



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

BY EMAIL AND WEB POSTING

December 5, 2023

To: All Participants in EB-2023-0306

**Re: Updates to Performance Standards for Natural Gas Facilities Applications
Ontario Energy Board File No. EB-2023-0306**

In keeping with its commitment to modernize, promote accountability and predictability for regulated entities and other interested stakeholders, the Ontario Energy Board (OEB) is updating its performance standards for natural gas Certificate of Public Convenience and Necessity (Certificate), Municipal Franchise Agreement (Franchise), Storage, and Well Drilling applications.

Effective with applications filed on or after April 1, 2024, the updated performance standards set out in Appendix A of this letter will apply.

The changes described in this letter are intended to provide greater certainty about application processing timelines, to measure the OEB's performance and continually improve its operations.

Updated Performance Standards

Performance standards outline the typical procedural steps associated with processing a particular type of application and the typical number of calendar days for each step. The total cycle time represents the calendar days from the OEB's issuance of an application "completeness" letter to a final decision.

The current performance standards are determined by hearing type (i.e., oral or written). Through an analysis of past applications, it was identified that application complexity influences the time required for review and processing, and this is not necessarily related to the type of hearing.

Accordingly, the OEB is updating these performance standards to establish a "complex" standard for complex applications and a "short-form" standard for straightforward applications. This approach of having complex and short-form performance standards is

consistent with the performance standards established for other types of applications, (updates to Rates standards in 2019, Leave to Construct standards in 2021, and natural gas Quarterly Rate Adjustment Mechanism standards in early 2023).

The following are the key changes made to each application type:

Certificate and Franchise

For straightforward applications, (e.g., not contested), the OEB will apply a short-form standard rather than the existing written hearing performance standard and maintain the 90-day performance standard timeline as notice is required for these types of applications.

For complex applications, (e.g., contested or involving both applicant and intervenor evidence), the OEB will apply the complex standard rather than the existing oral hearing performance standard. The OEB will set the performance standard to a 210-day timeline for complex applications, to make it consistent with the complex standard used for most other existing natural gas facilities application types.

Well Drilling

For stand-alone well drilling applications, the OEB is reducing the performance standards timelines. For straightforward applications, (e.g., no landowner issues, Ministry of Natural Resources and Forestry (MNRF) requirements are satisfied), the OEB will apply a short-form 90-day performance standard and will process the application without a hearing instead of the existing 130-day written hearing.

For complex applications, (e.g., with intervenors), the performance standard is based on a written hearing and a 160-day standard will apply, lowered from the existing 210-day oral hearing standard. An oral hearing could still be convened under this new standard if necessary.

Storage

The OEB is changing the existing 130-day written standard timeline to a 135-day short-form standard timeline to provide sufficient time for reply submissions and decision writing and to make it consistent with the current Leave to Construct 135-day short-form standard timeline. The short-form standard is designed for straightforward applications, (e.g., request for a pool pressure increase and no issues with adequacy of Indigenous consultation, and where MNRF and Ministry of Environment, Conservation and Parks requirements are satisfied).

For complex applications, (e.g., Designated Storage Area boundary increase, applications under Oil, Gas and Salt Resources Act), the OEB will apply a complex 210-day standard.

For applications with multiple approval requests, (e.g., a single application requesting a storage pool pressure increase, well drilling authorization, and leave to construct), the OEB will apply a complex 210-day standard.

The current and updated performance standards reflecting the total cycle time for each application type is shown in Table 1.

TABLE 1: Current and Updated Performance Standards

Application Type	Current Performance Standards and Total Cycle Time (calendar days)		Updated Performance Standards and Total Cycle Time (calendar days)	
	Written Hearing	Oral Hearing	Short-Form	Complex
Certificate	90	205	90	210
Franchise	90	205	90	210
Well Drilling	130	210	90	160
Storage	130	210	135	210

The OEB has delegated the review of many of these application types to OEB staff. Details of the [delegation](#) are on the OEB's website.

Consistent with previous performance standards updated for 2019, the OEB will track a decision writing metric for decisions by a Panel of Commissioners. This metric will track the time taken by the OEB to issue its decisions from the close of record. Depending on the application type and complexity, 30-day and 60-day timeframes are established. The updated performance standards schedule for each application type is contained in Appendix A.

