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BY EMAIL

April 3, 2020

Lisa (Elisabeth) DeMarco
Senior Partner, DeMarco Allan LLP
Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto ON M5H 2R2

Dear Ms. DeMarco:

**Re: Enbridge Gas Inc. 2020 Federal Carbon Pricing Program (FCPP) Application
Board File No. EB-2019-0247 (the Proceeding)**

The OEB has received your letter of March 27, 2020, as counsel for Anwaatin Inc. (Anwaatin) which requests that “the Board reconsider its Revocation Decision, affirm Anwaatin’s previously granted intervenor status and cost eligibility, and consider the applicability of the FCPP to indigenous and reserve communities as part of the Proceeding.”

Having reviewed your letter, the OEB wishes to reiterate two points from its March 19, 2020 Decision:

1. Anwaatin remains an approved intervenor in this proceeding and is included in the updated list of parties that is Schedule A of the OEB’s March 19, 2020 Decision for the issues that are in scope of this proceeding. Anwaatin also remains eligible to apply for an award of costs in this proceeding, pursuant to the OEB’s *Practice Direction on Cost Awards*, as indicated in the OEB’s Procedural Order No. 1 of February 6, 2020.
2. The OEB has not denied Anwaatin’s request that the OEB consider “the applicability of Enbridge’s proposed FCPP natural gas charges to indigenous and/or reserve communities in light of sections 87 and 89 of the *Indian Act*, treaty rights, and section 35 of the Constitution” within this proceeding. Rather, as stated in its March 19, 2020 Decision, the OEB has deferred consideration of the *Indian Act* and section 35 concerns raised by the Chiefs of Ontario (COO) and Anwaatin until such time as the Supreme Court of Canada (SCC) has rendered its decision on the appeals concerning the constitutionality of the *Greenhouse Gas Pollution Pricing Act*

(GGPPA). As stated in the March 19, 2020 Decision, “[s]hould the SCC uphold the constitutionality of the GGPPA and of the charges thereunder such that the concerns raised by the COO and Anwaatin remain, these matters can be considered at that time and be informed by the SCC’s views.”

Given the above, the OEB does not intend to take any additional action on the matters raised in your letter of March 27, 2020 at this time.

The OEB also wishes to remind parties that the March 19, 2020 Decision held that the scope of this proceeding does not include the issues raised by Anwaatin associated with energy poverty in indigenous communities and the differential impact of natural gas rates on remote and near remote communities.

Yours truly,

Original Signed By

Christine E. Long
Registrar and Board Secretary

c: All Parties to EB-2019-0247