



November 1, 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. (**Three Fires**) in the above-noted proceeding (the **Proceeding**). Three Fires has reviewed the undertaking responses provided by EGI to questions asked at the Technical Conference held on October 6, 2022, and has determined that one of EGI's undertaking responses gives rise to a further set of questions. These supplementary questions are entirely focused on the information delivered in one of EGI's most recent undertaking responses, which EGI provided on October 19, 2022.

Three Fires' supplementary questions relate to its undertaking response JT1.11, which provides details relating to EGI's external consultant. Answers to these questions will help to ensure a complete record and thereby assist the Board in its ultimate decisions.

Three Fires' supplementary questions along with the referenced undertaking response are as follows:

1. **Exhibit JT1.11.** EGI's response to this undertaking provides details concerning the retainer of its external consultant and includes its Request for Quote (the **RFQ**) as an attachment.
 - a. Please produce AECOM Canada's (**AECOM's**) response to the RFQ, along with any related communications between AECOM and EGI.
 - b. Please confirm whether the Master Service Agreement and Service Release Order have been produced in this proceeding and, if they have not, please produce them.
2. **Exhibit JT1.11, Attachment 1, p. 4:** The **RFQ** identifies EGI's Indigenous Engagement Advisor as the lead on Indigenous consultations and references the expectation that the selected consultant will provide support in Indigenous consultations.

- a. Please describe any information outside of the information set out in AECOM's report that EGI and/or its Indigenous Engagement Advisor provided to AECOM concerning (i) Indigenous consultations, (ii) concerns raised by Indigenous partners, and/or (iii) Indigenous communities in general. Please produce any related documents that pass a *de minimis* threshold in terms of relevance.
 - b. Please describe any support outside of the support described in AECOM's report that AECOM provided to EGI and/or its Indigenous Engagement Advisor in the context of EGI's Indigenous consultations. Please produce any related documents that pass a *de minimis* threshold in terms of relevance
 - c. Please confirm whether EGI's instructions to AECOM concerning Indigenous engagement were ever altered from the instructions set out in the document and, if so, please provide details and any relevant documents.
3. **Exhibit JT1.11, Attachment 1, p. 5:** The RFQ includes the requirement for the consultant to inform EGI of all meetings with Indigenous groups, both at the beginning and throughout the project.
 - a. Please provide the details of any such updates not already referenced in AECOM's report.
4. **Exhibit JT1.11, Attachment 1, p. 6:** The RFQ requires an Indigenous Participation document in relation to (i) the archaeology assessment and (ii) the species at risk assessment.
 - a. Please produce the documents related to both (i) and (ii) above along with details of any related communications in each of the respective assessments that is not referenced in AECOM's report.
5. **Exhibit JT1.11, Attachment 1, p. 8:** The RFQ requires the submission of a communication strategy for the project, which the RFQ stipulates shall include Indigenous participation.
 - a. Please produce that document along with details of any related communications.

In support of its position that EGI should provide answers to these questions, Three Fires submits:

1. These questions and requests for documents will also lead to new information, which constitutes a material change to evidence already before the OEB in accordance with Rule 11.02 of the OEB's *Rules of Practice and Procedure*;
2. The questions address issues of significant relevance in the Proceeding, given the importance of the external consultant's report to many of the matters that the Board must ultimately resolve, including the rights of affected First Nations and the duty to consult and accommodate;
3. No prejudice to any party or to the Board will result from providing answers to these questions. There is a significant amount of time left in the Proceeding, and the questions are both narrowly focused and entirely centred on one of EGI's recent undertaking responses.

Three Fires therefore requests that the Board require EGI's responses as part of the record of the Proceeding.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Lisa', with a long, sweeping horizontal line extending to the right.

Lisa (Elisabeth) DeMarco

- 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