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Enbridge Gas Inc.
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Canada

April 1, 2024

VIA EMAIL AND RESS

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

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Ontario Energy Board (OEB) File: EB-2023-0260
Scarborough Subway Extension – Lawrence Ave. East Station Relocation
Project – Reply Submissions**

In accordance with the OEB's Procedural Order No. 1, dated January 26, 2024 enclosed please find the reply submission of Enbridge Gas.

If you have any questions, please contact the undersigned.

Sincerely,

Eric VanRuymbeke
Sr. Advisor – Leave to Construct Applications

Cc: EB-2023-0260 Intervenors
Guri Pannu (Enbridge Gas Counsel)

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B; and in particular sections 90(1)
and 97 thereof;

AND IN THE MATTER OF an application by Enbridge Gas
Inc. for an order granting leave to construct natural gas
pipelines in the City of Toronto.

**ENBRIDGE GAS INC.
REPLY SUBMISSION**

OEB File No. EB-2023-0260

April 1, 2024

Table of Contents

Introduction3
Project Need6
Project Alternatives8
Project Cost & Economics12
Environmental Impacts13
Landowner Matters15
Indigenous Consultation16
Conditions Of Approval17
Conclusion17

Introduction

1. Pursuant to Procedural Order No. 1 issued by the Ontario Energy Board (OEB) on January 26, 2024, these are the reply submissions of Enbridge Gas Inc. (Enbridge Gas or the Company) related to the construction of a natural gas distribution pipeline(s) in the City of Toronto needed to accommodate the construction of the Scarborough Subway Extension (SSE) transit project.¹ The SSE is a collaboration between the Province of Ontario, the City of Toronto, and Metrolinx.

2. The proposed SSE project will replace the aging Line 3 (currently, the Scarborough RT) and is a key transit expansion project to help support the Ontario Government's desire to support critical transportation projects. The SSE will help reduce travel times for commuters, support economic and community growth along the transit line, and improve access to jobs, schools, and other key destinations throughout the city. Metrolinx has requested that Enbridge Gas temporarily relocate its existing natural gas assets that are in conflict with the SSE project in the vicinity of Lawrence Ave. East station. Upon the future completion of the SSE project, Metrolinx has requested that Enbridge Gas permanently relocate those natural gas pipeline assets back onto the municipal right-of-way. Together, the Company's associated proposed pipeline(s) and ancillary facility relocations are referred to as the "Project".

3. Specifically, Enbridge Gas is seeking the following orders from the OEB: (1) approving the form of land-use agreements proposed to landowners and (2) granting leave to construct approximately 345 metres of natural gas distribution pipelines in the City of Toronto. The proposed pipelines consist of:

¹ <https://www.metrolinx.com/en/greaterregion/projects/scarborough-subway-extension.aspx>

- 79 m of Nominal Pipe Size (NPS) 4 inch Polyethylene (PE) Intermediate Pressure (IP) temporary gas main relocation along permanent easements on Metrolinx owned private properties.
 - 266 m of NPS 6 inch Steel Coated (SC) High Pressure (HP) temporary gas main relocation along permanent easements on Metrolinx owned private properties, along McCowan Road, and along Valparaiso Avenue.
4. Enbridge Gas requests in this application for approval of the temporary relocation, as the details and scope of work for the permanent relocation are unknown at this time and are dependent on Metrolinx finalizing the construction activities and schedule for the SSE project.
 5. Accordingly, and with the necessary approvals of the OEB, Enbridge Gas expects to commence construction of the Project in August 2024. The proposed Project facilities are expected to be placed into service in September 2024.
 6. At this time, Enbridge Gas and Metrolinx have entered into Preparatory Activities Agreements and RFP Agreements (together, the Agreements) that include provision for the payment of a contribution in aid of construction (CIAC) for the full cost of the Project construction, resulting in a net investment of \$0 from ratepayers. Metrolinx expressed their support for the Project and its commitment to pay Enbridge Gas for the relocations required to facilitate the SSE project.²
 7. Submissions on the evidence in this proceeding were filed by OEB staff and Pollution Probe.

² Exhibit B, Tab 1, Schedule 1, Attachment 1.

8. OEB staff expressed full support for the Project, subject to conditions of approval that are agreeable to Enbridge Gas:³

OEB staff supports the approval of Enbridge Gas's leave to construct application, subject to the conditions of approval contained in Schedule A of this submission. OEB staff also supports the approval of the forms of land-use agreements proposed by Enbridge Gas.

