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June 27, 2022

**Delivered by Email & RESS**

Ms. Nancy Marconi, Registrar  
Ontario Energy Board  
PO Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Sun-Canadian Pipe Line Limited's ("SCPL") Sections 90 and 97 Application for Leave to Construct Haudenosaunee Development Institute ("HDI") Sur-Reply Ontario Energy Board ("OEB") File No.: EB-2022-0012**

We write further to the letter filed in the above-noted proceeding by HDI on June 22, 2022 (the "**Sur-Reply**"). SCPL requests that the OEB Panel reject the Sur-Reply as improper.

In its Decision and Order issued March 17, 2022 in EB-2021-0312,<sup>1</sup> the OEB states that "where there is no procedural order for sur-reply, a party that seeks to file a sur-reply must bring a motion for leave to do so."<sup>2</sup> Sur-reply submissions should only be provided in limited or exceptional circumstances and are not intended to be an additional opportunity for parties to supplement previous submissions. HDI has failed to follow this procedure and HDI has not met the legal test for admissibility of Sur-Reply.

If you have any questions or concerns, please do not hesitate to contact me.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**

A handwritten signature in black ink that reads 'Colm Boyle'. The signature is written in a cursive, flowing style.

Colm Boyle

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<sup>1</sup> <https://www.rds.oeb.ca/CMWebDrawer/Record/743172/File/document>

<sup>2</sup> Ibid. at pages 3 - 4.