



Ontario
Energy
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BY EMAIL

September 12, 2024

Nodin Webb
Land Defender, Council Member
Kawartha Nishnawbe First Nation
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Sam Harvey
Council Member
Kawartha Nishnawbe First Nation
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Jack Hoggarth
Land Defender, Community Member
Kawartha Nishnawbe First Nation
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NOTICE OF A HEARING

Dear Nodin Webb, Sam Harvey and Jack Hoggarth:

**Re: Enbridge Gas Inc.
Cherry Valley Community Expansion Project
Ontario Energy Board File Number: EB-2024-0084**

Kawartha Nishnawbe First Nation has been identified by the Ministry of Energy and Electrification as an Indigenous community whose Aboriginal or treaty rights¹ may be adversely impacted by a natural gas pipeline project proposed by Enbridge Gas Inc. (Enbridge Gas) to serve the community of Cherry Valley in Prince Edward County (Project). Through this notice, you are being provided with information about how Kawartha Nishnawbe First Nation can participate in the Ontario Energy Board's (OEB) hearing on Enbridge Gas's application regarding the Project.

¹ As protected under Section 35 of Canada's *Constitution Act, 1982*

Enbridge's Application

The Project involves the construction of approximately 9.5 km of natural gas distribution pipelines and ancillary facilities intended to connect homes and businesses to natural gas service. A map of the Project area is provided in Attachment A.

The Project was approved to receive funding assistance under Phase 2 of the Government of Ontario's [Natural Gas Expansion Program](#). On August 14, 2024, Enbridge Gas filed an application for an order exempting the Project from the requirement to obtain leave to construct.²

The Issue in this Hearing

The issue that the OEB will consider in this hearing is whether the Crown's duty to consult has been adequately discharged in respect of the Project.³

The OEB must grant the exemption requested by Enbridge Gas if it determines that the Crown's duty to consult has been adequately discharged in respect of the Project.⁴ In that case, no further approval will be needed from the OEB to allow Enbridge Gas to build the Project.

OEB Hearing Types

There are three types of OEB hearings: oral, electronic and written.⁵ Enbridge Gas has asked for a written hearing. If you think a different hearing type is needed, you can write us to explain why (please see deadline below). No matter the format of the hearing, there will be an opportunity for questions and arguments from participants that have registered to actively participate in the proceeding (referred to as Intervenor).

How to Participate and Important Dates

You have the right to receive information about Enbridge Gas's application and to participate in the OEB's process. Go to the OEB's [Advanced Regulatory Document Search](#) and use Case Number **EB-2024-0084** to review the application. This link will

² The application was filed under section 95(2) of the *Ontario Energy Board Act, 1998* (OEB Act)

³ Pursuant to section 95(2) of the OEB Act

⁴ As provided for in section 3.0.1 of [Ontario Regulation 328/03](#)

⁵ An oral hearing is one that is conducted in person. An electronic hearing is conducted virtually. A hearing that includes a combination of oral (in-person) and electronic (virtual) formats is referred to as a hybrid hearing.

also allow you to see other documents that are filed by Enbridge Gas or by Intervenorors as well as documents that are issued by the OEB during the hearing.

In terms of participation, you have several options:

1. You can file a letter to notify the OEB of any concerns you may have that the Crown's duty to consult has not been adequately discharged in respect of the Project (Notification Letter). You can express your preference for the type of hearing in your Notification Letter. Your Notification Letter must be filed on or before to **October 26, 2024**. Otherwise, the hearing will move forward without you, and you will not receive any further notice of the proceeding. To file a Notification Letter, please email Registrar@oeb.ca and reference Case Number **EB-2024-0084**.
2. If you want to actively participate in the hearing as an Intervenor, please say so in your Notification Letter. Kawartha Nishnawbe First Nation will be accepted as an Intervenor and will be eligible to recover costs in respect of its participation in the proceeding on the issue that is within scope of the proceeding. For more information on the role of an Intervenor, please visit the OEB's [Intervenor Information](#) webpage.
3. If you choose not to become an Intervenor, you can still:
 - a. File a Letter of Comment that expresses your views on the application. To file a Letter of Comment, please email Registrar@oeb.ca and reference Case Number **EB-2024-0084**.
 - b. Follow the proceeding as a Monitor. Monitors received by email all documents issued by the OEB in respect of the proceeding. To register as a Monitor, please email Registrar@oeb.ca and reference Case Number **EB-2024-0084**.

If you file a Notification Letter or a Letter of Comment, your name and the content of your letter will be put on the public record and the OEB website. If you indicate that Kawartha Nishnawbe First Nation intends to actively participate in the hearing as an Intervenor, then all the information you file will be on the public record and the OEB website.

For more information on the role of the OEB in relation to the Crown's duty to consult, please visit the OEB's [Consultation with Indigenous Peoples](#) webpage.

If you have any questions relating to this Notice or how to participate in the OEB's hearing, please contact the OEB's Case Manager, Natalya Plummer, at 416-440-7645 or natalya.plummer@oeb.ca.

Yours truly,

Nancy Marconi
Registrar

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Attachment A: Project Map

