

August 25, 2023

RESS & EMAIL

Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Attention: Nancy Marconi, Registrar

Dear Ms. Marconi:

**Re: Enbridge Gas Inc. - Panhandle Early Access Application (EB-2022-0285) –
Update on Timing and Abeyance Request**

We are legal counsel to Enbridge Gas Inc. (“EGI”), applicant in the above referenced proceeding. The following is an update on certain matters relating to timing as set out in EGI’s application, and a request that the application be held in abeyance.

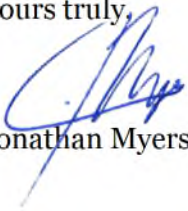
In Exhibit A-2-1, para 5 and Exhibit B-1-1, para 8 of the application, EGI indicated that it was necessary to have access to the subject properties by no later than October 1, 2023 to enable completion of the environmental studies required to fix the locations for the proposed facilities on the properties and obtain the required permits in advance of the scheduled commencement of construction in Q1 2024. Based on further communications between its environmental consultant and the Ministry of Environment, Conservation and Parks subsequent to the application being filed, it is no longer necessary for EGI to have such access by October 1, 2023 in order to maintain its schedule for commencing construction.

While EGI continues to require access to the subject properties to complete surveys, studies and examinations necessary for fixing the site of its proposed works, based on the schedule set out in Procedural Order No. 6 of the related leave to construct application (EB-2022-0157), EGI anticipates that it will gain authorization to enter onto the subject properties pursuant to section 98(1)1 of the *Ontario Energy Board Act* with sufficient time to complete the surveys, studies and examinations relative to the project schedule. As such, EGI does not currently anticipate the need for early access to the subject properties pursuant to section 98(2) of the *Ontario Energy Board Act*.

Notwithstanding that EGI does not currently require early access, as the timing for the leave to construct proceeding could unexpectedly change, EGI requests that the current application be held in abeyance. This would enable EGI to continue with its request for early access in the event the leave to construct proceeding is delayed or should any unexpected circumstances arise. If the leave to construct proceeding continues on its current schedule and no other unexpected circumstances arise, EGI’s intention would be to request that its application for early access be withdrawn. EGI proposes to update the OEB regarding the need for the

application to remain in abeyance by no later than December 31, 2023.

Yours truly,



Jonathan Myers

cc: Haris Ginis, EGI
Charles Keizer, Torys LLP
All Parties