



February 10, 2023

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")
2024 Rebasing Application
Board File No.: EB-2022-0200**

We are counsel to Ginoogaming First Nation ("**GFN**") in the above-noted proceeding. Please find enclosed the interrogatories of GFN to EGI, pursuant to Procedural Order No.1.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer", written in a cursive style.

DT Vollmer

c. Vanessa Inis, EGI
David Stevens, Aird & Berlis LLP
Dennis M. O'Leary, Aird & Berlis LLP
Chief Sheri Taylor, GFN
Kate Kempton, Woodward & Company LLP

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c.15 (Schedule. B);

AND IN THE MATTER OF an Application by Enbridge Gas
Inc. (“**EGI**”) , pursuant to section 36(1) of the *Ontario
Energy Board Act*, 1998, for an order or orders approving
or fixing just and reasonable rates and other charges for
the sale, distribution, transmission and storage of gas as of
January 1, 2024 (the “**Application**”).

EB-2022-0200

INTERROGATORIES

OF

**GINOOGAMING FIRST NATION
 (“GFN”)**

February 10, 2023

Question: 1.1-GFN-1

Reference: • Exhibit 1, Tab 1, Schedule 2, p. 5, para 17

Preamble: EGI notes that that persons affected by the Application include the “customers resident or located in the municipalities, police villages and **First Nations reserves served by the Applicant**, together with those to whom the Applicant sells gas, or on whose behalf the Applicant distributes, transmits or stores natural gas.” (emphasis added)

a) Please file any and all analysis EGI has performed in connection with how the Application will, or is anticipated to, affect the First Nations rights-holding communities:

- (i) that EGI serves;
- (ii) to which EGI sells gas; and
- (iii) on whose behalf EGI distributes, transmits, or stores gas.

If EGI has not undertaken any such analysis, please explain why no such analysis has been undertaken, in light of the statement in paragraph 17.

Question:

1.1-GFN-2

Reference:

- Exhibit 1, Tab 1, Schedule 2, p. 5, para 17
- Enbridge Inc.'s Indigenous Peoples Policy¹ ("**IPP**")

Preamble:

Enbridge Inc.'s IPP provides that Enbridge will engage with "forthright and sincere consultation with Indigenous Peoples about Enbridge's projects **and operations** through processes that seek to achieve early and meaningful engagement". Enbridge also notes that the commitments made in the IPP are "a shared responsibility involving Enbridge **and its affiliates**, employees and contractors" and that they "will conduct business in a manner that reflects" the principles provided in the IPP.

- a) Please place Enbridge Inc.'s IPP on the record in this proceeding.
- b) Please indicate whether EGI adhered to the principles articulated in the IPP as it developed the Application. If yes, please discuss how EGI upheld the commitments in the IPP with respect to the Application. If no, please explain why not.
- c) Please provide all internal policy frameworks and guidance other than the IPP that EGI relied on to guide its engagement and relationship with First Nations and how this informed EGI's development of the Application.

¹ Enbridge Inc., *Indigenous Peoples Policy*, (August 2022), available online: <https://www.enbridge.com/-/media/Enb/Documents/About-Us/indigenous_peoples_policy_final.pdf?rev=839a88ff9657465aa0b039d139d98166&hash=B98D08567204E4E2468FA166EF955E88>.

Question: 1.2-GFN-3

Reference: • Exhibit 1, Tab 2, Schedule 1, p. 3

Preamble: EGI states that integrity, safety, respect and inclusion, along with its strategic priorities, are values that have guided its decision-making. In addition, EGI noted that the evidence provided in the Application is its business plan and demonstrates how it intends to support customers through continued safe, reliable, cost-effective operations while prudently incorporating new energy solutions.

In its [Decision and Order on Enbridge Gas Distribution Inc.'s application for the RNG Enabling Program in EB-2017-0319 dated October 18, 2018](#), the Ontario Energy Board confirmed that "strategic, higher level decisions can trigger the duty to consult" First Nation communities (p. 25)

a) Please describe and provide evidence for whether — and, if so, how — EGI determined, interpreted, and applied:

- (i) its values especially in regard to respect and inclusion;
- (ii) the Crown's requirements in respect of reconciliation and honour in engaging with First Nations; and
- (iii) the Ontario Energy Board's procedural requirements and decision making considerations;

in assisting the Crown in fulfilling its duty to act honourably with the intent to effect reconciliation including through consultation and accommodation impacted First Nation communities in relation to the Application.

