



DEMARCO
ALLAN
LLP

Lisa (Elisabeth) DeMarco
Senior Partner
5 Hazelton Avenue, Suite 200
Toronto, ON M5R 2E1
TEL +1.647.991.1190
FAX +1.888.734.9459
lisa@demarcoallan.com

December 14, 2017

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: EB-2016-0137 / EB-2016-0138 / EB-2016-0139
Applications to serve the Municipality of Arran-Elderslie, the Municipality of Kincardine
and the Township of Huron-Kinloss with natural gas distribution services.

We are counsel to Anwaatin Inc. (**Anwaatin**) in the above-mentioned proceeding (the **Proceeding**). Please find enclosed Anwaatin's essential interrogatories, filed pursuant to Procedural Order No. 9 dated December 7, 2017.

Yours very truly,

Lisa (Elisabeth) DeMarco

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Sched. B);

AND IN THE MATTER OF Applications to serve the Municipality of Arran-Elderslie, the Municipality of Kincardine and the Township of Huron-Kinloss with natural gas distribution services.

EB-2016-0137 / EB-2016-0138 / EB-2016-0139

Proposed Interrogatories From

Anwaatin Inc. (Anwaatin)

December 14, 2017

Question: 1

Reference: • Union's CIP Proposal / p. 16

Preamble: Assessment of alternatives is a core principle of the *Environmental Assessment Act*, R.S.O. 1990, c. E.18 and most environmental assessment processes applicable to pipelines and pipeline project approvals. "Alternatives assessment" in Canada generally includes: (i) evaluating impacts on Indigenous rights and interests and (ii) assessing impacts of construction and operation on environmental and cultural heritage features, prior to determining a preferred alternative.

- a) Please provide all evidence that Union considered and developed — and the results of any and all — assessments of alternative routes, including, but not limited to, (i) evaluating impacts on Indigenous rights and interests and (ii) assessing impacts of construction and operation on environmental and cultural heritage features.

Question: 2

Reference: • Union's CIP Proposal / pp. 32–33

- a) Please provide all information on or related to Union's consideration and implementation of the Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nation.
- b) Please provide all information on or related to Union's consideration and implementation of Saugeen Ojibway Nation's Process and Standards for Approval Authorities, Development Proponents and Consultant Archaeologists for Conducting Archaeology within the Traditional Territory of the Saugeen Ojibway Nation.

Question: 3

Reference: • Union's CIP Proposal / pp. 32–33

- a) What impacts will Union's proposal have on the provision of natural gas to Saugeen Ojibway Nation reserve communities and off-reserve members in the region?
- b) What impacts will Union's proposal have on the cost of natural gas to Saugeen Ojibway Nation reserve communities and off-reserve members in the region?

Question: 4

Reference: • Union's CIP Proposal / pp. 32–33

- a) Please describe and provide evidence for how Union determined, interpreted, and applied:
- i) its procedural requirements;
 - ii) the Crown's procedural requirements; and
 - iii) the Ontario Energy Board's procedural requirements;
- in assisting the Crown in fulfilling its duty to consult and accommodate the Saugeen Ojibway Nation, with all supporting evidence.

Question: 5

Reference: • EPCOR's Common Infrastructure Plan (**CIP**) Application / Tab 5 / paras. 27–32

Preamble: Assessment of alternatives is a core principle of the *Environmental Assessment Act*, R.S.O. 1990, c. E.18 and most environmental assessment processes applicable to pipelines and pipeline project approvals. "Alternatives assessment" in Canada generally includes: (i) evaluating impacts on Indigenous rights and interests and (ii) assessing impacts of construction and operation on environmental and cultural heritage features, prior to determining a preferred alternative.

a) Please provide all evidence that EPCOR considered and developed — and the results of any and all — assessments of alternative routes, including, but not limited to, (i) evaluating impacts on Indigenous rights and interests and (ii) assessing impacts of construction and operation on environmental and cultural heritage features.

Question: 6

Reference: • EPCOR's Common Infrastructure Plan (**CIP**) Application / Tab 5 / paras. 45–46

- a) Please provide all information on or related to EPCOR's consideration and implementation of the Principles for Proponents working in the Traditional Territories of the Saugeen Ojibway Nation.
- b) Please provide all information on or related to EPCOR's consideration and implementation of Saugeen Ojibway Nation's Process and Standards for Approval Authorities, Development Proponents and Consultant Archaeologists for Conducting Archaeology within the Traditional Territory of the Saugeen Ojibway Nation.

Question: 7

Reference: • EPCOR's Common Infrastructure Plan (**CIP**) Application / Tab 5 /
paras. 45–46

- a) What impacts will EPCOR's proposal have on the provision of natural gas to Saugeen Ojibway Nation reserve communities and off-reserve members in the region?
- b) What impacts will EPCOR's proposal have on the cost of natural gas to Saugeen Ojibway Nation reserve communities and off-reserve members in the region?

Question: 8

Reference: • EPCOR's Common Infrastructure Plan (**CIP**) Application / Tab 5 / paras. 45–46

- a) Please describe and provide evidence for how EPCOR determined, interpreted, and applied:
- iv) its procedural requirements;
 - v) the Crown's procedural requirements; and
 - vi) the Ontario Energy Board's procedural requirements;
- in assisting the Crown in fulfilling its duty to consult and accommodate the Saugeen Ojibway Nation, with all supporting evidence.

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS

14th day of December, 2017



Lisa (Elisabeth) DeMarco
DeMarco Allan LLP
Counsel for Anwaatin