



Enbridge Gas Distribution Inc.

**Application for exemption from leave to construct
natural gas pipeline and associated facilities in Prince
Edward County**

**PROCEDURAL ORDER NO. 1
December 4, 2024**

Enbridge Gas Distribution Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on August 14, 2024, under subsection 95(2) of the *Ontario Energy Board Act, 1998*, (OEB Act) for an order exempting Enbridge Gas from the requirement to obtain leave to construct natural gas pipelines and facilities in the community of Cherry Valley in Prince Edward County. The proposed project consists of 8 kilometres (km) of Nominal Pipe Size (NPS) 4-inch polyethylene (PE) natural gas pipeline, 1.5 km of NPS 2-inch PE natural gas pipeline and approximately 50 metres of NPS 2-inch steel natural gas pipeline (Project). The Project is expected to cost \$6.9 million and serve approximately 110 customers in the community.

Enbridge Gas relies on section 3.0.1(1) of O. Reg. 328/03 for its application. This regulation authorizes the OEB to make an order under subsection 95 (2) of the OEB Act that exempts a person from the requirement to obtain leave from the OEB under subsection 90 (1). The exemption is available if:

- a) Leave is required only by virtue of clause 90 (1) (b) of the OEB Act;
- b) The proposed hydrocarbon line is projected to cost more than the amount specified (\$2 million) in section 3 for the purposes of that clause but not more than \$10 million; and
- c) The OEB makes a determination that the Crown's duty to consult, if it applies in respect of the application, has been adequately discharged.

On September 12, 2024, the OEB issued a Notice of Hearing to each of the following Indigenous communities:¹

¹ The Ministry of Energy and Electrification identified ten Indigenous communities potentially affected by the proposed project in a Delegation Letter to Enbridge Gas.

- Alderville First Nation
- Beausoleil First Nation
- Curve Lake First Nation
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation
- Hiawatha First Nation
- Huron-Wendat Nation
- Kawartha Nishnawbe First Nation
- Mississaugas of Scugog Island First Nation
- Mohawks of the Bay of Quinte

The Notice of Hearing provided an opportunity for each of the Indigenous communities to actively participate in the hearing as an intervenor by filing a Notification Letter with the OEB. For Indigenous communities wishing to express their view on the application without engaging as an intervenor, the Notice also made provision for Indigenous communities to file Letters of Comment with the OEB. The Notice of Hearing also provided the Indigenous communities with the option to follow the proceeding as a Monitor, which would result in the delivery by email of all documents issued by the OEB with respect to this proceeding to those applying for such status.

As stated in the Notice of Hearing, the deadline to apply as an intervenor (by Notification Letter) was October 26, 2024.

As of the date of this Procedural Order, the OEB has not received an intervention request, Letter of Comment or Notification Letter from any of the Indigenous communities that were provided with the Notice of Hearing.

The issue the OEB must decide in this proceeding is whether the Crown's duty to consult has been sufficiently discharged with respect to the Project. In order to assist the OEB in making this determination, Enbridge Gas is directed to file an updated Indigenous Consultation Report (ICR) that includes any consultation activities since June 18, 2024 (day the ICR is dated), and any correspondence from the Ministry of Energy and Electrification on Enbridge Gas's consultation activities by the date set in this Procedural Order.

Provision is also being made for written interrogatories and submissions from OEB staff.

Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. Enbridge Gas shall file an updated ICR and any correspondence from the Ministry of Energy and Electrification on Enbridge Gas's consultation activities with the OEB, by **December 18, 2024**.
2. OEB staff shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB, by **January 10, 2025**.
3. Enbridge Gas shall file with the OEB complete written responses to all interrogatories, by **January 17, 2025**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0084** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Natalya Plummer at Natalya.Plummer@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **December 4, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar