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VIA RESS AND COURIER

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Registrar

Dear Ms. Long:

**Re: Consultation to Review Enbridge Gas Inc.'s Natural Gas Supply Plan (the Plan)
Board File No.: EB-2019-0137**

We are counsel to Anwaatin Inc. (**Anwaatin**) in the above-referenced proceeding. Anwaatin appreciates the opportunity to provide its comments on the *Draft OEB Staff Report to the Ontario Energy Board: Consultation to Review Natural Gas Supply Plans* (the **Draft Report**) pursuant to the Ontario Energy Board's (the **Board's**) December 19, 2019, letter. The Draft Report sets out Board Staff's initial assessment of Enbridge Gas Inc.'s (**Enbridge's**) five-year natural gas supply plan (the **Plan**).

Anwaatin reiterates its strong support for the Board's consultation on the Plan and its interest in matters including the cost-effectiveness, reliability and security of supply, risk management, and execution of the Plan. These comments on the Draft Report, like Anwaatin's written comments on the Plan filed October 21, 2019, are informed by a strong Indigenous perspective and potential impacts on aboriginal title and Indigenous rights, including economic rights that may be adversely affected by the Plan. The Anwaatin First Nations are directly affected by energy poverty and are seeking ways and means to access affordable natural gas for both on-reserve and off-reserve community members.

Anwaatin submits that the issues raised in its October 21, 2019, comments are not beyond the scope of the Board's review of the Plan.¹ Anwaatin moreover submits that the Plan is indeed the

¹ See *Draft OEB Staff Report to the Ontario Energy Board: Consultation to Review Natural Gas Supply Plans* (December 19, 2019), p. 37.

appropriate venue to address Anwaatin's request for Enbridge to provide rate assistance to low-income Indigenous customers.²

These comments set out Anwaatin's view that the issues of energy poverty and expansion of access to natural gas service in Indigenous communities are squarely within the scope of the Board's review of the Plan and that the final Staff Report should reflect same.

(1) Expansion of natural gas service to Indigenous and other communities is a public policy objective of the Government of Ontario

The Government of Ontario has committed to expanding natural gas with the *Access to Natural Gas Act, 2018*, SO 2018, c. 15 (**Bill 32**). Bill 32 provides a regulatory framework to deliver rate protection for certain consumers with respect to natural gas distributor investment costs when access to a natural gas distribution system can be facilitated by reducing rates that would otherwise apply. This is expected to allow access to natural gas for up to 78 communities and, of the nine projects identified to-date, several are in Indigenous communities.³

The Minister of Energy, Northern Development and Mines has moreover required the Board to examine and report back to the Ministry with information on potential projects to expand access to natural gas distribution service.⁴ It is within the ambit of the Framework that the Board examine whether the Plan sufficiently facilitates expansion of natural gas service, a public policy objective.

(2) The Framework requires that the Plan address how it will achieve public policy objectives

The *Report of the Board: Framework for the Assessment of Distributor Gas Supply Plans* (the **Framework**) clearly requires that natural gas supply should be delivered in a manner that is (1) cost-effective, (2) reliable (secure), **and (3) achieves public policy objectives**.⁵ The Plan correctly identifies community expansion of natural gas distribution service as one of these public policy objectives but stops short of addressing how it will be achieved, as required by the Framework.

Anwaatin submits that the need to improve the adequacy of natural gas supply for Indigenous customers, in accordance with community expansion initiatives, including Bill 32, and the need for rate assistance to low-income Indigenous customers are squarely within the public policy objective of community expansion of natural gas distribution service and should be explicitly addressed and included in the Plan.

(3) The final Board Staff report should reflect and support Anwaatin's proposed amendments or enhancements to the Plan

Anwaatin submits that, for the foregoing reasons, the final Board Staff report should reflect and support Anwaatin's proposed amendments or enhancements to the Plan in order to:

² See *ibid*.

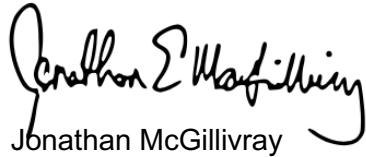
³ See O.Reg. 21/19, Schedule 1, available online at: <https://www.ontario.ca/laws/regulation/r19024>.

⁴ Anwaatin is a participant in EB-2019-0255.

⁵ EB-2017-0129, "Report of the Ontario Energy Board: Framework for the Assessment of Distributor Gas Supply Plans", p. 7, available online at: <https://www.oeb.ca/sites/default/files/Report-of-the-Board-Gas-Supply-Plan-Framework-20181025.pdf> [emphasis added].

- (a) facilitate measures that (i) improve the adequacy of natural gas supply for Indigenous customers, in accordance with community expansion initiatives, including Bill 32, and (ii) increase the quantity of RNG that is required to be in Enbridge's natural gas supply portfolio; and
- (b) provide a foundation and clear and accessible mechanism for natural gas rate assistance for all low-income Indigenous customers.

Sincerely,



Jonathan McGillivray

- c. Brandon Ott, Enbridge Gas Inc.
David Stevens, Aird & Berlis LLP
Larry Sault, Anwaatin Inc.
Don Richardson, Shared Value Solutions Ltd.