9. Pollution Probe's submissions are focused upon issues that were previously decided by the OEB in its Integrated Resource Planning (IRP) Framework for Enbridge Gas (EB-2020-0091) and Enbridge Gas's SSE - Kennedy Station Relocation project (EB-2022-0247). Pollution Probe ignores the risks to customers (i.e., the Scarborough General Hospital) that would be created by the Metrolinx SSE project in absence of the proposed Project, the evidentiary record in the current proceeding, and the role of Enbridge Gas to its customers. OEB staff's submissions clearly determined there is a need for the project, "the Project aims to resolve all conflicts with Metrolinx's work and ensure that Enbridge Gas is able to maintain the provision of safe and reliable natural gas service to its existing customers. OEB staff submits there is a need for the Project as Metrolinx requires that Enbridge Gas temporarily relocate its pipeline assets to allow for the construction of the Subway Extension project".⁴ In addition to its validation of project need, OEB staff also found the following:

- The Project is the best alternative to meet the stated need;
- Enbridge Gas appropriately applied the Binary Screening Criteria contained in the IRP Framework to determine that the Project does not warrant further IRP consideration;
- Enbridge Gas has completed the Environmental Report in accordance with the OEB's *Environmental Guidelines for the Location, Construction*

³ OEB staff Submission (March 18, 2024), p. 1.

⁴ OEB staff Submission (March 18, 2024), pp. 2-3.

and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition (Environmental Guidelines);

- The proposed forms of land-use agreements should be approved as they have been previously approved by the OEB; and
- Enbridge Gas appears to have made efforts to engage with the potentially affected Indigenous groups identified by the Ministry of Energy and no impacts to Aboriginal or treaty rights have been identified.

10. In Enbridge Gas's following submissions, the Company highlights the submissions of OEB staff in support of the current Application and responds to the specific submissions and recommendations of OEB staff and Pollution Probe. Where the Company has chosen not to respond to a particular issue raised by Pollution Probe, this should not be construed as acceptance of the same.

Project Need

11. On the issue of Project need, Enbridge Gas established that the Project is driven by Metrolinx's request to relocate existing natural gas pipelines which are in conflict with Metrolinx's SSE project design and construction plans. Accordingly, as a regulated natural gas utility, Enbridge Gas is required to relocate its affected facilities in order to ensure it can safely and reliably deliver natural gas to existing customers. The Company has confirmed that the primary need of the Project is to maintain service to meet the current demands of the existing customers on the system. Growth is forecasted in the area of the Project; however, the current system has the capacity to support the growth.⁵

⁵ Exhibit I.STAFF.1.

12. OEB staff agrees that there is a need for the Project as Metrolinx requires that Enbridge Gas temporarily relocate its pipeline assets to allow for the construction of the SSE project.⁶

13. In its submissions, Pollution Probe states the only benefit of the Project is the reduced potential risk related to bi-direction flow vs. one directional flow and that Enbridge Gas's risk assessment categorizes this risk as low if the Project is not installed.⁷ Pollution Probe omitted the medium operational risk associated with the one directional flow in the Project area in its submission, therefore minimizing the risk level results stated in Enbridge Gas's risk assessment.⁸

The combination of likelihood and consequence for the single feed scenario translated to low financial, low reputational and medium operational risks.
The combination of likelihood and consequence for the dual feed scenario translated to low financial, low reputational and low operational risks.

14. Pollution Probe agrees that multi-directional systems provides risk management benefits.⁹ Maintaining a dual feed mitigates the potential customer loss (i.e., the Scarborough General Hospital) in the event of an outage due to third-party damage, resulting in a lower operational consequence than the single feed scenario.

15. Enbridge submits it is prudent and practical to address the medium operational risk since the cost of the mitigation is being covered by Metrolinx. By addressing the medium operational risk, Enbridge Gas is able to maintain its level of service and operational risk level for customers in the Project area at no cost to ratepayers. For these reasons, Enbridge Gas submits that the proposed Project is needed and it is in the public interest.

⁶ OEB staff Submission (March 18, 2024), p. 3.

⁷ Pollution Probe Submission (March 18, 2024), pp. 2-3.

⁸ Exhibit I.PP-4 part e).

⁹ Pollution Probe Submission (March 18, 2024), p. 4.

