



July 12, 2021

VIA RESS

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

Dear Ms. Long,

Re: Enbridge Gas Inc.
Application for Multi-Year Gas Demand Side Management Plan (2022 to 2027)
Board File No.: EB-2021-0002 (the Proceeding)

We are counsel to Anwaatin Inc. (**Anwaatin**) in the Proceeding and file these submissions on Board Staff's Draft Issues List (the **Draft Issues List**) in accordance with Procedural Order No. 2.

Anwaatin respectfully requests that the Board ensure that Indigenous ratepayers and rightsholders have, and can exercise, their right to be heard and their right to understand the impacts of Enbridge Gas' Demand Side Management (**DSM**) Plan on Indigenous customers in this Proceeding through the inclusion of draft issues 8A and 15A:

Issue 8A:

Are Enbridge Gas' proposed program offerings for Indigenous customers appropriate?

Issue 15A:

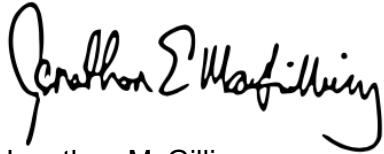
Is Enbridge Gas' engagement proposal reasonable and meaningful with respect to its Indigenous customers?

Effective consultation. Anwaatin submits that, in order to satisfy the duty to consult, engagement and consultation with Indigenous peoples must be reasonable and meaningful. Reasonable consultation is "not just a process for exchanging and discussing information."¹ Meaningful consultation through Enbridge Gas's proposed 2022-2027 DSM Plan and proposed programs necessitates engaging and consulting with Indigenous communities that may be adversely affected or bear increased risks as a means to "testing and being prepared to amend policy

¹ *Tsleil-Waututh Nation v Canada (Attorney General)*, 2018 FCA 153, paras. 500-502.

proposals in the light of information received, and providing feedback.”² Anwaatin respectfully submits that appropriate principles for consultation with Indigenous communities and businesses should be embedded in the Draft Issues List. Anwaatin therefore requests that the Board ensure that draft issues 8A and 15A are included in the final Issues List for this Proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan McGillivray". The signature is fluid and cursive, with the first name being more prominent.

Jonathan McGillivray

- c. Asha Patel, Enbridge Gas Inc.
Dennis O’Leary, Aird & Berlis LLP
Larry Sault, Anwaatin Inc.
Don Richardson

² *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73, para. 46.