Any questions relating to this letter should be directed to Industry Relations at industryrelations@oeb.ca.

Yours truly,

Lynne Anderson
Chief Commissioner

APPENDIX A

OEB PERFORMANCE STANDARDS

NATURAL GAS FACILITIES APPLICATIONS

FOR CERTIFICATE, FRANCHISE, WELL DRILLING

AND STORAGE

Franchise and Certificate – Short-Form

EVENT	Calendar Days Elapsed
Application filed	-14
Letter acknowledging receipt of application	-10
Completeness letter issued	0
Notice of application issued	10
Notice published	23
Affidavits of Service received	28
Last day for interventions	33
Last day for objections to interventions	43
Letters of Comment received	50
Reply to Letters of Comment	60
Decision and Order issued	90

Franchise and Certificate - Complex¹

EVENT	Calendar Days Elapsed
Application filed	-14
Letter acknowledging receipt of application	-10
Completeness letter issued	0
Notice of application issued	10
Notice published	23
Affidavits of Service received	28
Last day for interventions	33
Last day for objections to interventions	43
Procedural Order No. 1 issued	50
Evidence Letter Describing Intervenor Evidence	57
Responses by Applicant and OEB Staff on Evidence Letter	64
Decision - Intervenor Evidence and PO No. 2	71
Interrogatories issued/Intervenor Evidence Filed	85
Applicant's responses to interrogatories received Interrogatories on Intervenor Evidence	94
Intervenor Response to interrogatories received	104
Oral submissions/Oral Hearing or Applicant's written argument-in-chief received	118
OEB staff and intervenor submissions received	136
Applicant's written reply argument received	150
Decision and Order issued	210

¹ For applications with multiple approval requests - well drilling, storage, leave to construct- the complex performance standard with the longest timeline (210-day) will be applied.

Well Drilling - Short-Form

EVENT	Calendar Days Elapsed
Application filed	-14
Letter acknowledging receipt of application	-10
Completeness letter issued	0
Case Information letter issued	20
OEB staff Clarifying Questions	35
Applicant's responses received	50
Written comments received	60
Report issued	90

Well Drilling - Complex²

EVENT	Calendar Days Elapsed
Application filed	-14
Letter acknowledging receipt of application	-10
Completeness letter issued	0
Notice of Hearing issued	10
Affidavits of Service received	28
Last day for Interventions	33
Procedural Order No. 1 issued	50
Interrogatories issued	64
Applicant's responses to interrogatories received	78
Intervenor and OEB staff submissions received	90
Applicant's written reply argument received	100
Report issued	160

² For applications with multiple approval requests – well drilling, storage, leave to construct- the complex performance standard with the longest timeline (210-day) will be applied.

Storage - Short-Form

EVENT	Calendar Days Elapsed
Application filed	-14
Letter acknowledging receipt of application	-10
Completeness letter issued	0
Notice of Application issued	10
Affidavits of Service received	35
Interventions received	45
Procedural Order issued	49
Interrogatories issued	63
Applicant's responses to interrogatories received	77
Intervenor and OEB staff submissions received	91
Applicant's written reply argument received	105
Decision and Order issued	135

Storage - Complex³

EVENT	Calendar Days Elapsed
Application filed	-14
Letter acknowledging receipt of application	-10
Completeness letter issued	0
Notice of application issued	10
Notice published	23
Affidavits of Service received	28
Last day for interventions	33
Last day for objections to interventions	43
Procedural Order No. 1 issued	50
File Description of Intervenor Evidence	55
Submissions on Intervenor Evidence	60
Decision on Intervenor Evidence and PO No. 2	63
Interrogatories issued/Intervenor Evidence Filed	77
Applicant's responses to interrogatories received Interrogatories on Intervenor Evidence	91
Intervenor Response to interrogatories received	101
Technical Conference/Oral Hearing	115
Applicant's written argument-in-chief received	122
OEB staff and intervenor submissions received	136
Applicant's written reply argument received	150
Decision and Order issued	210

³ For applications with multiple approval requests – well drilling, storage, leave to construct- the complex performance standard with the longest timeline (210-day) will be applied.