



July 25, 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. ("EGI")
Panhandle Regional Expansion Project Application
Board File Number: EB-2022-0157**

We are counsel to Three Fires Group Inc. ("TFG"). Please find enclosed TFG's Notice of Intervention and request for cost award eligibility in the above-noted proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer".

DT Vollmer

c. Dave Janisse, EGI
Tania Persad, EGI
Charles Keizer, Torys, LLP
Philip Lee, TFG
Chief Mary Duckworth, Caldwell First Nation
Don Richardson, TFG
Larry Sault, Caldwell First Nation

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended (the “**Act**”); and in particular section 90(1) and section 97 thereof;

AND IN THE MATTER OF an application by Enbridge Gas Inc. for an order granting leave to construct natural gas pipelines in the Municipality of Chatham Kent and Essex County.

EB-2022-0157

NOTICE OF INTERVENTION

OF

THREE FIRES GROUP INC.

July 25, 2022

A. Application for Intervenor Status

1. Three Fires Group Inc. (“**TFG**”), hereby requests intervenor status in the matter of the application of Enbridge Gas Inc. (“**EGI**”) for various orders pursuant to sections 90(1) and 97 of the Act as set out in EGI’s application filed June 10, 2022 (the “**Application**”). This notice of intervention is filed pursuant to Rule 22 of the Board’s *Rules of Practice and Procedure*.

B. TFG and its Interest in the Proceeding

2. TFG is an Indigenous business corporation that jointly represents the interests of Chippewas of Kettle and Stony Point First Nation (“**CKSPFN**”) and Caldwell First Nation (“**Caldwell**”) (collectively, the “**TFG First Nations**”).
3. CKSPFN is located in southern Ontario along the shores of Lake Huron, 35km from Sarnia, Ontario and has 1,000 members who live on-reserve and 900 who live off-reserve.
4. Caldwell’s traditional lands and territories include lands and water in Southern Ontario from the Detroit River along the north shore of Lake Erie to Long Point, including Point Pelee and Pelee Island.
5. The TFG First Nation’s Aboriginal and Treaty rights, land use, cultural heritage, and other rights and interests are potentially affected by this Application. The TFG First Nations each have traditional territory, and associated rights and interests protected by the *Constitution Act, 1982*, that may be impacted by the outcomes of this proceeding.
6. The Ministry of Energy identified CKSPFN and Caldwell as Indigenous communities that should be consulted in relation to the Application in a letter dated August 6, 2021, which is included at Exhibit H, Tab 1, Schedule 1, Attachment 2 of the Application.
7. TFG may, if granted intervenor status in this proceeding, address the following:
 - (a) issues related to:
 - (i) the need for the project;
 - (ii) project alternatives;
 - (iii) project cost and economics;

- (iv) environmental impacts;
 - (v) cumulative impacts;
 - (vi) social impacts;
 - (vii) cultural heritage impacts;
 - (viii) assessing systemic inequalities (gender, gender diverse people, race, ethnicity, religion, age, mental or physical disability); and
 - (ix) land matters;
- (b) whether the duty to consult and accommodate with Indigenous communities potentially affected by the proposed project has been discharged with respect to the Application; and
 - (c) generally, to represent the constitutionally recognized Aboriginal and Treaty rights and interests of the TFG First Nations, and each of their respective members.
8. TFG is an active intervenor representing the interests of the TFG First Nations before the Board in EGI's natural gas pipelines leave to construct application (EB-2022-0086) and in Hydro One Networks Inc.'s ("**HONI**") Chatham to Lakeshore transmission line leave to construct application (EB-2022-0140). CKSPFN was a Board-approved intervenor in HONI's affiliate transmission projects deferral account application (EB-2021-0169).

C. Nature and Scope of TFG's Intended Participation

9. TFG intends to be an active participant in this proceeding and will act responsibly to coordinate with other intervenors where common issues may arise and may be addressed. TFG intends to participate to request information, participate in any requisite motions, test evidence through the stipulated processes, submit written interrogatories, if applicable, and provide submissions. Subject to the development of the record in this matter, TFG may also submit evidence.

D. Costs

10. TFG hereby requests cost eligibility in this proceeding. TFG is, in accordance with sections 3.03(a) and (b) of the Board's *Practice Direction on Cost Awards*, eligible to seek an award of costs as a party that primarily represents the direct interests of Indigenous consumers in

relation to services that are regulated by the Board and a unique interest or policy perspective that is relevant to the Board's mandate and to the proceeding.

11. TFG therefore submits that it is appropriate for the Board to award TFG costs in the context of this proceeding, and hereby requests cost eligibility.

E. TFG's Representatives

12. TFG hereby requests that further communications with respect to this proceeding be sent to the following:

Philip Lee

Three Fires Group Inc.
9119 W Ipperwash Rd Unit A,
Lambton Shores, ON N0N 1J3

Email: philip.lee@threefiresgroup.com

Chief Mary Duckworth

Caldwell First Nation
14 Orange Street
Leamington, ON N8H 1P5

Tel: 519-322-1766

Fax: 519-322-1533

Email: ChiefMaryDuckworth@caldwellfirstnation.ca

AND TO ITS CONSULTANTS

Don Richardson

Three Fires Group Inc.
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Tel: 226-820-5086

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Larry Sault

Consultant, Intergovernmental Relations/Major Business
Caldwell First Nation
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Tel: 226-387-3364

Email: soongikiniw@gmail.com

AND TO ITS COUNSEL

Resilient LLP

Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto, ON M5H 2R2

Attention: Lisa (Elisabeth) DeMarco
Tel: 647-991-1190
Fax: 1-888-734-9459
Email: lisa@resilientllp.com

Attention: Jonathan McGillivray
Tel: 647-208-2677
Fax: 1-888-734-9459
Email: jonathan@resilientllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
25th day of July, 2022.

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a long, sweeping horizontal stroke that ends in an arrowhead pointing to the right.

Lisa DeMarco
Resilient LLP
Counsel for TFG