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**Enbridge Gas Inc.**  
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Canada

## **VIA EMAIL and RESS**

December 8, 2023

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario, M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc. (“Enbridge Gas” or the “Company”)  
Ontario Energy Board (“OEB”) File No. EB-2022-0285  
Panhandle Regional Expansion Project (“Project”) – Early Access  
Application Status Update**

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On June 16, 2023, Enbridge Gas filed an early access application with the OEB pursuant to section 98(2) of the *Ontario Energy Board Act, 1998*, for an order authorizing entry onto certain properties to complete surveys and examinations that are necessary for fixing the site of the hydrocarbon line that it has proposed to construct in its application for leave to construct the Project, which is currently before the OEB (EB-2022-0157).

On August 15, 2023, the OEB issued Procedural Order No. 1 which set out timelines for the initial procedural steps for the early access application.

On August 25, 2023, Enbridge Gas filed a letter providing an update regarding the timing set out within its early access application and requested that the application be placed in abeyance. Enbridge Gas noted that, within its early access application, the Company indicated 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. Enbridge Gas further indicated that, based on further communications between its environmental consultant and the Ministry of Environment, Conservation and Parks subsequent to the early access application being filed, it was no longer necessary for the Company to have such access by October 1, 2023 in order to maintain its schedule for commencing construction. Enbridge Gas noted that, while the Company 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 leave to construct application (EB-2022-0157), the Company anticipated 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.<sup>1</sup>

By way of correspondence dated August 29, 2023, the OEB placed the early access application into abeyance and directed Enbridge Gas to provide a status update regarding the application by no later than December 31, 2023.

After the issuance of Procedural Order No. 6 in respect of the leave to construct application and Enbridge Gas's letter requesting to place the early access application into abeyance, the procedural steps/timelines for the leave to construct application were adjusted. The adjustments included the provision for an oral hearing in place of the previously scheduled technical conference, and a postponement of the oral hearing. Procedural Order No. 8, dated October 30, 2023, sets out the current procedural timelines for the leave to construct application.

Based on the new due date for Enbridge Gas's Reply Submission in the leave to construct proceeding, January 18, 2024, and the OEB's performance standards for processing applications, the Company anticipates that an OEB decision regarding the leave to construct application will be issued by approximately mid-March 2024. It is now necessary for Enbridge Gas to have access to the subject properties by no later than April 1, 2024. While this requirement is shortly after the anticipated leave to construct decision date, due to the risk of unanticipated delays to the leave to construct procedural timelines and OEB decision date, Enbridge Gas wishes to proceed with its early access application, subject to minor updates it is filing concurrent with this letter to reflect the updated timing. Enbridge Gas therefore requests that the discovery and submissions phase of the proceeding conclude by no later than mid-February 2024, to ensure that an OEB decision regarding the early access application can be issued by no later than March 29, 2024.

Enbridge Gas requires early access to the subject properties in order to carry out environmental studies as well as engineering examinations and surveys including legal and civil surveys required to fix the precise location of the Project and to obtain necessary permits and approvals for the Project, including Archaeological and Natural Heritage Studies, Terrestrial Studies, Aquatic Studies, Hydrogeological Investigations, Geotechnical Investigations and Legal and Civil Surveys.<sup>2</sup> The need for access by April 1, 2024 is specifically related to the activities regarding Archaeological and Natural Heritage Studies.

Enbridge Gas has obtained early access land rights to enable it to carry out necessary surveys and examinations for all but three of the affected properties located along the proposed route for the Panhandle Loop. Enbridge Gas has made reasonable efforts to secure such rights for the remaining three properties but to date those efforts have been unsuccessful. Enbridge Gas therefore requires authorization from the OEB to enter onto the remaining three properties for the purposes of conducting environmental and engineering examinations and surveys, which are necessary for fixing the site of the

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<sup>1</sup> Procedural Order No. 6 set out a due date of November 29, 2023 for Enbridge Gas's Reply Submission for the leave to construct application (EB-2022-0157).

<sup>2</sup> Exhibit B, Tab 1, Schedule 1, para. 21.

Project and completing relevant approval processes.

Further to the early access application and evidence filed on June 16, 2023, Enbridge Gas is filing updates to the following exhibits:

<b>Exhibit</b>	<b>Update</b>
<i>Exhibit A, Tab 2, Schedule 1</i>  para. 5	Updated to reflect the date the Company requires early access to the subject properties (changing from October 1, 2023 to April 1, 2024)
<i>Exhibit B, Tab 1, Schedule 1</i>  paras. 7, 8, and 21	Updated to reflect the date the Company requires early access to the subject properties (changing from October 1, 2023 to April 1, 2024)

All other aspects of the application, including the portions for which confidential treatment was requested, remain unchanged.

The above noted updated application has been filed electronically through the OEB's RESS and will be made available on Enbridge Gas's website. Please see the link below (then navigate to the "Regulatory Information" tab: <https://www.enbridgegas.com/about-enbridge-gas/projects/panhandle-regional-expansion>)

If you have any questions, please contact the undersigned.

Sincerely,

Haris Ginis  
Technical Manager, Leave to Construct Applications