

November 4, 2022

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

Attention: Nancy Marconi

Dear Ms. Marconi:

**Re: Enbridge Gas Inc. Ontario Energy Board File: EB-2022-0157
Panhandle Regional Expansion Project (Project)
Supplemental Questions from Three Fires Group Inc.**

This letter is in response to the November 1, 2022 letter from Three Fires Group Inc. (Three Fires) in which Three Fires requests that the Ontario Energy Board (OEB) require Enbridge Gas Inc. (EGI) to respond to a series of supplementary questions.

In its letter, Three Fires states that it reviewed EGI's responses to undertakings from the Technical Conference and identified a set of supplementary questions arising from EGI's response to undertaking JT1.11. Three Fires argues that responses to its supplementary questions will help ensure a complete record and will thereby be of assistance to the OEB.

While EGI reiterates its commitment to continued engagement with potentially affected Indigenous groups in connection with the Project, for the following reasons EGI declines to respond to the supplementary questions from Three Fires and submits that the OEB should not require EGI to provide responses as part of the record in the proceeding.

First, in accordance with Procedural Order Nos. 1 and 2, Three Fires has had opportunities to request relevant information and documentation through interrogatories, to seek clarification regarding interrogatory responses through the Technical Conference, and to request undertakings for further information during the Technical Conference. Three Fires has participated in these processes and there is no continuing process of disclosure beyond these steps that has been established by the OEB for the proceeding.

Second, EGI has provided full and adequate responses to interrogatories, to Technical Conference questions and to undertakings from Three Fires. The supplementary questions and requests from Three Fires are for further information that is clearly over and above that which it requested previously and there is no suggestion from Three Fires that EGI's response to undertaking JT1.11 was deficient. Notably, the context for the undertaking was a question from Three Fires regarding instructions provided to the environmental consultant concerning

cumulative environmental impacts, but the supplementary questions are concerned only with Indigenous engagement.

Third, the supplementary questions, if answered, would not be expected to produce information that would materially assist the OEB in determining any issues in the proceeding and they would require further procedural steps to be taken with respect to confidentiality, as follows:

- Supplementary Question #1 asks for AECOM's RFQ response and the Master Services Agreement and Service Release Order. These would not contain any information relating to the instructions given to AECOM, such as in respect of cumulative effects, which was the basis for the undertaking. Moreover, it is likely that these materials would contain information that requires confidential treatment, which would necessitate additional filings and OEB consideration in connection with those requests.
- Supplemental Question #2 asks for information relating to AECOM support for Indigenous engagement. As EGI generally performs Indigenous engagement activities directly and not through AECOM, there would not be any material information to provide in response to this question that has not already been provided in the Environmental Report or the Indigenous Consultation Report other than invitations to First Nation Communities to participate in surveys by AECOM. AECOM's support has included attending meetings with First Nations, answering questions pertaining to the Project and coordinating First Nation communities' participation in field studies. All First Nation communities identified in the MOE delegation letter were invited to participate in field surveys. All communities with the exception of Oneida First Nation participated in archaeological surveys and only Oneida First Nation and Aamjiwnaang First Nation participated in the ecological surveys.
- Supplemental Question #3 asks for details of meetings held by AECOM with Indigenous groups. As EGI is generally undertaking Indigenous engagement directly and not through AECOM, there would not be any material information to provide in response to this question. The only communication AECOM has had outside of the information provided in the Environmental Report was to invite First Nation communities to participate in field studies such as archaeology and species at risk surveys. As stated above, all communities identified in the MOE delegation letter, with the exception of Oneida first Nation, participated in archaeological surveys and only Oneida First Nation and Aamjiwnaang First Nation participated in the ecological surveys.
- Supplemental Question #4 asks for an Indigenous Participation document in relation to the archaeology assessment and the species at risk assessment, along with related communications. The species at risk assessment has been provided to Three Fires outside of this proceeding, and the Stage II archaeology assessment will be provided to Three Fires outside of this proceeding upon being submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) at the end of November. Moreover, EGI clarifies that there is no "Indigenous Participation document" as implied by Three Fires. Rather, the RFQ requires that Indigenous Participation *processes* be included as part of the archaeological and species at risk assessments, but EGI has not received from or required AECOM to prepare specific documentation regarding those processes.
- Supplemental Question #5 asks for a communication strategy document which includes Indigenous participation, along with related communications. EGI clarifies that while

the RFQ requires the consultant to prepare a communications strategy for the Project, EGI has not received from or required AECOM to prepare any communication strategy document. Rather, the communications strategy is reflected in the Environmental Report, Section 3 Consultation Program.

For the reasons above, EGI does not intend to respond further to the supplementary questions from Three Fires and submits that the OEB should not require EGI to provide any further responses as part of the record in the proceeding.

Yours truly,

Charles Keizer