



March 21, 2022

VIA RESS

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

Dear Ms. Marconi,

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

We are counsel to Anwaatin Inc. (Anwaatin) in the above-noted proceeding. Please find attached Anwaatin's presentation for the March 24, 2022 Presentation day, filed pursuant to Procedural Order No. 6.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer", with a stylized flourish at the end.

DT Vollmer

c. Asha Patel, Enbridge Gas Inc.
Larry Sault, Anwaatin
Don Richardson

Encl.

Indigenous Rights-holders' Perspectives on EGI's DSM Framework and Plan



Enbridge Gas Inc. DSM Framework and Plan
Presentation Day – March 24, 2022
EB-2021-0002

Larry Sault and Don Richardson

Elder Larry Sault conducting the first ever
smudging ceremony to commence an Ontario
Energy Board Hearing, Thursday May 5, 2016

ANWAATIN

Anwaatin

- An Indigenous not-for-profit that advocates with Indigenous communities in linked energy markets.
- Mission to ensure that Indigenous communities are afforded reliable and affordable energy, and have a central role in energy-related climate change action.
- Indigenous membership for this proceeding includes Aroland First Nation, Animbiigoo Zaagi'igan Anishinaabek Nation and Ginoogaming First Nation (the **Anwaatin First Nations**)
- Anwaatin First Nations have traditional territory, and associated constitutional rights and interests that may be impacted.

The logo for Anwaatin, featuring the word "ANWAATIN" in a blue, sans-serif font. The letter "A" is green and has a horizontal line extending to the right, underlining the rest of the word.

One of the Only Indigenous Voices at the OEB



- Elder Larry Sault, Thursday May 5, 2016, conducting the first ever smudging ceremony to commence an Ontario Energy Board Hearing, at a hearing considering the expansion of natural gas service to unserved rural, remote and First Nation communities ([EB-2016-0004](#)).
- The former Grand Chief of the Association of Iroquois and Allied Indians and former Chief of the Mississaugas of the New Credit
- Lisa DeMarco of Resilient LLP is counsel to Anwaatin. Lisa DeMarco has been lead counsel for Anwaatin before the Board for numerous proceedings.

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This Proceeding

- Enbridge is seeking Board-approval of a Demand Side Management (**DSM**) Framework effective 2023 and a 2023-2027 multi-year DSM Plan.
- The evidence includes:
 - proposed DSM Framework effective 2023,
 - 2023-2027 multi-year DSM Plan,
 - DSM programming including:
 - Residential Heat Pump Program
 - Low Carbon Transition Program
 - Home Winterproofing Offering
 - Affordable Housing Multi-Residential Offering

Anwaatin's View

- The Board should ensure that impacts to First Nations' rights and interests are considered and addressed.
- The **duty to consult and accommodate** is of primary importance to ensuring that First Nations' rights and interests are addressed and protected in Crown decision-making.
- Enbridge's proposed DSM framework and Plan may not include sufficient consideration of the rights for First Nations to be consulted and the realities of DSM programming in remote and near-remote Indigenous communities.
- Consulting with and engaging First Nations produces win-win outcomes, including First Nation commercial investments in sustainable energy projects, reliability improvements, and fair and equitable access to DSM programming.

UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

- UNDRIP not just aspirational, it is a codification of minimum standards for Indigenous peoples that Canada ***must*** address.
- Provides that:
 - States shall consult and cooperate with Indigenous peoples to obtain their **free, prior and informed consent** prior to legislative measures or approval of any project.
 - States shall establish a fair, independent, impartial, open and transparent process to recognize **Indigenous rights**.

Free, prior and informed consent

- **Duty to Consult:** legal obligation to consult with Indigenous peoples where Crown decisions or actions that may adversely impact asserted or established Aboriginal or treaty rights are contemplated.
- Positive obligation to reasonably ensure that Indigenous peoples are provided with all necessary information in a timely way so that they have an **opportunity to express their interests and concerns**, and to ensure that their representations are **seriously considered** and, wherever possible, demonstrably integrated into the proposed plan of action.
- Often results in creative economic reconciliation to address impacts on rights and interests – *especially for energy projects and programs*

Enbridge Indigenous Peoples Policy

Enbridge recognizes the diversity of Indigenous Peoples who live where we work and operate. We understand that the history of Indigenous Peoples in both Canada and the United States has had destructive impacts on the social and economic wellbeing of Indigenous Peoples. Enbridge recognizes the importance of reconciliation between Indigenous communities and broader society. Positive relationships with Indigenous Peoples, based on mutual respect and focused on achieving common goals, will create constructive outcomes for Indigenous communities and for Enbridge.

