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August 20, 2019

VIA RESS AND COURIER

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

Dear Ms. Walli:

**Re: Enbridge Gas Inc. (Enbridge) Application for Leave to Construct a Natural Gas Pipeline in the Municipality of Chatham-Kent
Board File No.: EB-2018-0188**

We are counsel to Anwaatin Inc. (**Anwaatin**) in the above-referenced proceeding. Further to the Board's Decision and Order issued July 22, 2019, this letter provides our response to Enbridge's objection to Anwaatin's cost claim in the proceeding, wherein Enbridge noted that the Anwaatin's cost claim is for an amount greater than that submitted by the Industrial Gas Users Association (**IGUA**) and suggested the Board consider Anwaatin's cost claim in relation to IGUA's cost claim.

Anwaatin respectfully requests that the Board award Anwaatin 100% of its eligible costs. Anwaatin contributed to the efficiency of the proceeding and ensured that its participation was not unduly repetitive by intervening on behalf of several indigenous interests, including R. K. Joe Miskokomon, Deputy Grand Council Chief, Anishinabek Nation, Southwest Region and Aroland First Nation. The Southwest Region is a relatively rural area and First Nations representatives are not centrally located in close proximity to each other. Anwaatin consequently helped to facilitate a face-to-face session at the May 2019 Chiefs' Council meeting on the issues relevant to the proceeding and the Chatham-Kent project generally. The session allowed Indigenous representatives to discuss their interests and formulate instructions to Anwaatin in a manner that is consistent with the oral tradition of Indigenous peoples. Anwaatin submits that its approach maximized the efficient use of resources and the right of otherwise unrepresented and important Indigenous communities to be heard in a manner that is consistent with the Board's mandate and statutory objectives.

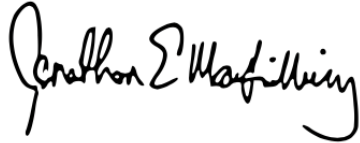
Anwaatin participated responsibly and effectively and took a principled and robust approach to the proceeding. Its participation focused on relevant and material issues that enhanced the

Board's understanding of key aspects of Enbridge's application, including and especially indigenous consultation and the duty to consult. Anwaatin's interrogatories and final submissions were more comprehensive than IGUA's and dealt with issues of greater complexity. Further, in addition to legal counsel, Anwaatin involved a consultant, who assisted in facilitating the May 2019 meeting and refining and communicating Anwaatin's interests in the proceeding. IGUA, by contrast, relied solely upon legal counsel.

Section 5.01 of the Board's *Practice Direction on Cost Awards* (the **Practice Direction**) indicates that, in determining the amount of a cost award to a party, the Board's may consider, amongst other things, whether the party has: (i) participated reasonably in the process; (ii) contributed to a better understanding by the Board of one or more of the issues in the process; (iii) made reasonable efforts to combine its intervention with that of one or more similarly interested parties, and to co-operate with all other parties; and (iv) made reasonable efforts to ensure that its participation in the process was not unduly repetitive and was focused on relevant and material issues. The Practice Direction support's Anwaatin's cost claim in this proceeding.

Anwaatin therefore respectfully requests that Enbridge reconsider its objection to Anwaatin's cost claim and requests that the Board award Anwaatin 100% of its eligible costs.

Sincerely,



Jonathan McGillivray

- c. Joel Denomy, Enbridge Gas Inc.
Larry Sault, Anwaatin Inc.
Don Richardson, Shared Value Solutions Ltd.