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BY EMAIL

April 21, 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 response to Anwaatin Inc. (Anwaatin)
Board File No.: EB-2019-0247**

The Ontario Energy Board (OEB) has received your letter of April 15, 2020, as counsel for Anwaatin Inc. (Anwaatin), regarding the issue of whether Federal Carbon Pricing Program charges are constitutionally applicable in light of the *Indian Act*, relevant treaties, and section 35 of the Constitution (the Deferred Issue).

As the OEB previously indicated in its March 19, 2020 Decision, it has deferred consideration of this issue 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*.

In its April 15, 2020 letter, Anwaatin requests that the OEB “clarify its intended procedures to consider the Deferred Issues and the proposed treatment of the charges applicable to Indigenous entities covered by the *Indian Act* and section 35 treaty rights in the intervening period” prior to any SCC decision.

For the reasons previously outlined in its March 19, 2020 Decision, the OEB remains of the view that all considerations of the Deferred Issue are being postponed and no further action is required at this time.

The OEB’s Interim Decision and Order of February 11, 2020 approved Enbridge Gas Inc.’s proposed unit rates for the Federal Carbon Charge and Facility Carbon Charge, on an interim basis, effective April 1, 2020. The postponement of the Deferred Issue does not limit the OEB’s ability to address this issue at a future date.

Yours truly,

Original Signed By

Christine E. Long
Registrar and Board Secretary

c: All Parties to EB-2019-0247