Question: 1.6-GFN-4

Reference:

- Exhibit 1, Tab 6
- Exhibit 1, Tab 6, Attachment 1

Preamble: EGI states that it conducted “an extensive customer engagement process throughout 2021 and early 2022 in support of” the Application. In addition, EGI notes that the objective of its customer engagement was to “integrate customer feedback into the business planning process” as this would ensure that the Application “adequately reflects and is responsive to customer needs and preferences.”

EGI retained Innovative Research Group (“**Innovative**”) to help design, execute, and document the results of EGI’s customer engagement. Phase of EGI’s customer engagement “focused on identifying customers’ perceptions of the key issues they would like the [EGI] rate application to address.” Customer feedback and key findings were provided to EGI’s planners to provide initial customer input into the development of draft investment plans.

- a) Please file any and all reports, presentations, analysis, data, or other materials related to EGI’s engagement with First Nations in support of the Application.
- b) Please provide a copy of all written instructions provided by EGI in relation to its customer engagement for the Application and Innovative’s report provided in Exhibit 1, Tab 6, Attachment 1.
- c) Please provide a detailed outline of EGI’s First Nations consultation process with respect to the Application. Please include a description of all steps that EGI has taken or will take in order to engage, consult, and accommodate First Nations affected by the Application.
- d) Please provide any and all notes from the customer engagement relating to First Nations that are supplementary to the report provided in Exhibit 1, Schedule 6, Attachments 1 and 2.
- e) Please provide specific examples of how the Application was informed by the concerns and views of the members of affected First Nations, including GFN’s members.

Question: 1.10-GFN-5

Reference:

- Exhibit 1, Tab 10, Schedule 6
- Framework for Energy Innovation Working Group, *Report to the OEB* (the “**FEI Report**”), p. 10

Preamble: EGI describes federal, provincial, and municipal climate change policies and greenhouse gas (“**GHG**”) emission reduction targets relevant to the energy transition that may impact demand for natural gas and notes the uncertainty around energy transition pathways for reducing GHG emission by the various levels of government.

The Application also describes EGI’s Energy Transition Plan (the “**ETP**”). The ETP provides actions that EGI is proposing “to move forward with during the rebasing term despite current policy uncertainty.”

EGI states that “energy system planning in Ontario can be done in a more coordinated and collaborative manner, involving assessments of how developing regional energy needs can be met by both the gas and electricity systems together.”

The FEI Report notes that “[c]oncurrent with the energy transition, Ontario is seeing increasing Indigenous economic participation in the energy sector, particularly among communities that have been underserved or experience ongoing reliability challenges where DER solutions may be appropriate.”

- a) Does EGI recognize First Nations governments as a level of government that may have climate change policies that could affect natural gas demand over the rebasing period and beyond? If not, please explain why not.
- b) Did EGI consider the climate change policies of any First Nation governments in developing the ETP? If yes, please provide details of which First Nations climate change policies EGI considered in developing (i) the Application and (ii) the ETP. If no, please explain why not.
- c) Did EGI consult with its First Nations customers, including GFN, in developing the ETP? If yes, please provide EGI’s consultation log with First Nations documenting the consultation with First Nations. If no consultation log exists, please provide a detailed response regarding all First Nations consultation that EGI undertook in preparing the ETP. If EGI did not consult with its First Nations customers in developing the ETP, please explain why not.
- d) Did EGI’s assessment of the energy transition and supporting the integration of gas and electric system planning take into account (i) Indigenous equity participation (ii) the energy reliability challenges in many First Nations communities? If yes, please provide details and explain how EGI incorporated First Nations concerns regarding the energy transition into the ETP. If no, please explain why not.

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS

10th day of February, 2023

A handwritten signature in black ink, appearing to read 'Lisa (Elisabeth) DeMarco', written over a horizontal line.

Lisa (Elisabeth) DeMarco
Resilient LLP
Counsel for GFN

Kate Kempton
Woodward & Company LLP
Counsel for GFN