-0200 does not meet the threshold established by the OEB under Rule 43 of the OEB’s *Rules of Practice and Procedure*.

The OEB’s Decision in Phase 1 is an integrated Decision based on the significant evidence and facts considered from October 2022 to December 2023. The thorough and complete OEB process which lasted for more than one year, included a stakeholder conference, an issues conference, a technical conference, a motions day, a settlement conference, extensive expert evidence filings as well as an oral hearing. Evidence presented was many thousands of pages and received a thorough process of discovery and validation. The issues related to Average Useful Life and Integration Capital were not the most complex issues in the proceeding and the Decision was supported by the facts. No change has occurred to undermine the basis of the facts underlying the Decision. The basis suggested by Enbridge for an error of fact is not adequately supported and the Decision would be unbalanced should a change to the specific issues requested by Enbridge occur. Relitigating the specific issues identified by Enbridge has the potential to open all the related and integrated issues considered by the OEB throughout the proceeding and in the Decision. Enbridge may not like specific items in the Decision, but that is not a sufficient basis to support reopening the Decision.

Respectfully submitted on behalf of Pollution Probe.



Michael Brophy, P.Eng., M.Eng., MBA
Michael Brophy Consulting Inc.
Consultant to Pollution Probe
Phone: 647-330-1217
Email: Michael.brophy@rogers.com

Cc: Enbridge Regulatory (via email)
All Parties (via email)
Richard Carlson, Pollution Probe (via email)