



**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](mailto:lisa@demarcoallan.com)

December 14, 2017

**Kirsten Walli**  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> 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,

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a horizontal stroke that curves upwards and to the right.

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

14<sup>th</sup> day of December, 2017



---

Lisa (Elisabeth) DeMarco  
DeMarco Allan LLP  
Counsel for Anwaatin