

SCOTT PETRIE LLP

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August 18, 2022

VIA ELECTRONIC FILING

Attention: Nancy Marconi, Registrar of the OEB

Ontario Energy Board
27th Floor, 2300 Yonge Street
Toronto, ON M4P 1E4

Dear Registrar:

**RE: EB-2022-0086 – Enbridge Gas Inc. – Dawn to Corunna Replacement Project
CAEPLA-DCLC Comments on Enbridge Letter dated August 17, 2022**

We are writing to provide CAEPLA-DCLC's comments in response to the letter filed yesterday by Enbridge Gas Inc. ("Enbridge") requesting that the OEB order formal settlement negotiations to take place between CAEPLA-DCLC and Enbridge. CAEPLA-DCLC submits that there is no need for an order from the OEB requiring formal settlement negotiations as CAEPLA-DCLC is making arrangements directly with Enbridge for such negotiations.

CAEPLA-DCLC notes that while it had proposed in its Intervention Request letter to the OEB dated May 9, 2022 that a settlement conference be convened in this proceeding, the OEB has not made provision for this in its procedural directions to date. However, it is submitted that there is now insufficient time remaining prior to the deadlines for written submissions to accommodate a formal settlement conference. From the point of view of the landowners directly affected by Enbridge's proposed project, the hearing schedule has been significantly compressed to the benefit of Enbridge as project proponent. Contrary to Enbridge's suggestion, there is no risk of "further procedural delay". CAEPLA-DCLC disagrees that there has been any procedural delay to this point; Enbridge must be referring to the time afforded to CAEPLA-DCLC to provide written evidence (the three additional days granted by the OEB over and above the time proposed by Enbridge).

In response to Enbridge's suggestion that CAEPLA-DCLC has failed to engage in meaningful negotiations, CAEPLA-DCLC would note that Enbridge's proposed form of LOU was provided more than two months after CAEPLA-DCLC submitted its proposed LOU to Enbridge in mid-April and that CAEPLA-DCLC has since then expended significant time working with Enbridge to facilitate Enbridge's pre-construction survey and archaeological investigation processes on its members' lands, all while participating in the compressed hearing process. The omission of these details from Enbridge's letter to the OEB is unfair to CAEPLA-DCLC and the landowners who will be affected by Enbridge's proposed project (it being taken for granted in Enbridge's letter that a Leave to Construct order will be made). CAEPLA-DCLC, its landowner members

and its legal counsel do not have the same capacity as Enbridge to move Enbridge's project forward simultaneously on all fronts.

Again, CAEPLA-DCLC submits that no order for formal settlement negotiations is required. If the OEB does see fit to order formal settlement negotiations, CAEPLA-DCLC requests that the deadlines for written submissions in this proceeding be pushed back to accommodate that process and to accommodate the fall harvest schedules of CAEPLA-DCLC members.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Yours truly,

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John D. Goudy

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