Project Alternatives

16. On the issue of Project alternatives, Enbridge Gas identified three alternatives capable of addressing the SSE project conflicts within the timeframe required by Metrolinx. The Company evaluated the facility alternatives using a mix of quantitative and qualitative criteria including: cost, timing, safety, reliability and environmental and socio-economic impacts. After reviewing the alternatives, Enbridge Gas determined that the proposed Project is the best solution to meet the identified system need. The proposed Project has the following attributes:¹⁰

- it is the most cost-effective compared to the alternatives considered;
- it meets the required in-service date of September 2024;
- it maintains existing network connections and reliability; and
- it enables Enbridge Gas to readily access its facilities to ensure safe operation and maintenance.

More importantly, no party raised any concerns regarding Enbridge Gas's proposed route.

17. In its submissions, Pollution Probe asserts that Enbridge Gas considered three pipeline options, but did not include defaulting to a single feed system in its alternative assessment or in the alternative cost information request from OEB Staff, and a single feed option would have avoided the Project costs related to the new proposed pipelines. This claim by Pollution Probe is inaccurate as the Company described a single feed system as Alternative #1,¹¹ completed a risk assessment comparing a single feed scenario to a dual feed scenario,¹² and provided the cost of Alternative #1 in its interrogatory response.¹³

¹⁰ Exhibit C, Tab 1, Schedule 1.

¹¹ Exhibit C, Tab 1, Schedule 1, p. 5, para. 9 a).

¹² Exhibit I.PP-4 part e) plus Attachment 1.

¹³ Exhibit I.STAFF-3 part a), Table 1.

18. Pollution Probe also claims that it is unclear why NPS 12 HP and NPS 8 IP pipelines were originally approved and installed when the NPS 6 and NPS 4 (Alternative # 3) are considered adequate, and that the overbuilding of the system (including for the longer term 2030 solution) will result in underutilized assets and greater amounts of stranded assets in the future.¹⁴ Enbridge Gas's proposed Project (Alternative #3) was sized based on the 345 metres of pipe being installed in the midst of an existing pipeline network to address the SSE conflict and not to replace kilometres of the existing pipeline networks (NPS 12 HP and NPS 8 IP) currently serving thousands of customers. Pollution Probe's use of the pipe size proposed for the Project to indicate that the existing network is overbuilt is a vast oversimplification and is not based on the results of any hydraulic modelling.
19. The OEB should assign no weight to Pollution Probe's claim that the natural gas system in the Project area is overbuilt and will result in underutilized assets as there is no factual basis or evidence on the record to support this claim.
20. In regards to IRP, Enbridge Gas applied the OEB-approved IRP Binary Screening Criteria and determined that the Project does not warrant further IRP assessment based on the "Timing" criteria, as the need must be met in under three years, and the "Customer-Specific Builds" criteria, as Metrolinx will pay the full cost of the Project in the form of a CIAC.¹⁵ Finally, the OEB determined that an IRP assessment was not needed in the related project for the SSE - Kennedy Station Relocation leave to construct transit project.¹⁶

¹⁴ Pollution Probe Submission (March 18, 2024), pp. 4-5.

¹⁵ Exhibit C, Tab 1, Schedule 1, p. 2 and Exhibit I.PP-5.

¹⁶ EB-2022-0247, Decision and Order (May 9, 2023).

21. In its submissions, OEB staff agrees with Enbridge Gas's interpretation and application of the IRP Binary Screening Criteria as well as its conclusion that further assessment of IRP alternatives is not warranted.¹⁷

OEB staff also submits that Enbridge Gas appropriately applied the Binary Screening Criteria contained in the IRP Framework to determine that the Project does not warrant further IRP consideration. This is a small project driven by Metrolinx that is also being fully funded by Metrolinx. OEB staff is of the view that there is no requirement for Enbridge Gas to consider IRP alternatives in this case.

22. In its submissions, Pollution Probe indicates the project was identified more than three years ago to Enbridge and there has been sufficient time in 2022 and 2023 alone to consider more cost-effective long-term alternatives.¹⁸ The Company explained that while it was first made aware of the general location of potential SSE project works in 2016, Enbridge Gas was not provided sufficient detail to start to identify conflicts with Company assets until November 2019. Furthermore, Enbridge Gas was not provided sufficient information from Metrolinx to initiate work on preliminary asset relocation designs until 2020.¹⁹ The nature of Metrolinx's project design and execution process is such that even now Enbridge Gas is regularly working with Metrolinx to resolve novel conflicts as they finalize the SSE project plan.²⁰ Therefore, it was not reasonably possible for Enbridge Gas to commence work to assess any alternative, facility or non-facility (IRP) until SSE project plans were sufficiently detailed and certain. Enbridge Gas advanced Project design and the current Application as efficiently as possible. A similar argument was raised by

¹⁷ OEB staff Submission (March 18, 2024), p. 3.

