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April 24, 2019

Filed on RESS and Sent via Courier

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

Dear Ms. Walli:

**Re: EPCOR Natural Gas Limited Partnership Application for Leave to Construct Natural Gas Distribution Pipelines to serve the Municipality of Arran-Elderslie, the Municipality of Kincardine, and the Township of Huron-Kinloss
Board File No.: EB-2018-0263**

We are counsel to Anwaatin Inc. (**Anwaatin**). Please find enclosed Anwaatin's interrogatories to EPCOR Natural Gas Limited Partnership in the above-noted proceeding, filed pursuant to Procedural Order No. 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan McGillivray", written in a cursive style.

Jonathan McGillivray

- c. Bruce Brandell and Dana Bissoondatt, EPCOR Utilities Inc.
Richard King, Osler, Hoskin & Harcourt LLP
Larry Sault, Anwaatin Inc.
Don Richardson, Shared Value Solutions Ltd.

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended (the **Act**) and the *Municipal Franchises Act*, R.S.O. 1990, c. M. 55, as amended;

AND IN THE MATTER OF an application by EPCOR Natural Gas Limited Partnership (**EPCOR**) under section 90 of the Act for an order or orders granting leave to construct natural gas distribution pipelines and ancillary facilities to serve the Municipality of Arran-Elderslie, the Municipality of Kincardine and the Township of Huron-Kinloss.

EB-2018-0263

INTERROGATORIES FROM

ANWAATIN INC.

April 24, 2019

Question: Anwaatin.1

Reference:

- Exhibit A, Tab 9, Schedule 1, paras. 1, 3–5
- “Proposed Natural Gas Pipeline to Serve Southern Bruce: Environmental Report”, July 16, 2018

Preamble: Assessment of alternatives is a core principle of the *Environmental Assessment Act*, RSO 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 and/or its consultant(s) 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 route evaluation and selection, construction, and operation on environmental and cultural heritage features.

Question: Anwaatin.2

Reference:

- Exhibit A, Tab 9, Schedule 1, paras. 1, 3–5
- “Proposed Natural Gas Pipeline to Serve Southern Bruce: Environmental Report”, July 16, 2018

Preamble: Indigenous governments commonly provide proponents of infrastructure and resource development projects with principles and procedures for conducting consultation and accommodation, and similar guidance for archaeological assessment processes on their traditional territories.

- 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 (**SON**).
- b) Please provide all information on or related to EPCOR’s consideration and implementation of SON’s Process and Standards for Approval Authorities, Development Proponents and Consultant Archaeologists for Conducting Archaeology within the Traditional Territory of the SON.

Question: Anwaatin.3

- Reference:
- Exhibit A, Tab 3, Schedules 1 and 7
 - Exhibit A, Tab 11, Schedule 1

Preamble: The majority of First Nations in Ontario do not have access to natural gas, and many First Nations are interested in accessing natural gas for energy cost savings and low-emission heating. The recently enacted *Access to Natural Gas Act, 2018*, SO 2018, c 15 (Bill 32) provides a framework for regulations to deliver rate protection for consumers or prescribed classes of consumers with respect to costs incurred by natural gas distributors in making a qualifying investment for the purpose of providing access to a natural gas distribution system to those consumers by reducing the rates that would otherwise apply in accordance with the prescribed rules.

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

Question: Anwaatin.4

Reference:

- Exhibit A, Tab 11, Schedule 1
- Exhibit A, Tab 11, Schedule 2

- a) Please describe and provide evidence for how EPCOR 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 SON, with all supporting evidence.

Question: Anwaatin.5

Reference:

- Exhibit A, Tab 11, Schedule 1
- Exhibit A, Tab 11, Schedule 2

- a) Has EPCOR made plans to or considered entering into a franchise agreement (or similar) with SON with respect to:
- (i) SON's treaty rights; and
 - (ii) SON's Bruce Peninsula Land Claim, which names, as defendants, the municipalities of South Bruce Peninsula, Northern Bruce Peninsula, Saugeen Shores, Georgian Bluffs and the counties of Bruce and Grey (as well as the federal and provincial governments)?

Question: Anwaatin.6

Reference:

- Exhibit A, Tab 11, Schedule 1, paras 10–17
- Exhibit A, Tab 11, Schedule 2

Preamble: On April 19, 2017, EPCOR received correspondence from the Ministry of Energy, Northern Development and Mines (then the Ministry of Energy) (the **Ministry**) that the duty to consult had been delegated to EPCOR. There was further correspondence between the Ministry and EPCOR on June 20, 2018.

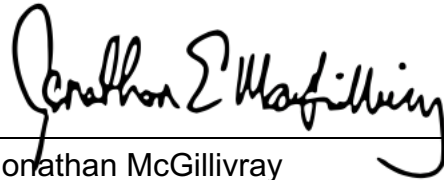
- a) Please describe and provide copies of any and all communications and responses between EPCOR and the Ministry with respect to the delegated duty to consult and accommodate First Nations and Métis communities.
- b) Please indicate whether the Ministry has communicated to EPCOR in respect of whether it is satisfied that Indigenous consultation and accommodation related to the application is sufficient.

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS

24th day of April, 2019



Lisa (Elisabeth) DeMarco
DeMarco Allan LLP
Counsel for Anwaatin



Jonathan McGillivray
DeMarco Allan LLP
Counsel for Anwaatin