

# Electrification and Energy Transition Panel Report: "energy transition" remains undefined

January 22, 2024

Important context for the EETP report issued on January 19, 2024 is the absence of specificity regarding what constitutes "energy transition" for Ontario. While the report makes multiple references to "addressing climate change", "the clean energy economy" and "net zero" (another undefined term), it correctly recognizes that the Minister of Energy along with the provincial government will continue to lead energy planning. Ultimately, the Government of Ontario will determine what is, and what is not, energy transition (which may not be consistent with current Government of Canada policies).

The recent Enbridge Gas decision (EB-2022-0200) and the Minister of Energy's swift, negative reaction to a central Ontario Energy Board finding in that case, illustrates the critical importance and need for the province to articulate, sooner rather than later, what energy transition means. In the Enbridge case, a key OEB finding was premised on its conclusion about "the reality of the energy transition" (p. 20) which poses a risk that assets used to service existing and new Enbridge customers will become stranded because of this energy transition.

However, to our knowledge the Government of Ontario has at no time indicated that an energy transition objective is phasing out the use of natural gas in Ontario. Our conclusion for why the Minister of Energy objected so strongly to this implication inherent in the OEB's decision is because the Board panel took it upon itself (arguably reaching beyond its legislative mandate) to offer an interpretation of energy transition contrary to the Government's position. If this is correct, then the Minister of Energy's reaction to the OEB decision was both predictable and justified. For example, in some highly energy intensive processes, the conversion to natural gas is the energy transition. This would include Ontario steel makers who are making the switch from higher emission coke-fired blast ovens to significantly lower emission Electric Arc Furnaces which consume large volumes of natural gas as part of the heating and melting process.

To provide needed clarity about what energy transition means for Ontario, we support the EETP recommendation that "Government will need to provide direction on complex and contentious issues to ensure an orderly transition that allocates resources effectively and protects customers".



## J. Mark Rodger

Expertise

Energy - Power

# **BLG** | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

#### blg.com

#### **BLG Offices**

Centennial Place, East Tower 520 3rd Avenue S.W. Calgary, AB, Canada T2P 0R3

T 403.232.9500 F 403.266.1395

## Montréal

1000 De La Gauchetière Street West Suite 900 Montréal, QC, Canada H3B 5H4

T 514.954.2555 F 514.879.9015

#### Ottawa

World Exchange Plaza 100 Queen Street Ottawa, ON, Canada K1P 1J9

T 613.237.5160 F 613.230.8842

## Toronto

Bay Adelaide Centre, East Tower 22 Adelaide Street West Toronto, ON, Canada M5H 4E3

T 416.367.6000 F 416.367.6749

#### Vancouver

1200 Waterfront Centre 200 Burrard Street Vancouver, BC, Canada V7X 1T2

T 604.687.5744 F 604.687.1415

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing <a href="mailto:unsubscribe@blg.com">unsubscribe@blg.com</a> or manage your subscription preferences at <a href="mailto:blg.com/MyPreferences">blg.com/MyPreferences</a>. If you feel you have received this message in error please contact <a href="mailto:communications@blg.com">communications@blg.com</a>. BLG's privacy policy for publications may be found at <a href="mailto:blg.com/en/privacy">blg.com/en/privacy</a>.

© 2025 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.