¹⁸ Pollution Probe Submission (March 18, 2024), p. 7.

¹⁹ Exhibit I.PP-6 parts a-b).

²⁰ As indicated in the Infrastructure Ontario media news article on November 30th, 2022, Metrolinx utilizes a Progressive Design-Build delivery model which does not provide time for Enbridge to complete IRP evaluations:

<https://www.infrastructureontario.ca/en/news-and-media/news/subway---scarborough-subway-extension/dev-co-selected-for-scarborough-subway-extension-stations-rail-and-systems-contract/>

Pollution Probe in the SSE– Kennedy Station Relocation project regarding timing and it was not accepted by the OEB.²¹

23. For the reasons set out above, the OEB should assign no weight to Pollution Probe’s submissions regarding the Company’s application of the IRP Framework’s Binary Screening Criteria for “Timing”.

24. Pollution Probe submits that the “Customer-Specific Build” criteria does not apply in this instance because Metrolinx does not represent a customer per the contractual agreements with Enbridge Gas and therefore that exception is not applicable.²² This is an incorrect interpretation of the intent of the IRP Framework’s Binary Screening Criteria. The IRP Framework does not constrain applicability of the “Customer-Specific Build” criteria in the manner suggested by Pollution Probe. Metrolinx has made a clear request for Enbridge Gas to relocate its existing facilities and has chosen to pay a CIAC for the full construction cost of the Project.²³ Additionally, in a related LTC application for the SSE – Kennedy Station Relocation Project the OEB found that the project was excluded from IRP considerations for the following reason:²⁴

Because Metrolinx will pay all project costs, the project is within the intent of the findings made by the OEB in the IRP Framework decision regarding customer-specific builds where the customer fully pays for incremental infrastructure cost.

Therefore, further IRP assessment is not warranted.

25. Enbridge Gas respectfully submits that the OEB should find that the Company appropriately applied the IRP Binary Screening Criteria in relation to the proposed Project.

²¹ EB-2022-0247, Decision and Order (May 9, 2023).

²² Pollution Probe Submission (March 18, 2024), p. 6.

²³ Exhibit B, Tab 1, Schedule 1, Attachment 1.

²⁴ EB-2022-0247, Decision and Order (May 9, 2023), p. 6.

Project Cost & Economics

26. On the issue of Project costs and economics, Enbridge Gas explained that the total cost of the Project is estimated to be \$3.55 million. The total Project costs are directly attributed to pipeline facilities (for which the Company is seeking an order of the OEB granting leave to construct), and \$0.2 million is attributed to ancillary facilities.²⁵
27. In its pre-filed evidence and in response to interrogatories, Enbridge Gas provided the proposed forms of Preparatory Activities Agreement, RFP Agreement and Utility Work Agreement (the Agreements). The Preparatory Activities Agreement, RFP Agreement, and Utility Work Agreement between Enbridge Gas and Metrolinx's Contractor ("ProjectCo") have been entered into with Metrolinx. These Agreements include a provision for the payment by Metrolinx of a CIAC for the full amount of the Project construction costs.²⁶
28. In its interrogatories, OEB staff suggested a modification to Condition 6 of the OEB's standard conditions of approval. The modified condition would require Enbridge Gas to confirm in the Post Construction Financial Report that the actual final Project costs are fully funded by the CIAC payment from Metrolinx. In its interrogatory responses, Enbridge Gas agreed with this suggestion and accepts OEB staff's proposed additional condition of approval.²⁷
29. Enbridge Gas submits that the evidence in this proceeding demonstrates that Project costs are reasonable and will be paid in full by Metrolinx, and that the Project is economically justified.

²⁵ Exhibit I.STAFF-4 part a).

²⁶ Exhibit E, Tab 1, Schedule 1, pp.1-2 and Exhibit I.PP-8 plus Attachments.

²⁷ Exhibit I.STAFF-12 part a).

Environmental Impacts

30. On the issue of environmental impacts, Enbridge Gas explained that it completed an environmental assessment (including route evaluation, environmental and socio-economic impact study and cumulative effects assessment, stakeholder consultation, and mitigation measures) and filed an Environmental Report (ER) as part of the current Application. The ER was circulated to members of the Ontario Pipeline Coordinating Committee (OPCC) in June 2023. By implementing the mitigation measures and monitoring and contingency plans identified within the ER or as otherwise identified by regulatory/permitting agencies, no significant environmental or cumulative effects are anticipated from Project construction. Enbridge Gas will obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the Project.