Enbridge commits to pursuing sustainable relationships with Indigenous Nations and groups in proximity to where Enbridge conducts business. To achieve this, Enbridge will govern itself by the following principles:

- We recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples in the context of existing Canadian law and the legal and constitutional obligations governments in both Canada and the US have to protect those rights.
- We recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the context of existing Canadian and U.S. law and the commitments that governments in both countries have made to protecting the rights of Indigenous Peoples.

- We engage in forthright and sincere consultation with Indigenous Peoples about Enbridge's projects and operations through processes that seek to achieve early and meaningful engagement so their input can help define our projects that may occur on lands traditionally used by Indigenous Peoples.
- We commit to working with Indigenous Peoples to achieve benefits for them resulting from Enbridge's projects and operations, including opportunities in training and education, employment, procurement, business development, and community development.
- We foster understanding of the history and culture of Indigenous Peoples among Enbridge's employees and contractors, in order to create better relationships between Enbridge and Indigenous communities.

This commitment is a shared responsibility involving Enbridge and its affiliates, employees and contractors, and we will conduct business in a manner that reflects the above principles. Enbridge will provide ongoing leadership and resources to ensure the effective implementation of the above principles, including the development of implementation strategies and specific action plans.

Enbridge commits to periodically reviewing this policy to ensure it remains relevant and meets changing expectations.

- At minimum, the commitments of Enbridge's Indigenous Peoples Policy should be reflected in its proposed DSM Framework and Plan and applied if the framework is approved

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Reconciliation and Economic Reconciliation

- **Reconciliation** is described as “coming to terms with events of the past in a manner that overcomes conflict and establishes a respectful and healthy relationship among people going forward.”
- Canada **accepted all recommendations** of the TRC, including the call for the “federal, provincial, territorial, and municipal governments to fully adopt and implement [UNDRIP] as the framework for reconciliation” and “to develop a national action plan, strategies, and other concrete measures to achieve the goals of [UNDRIP]”.
- **Economic reconciliation** creates meaningful partnerships, mutually beneficial opportunities through finding shared value between energy project proponents and Indigenous communities.



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DSM Programming and Economic Reconciliation

- DSM programming provides an important opportunity to address and effect economic reconciliation in Canada with **the Duty to Consult as a primary driver** of developing and proposing Indigenous DSM offerings that also address Indigenous energy poverty – for example:
 - Addressing long-standing reliability issues in Indigenous communities reliant on diesel generation or awaiting natural gas expansion
 - Providing important economic opportunities and training for Indigenous service providers
 - Facilitating equitable and fair access for Indigenous communities and First Nations to emissions reducing products such as heat pumps
 - Reducing economic barriers
 - Supporting economic reconciliation with Enbridge's Indigenous customers through consultation with Indigenous stakeholders

Opportunities for Specific Indigenous DSM Offerings

- Residential Heat Pump Program
 - Challenges associated with providing the Residential Heat Pump offering to its on-reserve residential customers, including difficulty in obtaining services from HVAC contractors in remote and near-remote First Nations
 - Limited access to preferable financial arrangements for on-reserve rate payers to secure low-emission and low-cost heating appliances and heat pumps
- Low Carbon Transition Program
 - Potential for offering the Low Carbon Transition Program to First Nations and other Indigenous communities waiting for natural gas expansion as a means to assist these communities in reducing their GHG emissions and providing them with associated GHG-related savings
- Home Winterproofing Offering
 - Economic opportunities for Indigenous businesses and other employment opportunities
- Affordable Housing Multi-Residential Offering
 - Potential for specific offering for Indigenous communities and Indigenous owned and occupied multi-residential buildings

Improved Service for DSM Offerings

- Other Indigenous-specific offerings
 - Potential IESO CDM Indigenous commercial offering collaboration
- Reconsider a specific “Indigenous Offering”
- Planned Natural Gas Expansion to remote and near-remote First Nations
 - Challenges associated with the cost of natural gas and the limited availability of financial products to assist on-reserve rate payers in acquiring low-emission and low-cost infrastructure and heating appliances and to fully benefit from natural gas expansion
- Reliability
- Affordability
- Capacity Building for Indigenous communities and First Nations

Thank you.

ANWAATIN