31. In its submissions, OEB staff states that:²⁸

...Enbridge Gas has completed the Environmental Report in accordance with the OEB's Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition (Environmental Guidelines). On March 28, 2023, the OEB released an updated 8th Edition of the Environmental Guidelines. Enbridge Gas stated that as the Project was initiated prior to March 28, 2023, the 7th Edition Guidelines were followed; however, components of the 8th Edition Guidelines were considered when drafting the Environmental Report and provided clarification of the aspects considered in response to interrogatories.

OEB staff has no concerns with the environmental aspects of the Project, based on Enbridge Gas's commitment to implement the mitigation measures set out in the Environmental Report. OEB staff submits that Enbridge Gas's compliance with the conditions of approval outlined in Schedule A will ensure that impacts of pipeline construction are mitigated and monitored. OEB staff notes that the conditions of approval also require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the Project.

²⁸ OEB staff Submission (March 18, 2024), p. 6.

32. In its submissions, Pollution Probe asserts that the direct and indirect socio-economic impacts of the SSE project will be high.²⁹ Enbridge Gas refutes Pollution Probe's assertion that socio-economic impacts will be high. Section 7 of the ER evaluates cumulative effects resulting from the Project being constructed in conjunction with other large projects, including Metrolinx's project. Based on the planned and existing developments, the ER finds that there is a possibility of socio-economic cumulative effects related to temporary traffic disruptions and noise. The use of appropriate mitigation techniques, coordination with the City of Toronto, Metrolinx, and other developers, and the segmented approach to Project construction over a short construction timeframe will reduce the magnitude of the cumulative effect. Construction activities and traffic disruptions are to be expected in a city the size of Toronto and, while these types of activities pose a nuisance, they can be appropriately managed. Therefore, it is anticipated that the cumulative effects of temporary traffic disruptions and noise will be reversible, low to moderate in magnitude, short-term in duration, and not significant. Overall, Enbridge Gas does not anticipate any significant adverse effects from the construction and operation of the Project with the implementation of the mitigation measures recommended in the ER.

33. The OEB should assign no weight to Pollution Probe's claims in this regard as it provided no evidentiary basis to support them, and because Pollution Probe's subjective opinions regarding the impacts of the SSE project have no direct relation to the relief requested by Enbridge Gas.

²⁹ Pollution Probe Submission (March 18, 2024), p. 8.

Landowner Matters

34. The Project will be located in public road allowance with the exception of permanent easements and temporary working areas required. Accordingly, the Company is seeking approval of the forms of Easement Agreement and Temporary Land Use Agreement filed with its Application (both of which are the same as those previously approved for use by the OEB in Enbridge Gas's SSE - Kennedy Station Relocation Project).³⁰
35. In its submissions, OEB staff raised no issues related to the Project and stated that:³¹
- ...the OEB should approve the proposed forms of permanent easement and temporary working area agreements as both were previously approved by the OEB.
36. In its submissions, Pollution Probe generically states that municipalities have raised concerns with gas pipelines being abandoned in congested road rights-of-way and use of municipal rights-of-way should not be considered a free resource since it come with real costs and impacts.³² Enbridge Gas's proposed Project consists of work on the existing assets located in road allowance, required to avoid conflict with Metrolinx construction, and the installation of the proposed pipelines primarily on Metrolinx private property, which easement agreements are actively being negotiated.
37. Enbridge Gas submits that the OEB should approve the forms of Easement Agreement and Temporary Land Use Agreement filed with its Application.

³⁰ Exhibit G, Tab 1, Schedule 1, p. 2.

³¹ OEB staff Submission (March 18, 2024), p. 6.

³² Pollution Probe Submission (March 18, 2024), pp. 5-6.

Indigenous Consultation

38. On the issue of consultation with potentially affected Indigenous communities, Enbridge Gas explained that it was delegated the procedural aspects of consultation by the Ministry of Energy (ENERGY). In accordance with the OEB's Guidelines, an Indigenous Consultation Report (ICR) outlining consultation activities Enbridge Gas has conducted has been prepared, provided to ENERGY and filed with the OEB as part of the current Application.³³ The Company is not aware of any outstanding concerns from Indigenous communities at this time and has committed to maintaining ongoing engagement with these Indigenous communities throughout the life of the Project to ensure potential impacts on Aboriginal or treaty rights are addressed, as appropriate.³⁴

39. In its submissions, OEB staff states that:³⁵

Enbridge Gas appears to have made efforts to engage with the potentially affected Indigenous groups identified by the MoE. OEB staff submits that no impacts to Aboriginal or treaty rights have been identified.

40. OEB staff submitted that the OEB should wait to receive the letter of opinion (Sufficiency Letter) from ENERGY before approving the Application and in the case that the Sufficiency Letter is not received or filed prior to the close of record, that the OEB can consider placing the proceeding in abeyance until such time that the Sufficiency Letter is filed.³⁶

41. On March 27, 2024, Enbridge Gas received a Sufficiency Letter from ENERGY notifying the Company that,³⁷

³³ Exhibit H, Tab 1, Schedule 1, Attachments 5 and 6; Exhibit I.STAFF-11.

³⁴ Exhibit H, Tab 1, Schedule 1, p. 3.

³⁵ OEB staff Submission (March 18, 2024), pp. 7-8.

³⁶ *Ibid*, p. 8.

³⁷ Attachment 1

...ENERGY is of the opinion that the procedural aspects of consultation undertaken by Enbridge to date for the purposes of the OEB's Leave to Construct process for the Lawrence Avenue East Station Relocation Project are satisfactory.

42. ENERGY's Sufficiency Letter is set out at Attachment 1 to this submission.

Enbridge Gas will also update its Application at Exhibit H, Tab 1, Schedule 1, Attachment 3, to insert ENERGY's Sufficiency Letter.

Conditions of Approval

43. In their submission, OEB staff supports the Company's Application subject to the proposed conditions of approval included in Schedule A of OEB staff's submissions.

44. Enbridge Gas hereby confirms that it accepts OEB staff's proposed conditions and will comply with the final conditions of approval ultimately established by the OEB.

Conclusion

45. Enbridge Gas has provided clear and compelling evidence to support that the Project is in the public interest. The accommodation of the SSE Project while also maintaining safe and reliable delivery of natural gas is clearly in the public interest. In considering the typical factors in support of a leave to construct application, the evidence submitted by Enbridge Gas has shown there is a clear need for the Project. The evidence also illustrates that the Project need and cost is supported by Agreements between Enbridge Gas and Metrolinx which includes a provision for the payment by Metrolinx of a CIAC for the full amount of the Project construction cost. Enbridge Gas determined that the Project is the best alternative to meet the identified need and this is supported by OEB staff. Furthermore, there were no material concerns raised by OEB staff and

the intervenors with respect to land matters, environmental impacts and Indigenous consultation.

46. The OEB should conclude that the proposed Project is in the public interest and issue an order granting leave to construct the Project, subject to the conditions of approval proposed by OEB staff.

Ministry of Energy

Energy Networks and Indigenous Policy
Branch

Indigenous Energy Policy

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Ministère de l'Énergie

Direction Générale des Réseaux
Énergétiques et des Politiques
Autochtones

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March 27, 2024

VIA EMAIL

Evan Tomek
Enbridge Gas Incorporated
P. O. Box 2001
50 Keil Drive North
Chatham, ON N7M 5M1

Re: Letter of Opinion – Lawrence Avenue East Station Relocation Project

Dear Evan Tomek,

The Ontario Ministry of Energy (ENERGY) has completed its review of Enbridge Gas Inc.'s (Enbridge) Indigenous consultation record for the Lawrence Avenue East Station Relocation Project.

ENERGY has reviewed the information provided by Enbridge as well as relevant materials filed with the Ontario Energy Board (OEB). ENERGY also reached out to the Indigenous communities identified as being owed consultation on the project to understand any concerns about possible impacts to Aboriginal and treaty rights from the project, as well as community feedback about satisfaction with Enbridge's responses to any concerns raised or proposed mitigation, where appropriate.

This letter is to notify you that based on this review of materials and our outreach to Indigenous communities, ENERGY is of the opinion that the procedural aspects of consultation undertaken by Enbridge to date for the purposes of the OEB's Leave to Construct process for the Lawrence Avenue East Station Relocation Project are satisfactory.

It is expected that Enbridge will continue its engagement activities with the communities throughout the life of the project as needed, and that Enbridge will notify ENERGY should any additional rights-based concerns/issues arise.

If you have any questions about this letter or require any additional information, please contact me at 416-315-8641 or amy.gibson@ontario.ca.

Sincerely,

A handwritten signature in black ink that reads "Amy Gibson".

Amy Gibson
Manager, Indigenous Energy Policy

c: Ontario Energy Board - Ontario Pipeline Coordinating Committee