



**Enbridge Gas Distribution Inc.**

**Application for exemption from leave to construct  
natural gas pipeline and associated facilities in the  
Township of South Glengarry in the United Counties of  
Stormont, Dundas and Glengarry**

**PROCEDURAL ORDER NO. 1**

**February 19, 2025**

Enbridge Gas Distribution Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 7, 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 to serve the community of Glendale Subdivision in the Township of South Glengarry in the United Counties of Stormont, Dundas and Glengarry. The proposed project consists of approximately 4.9 km of Nominal Pipe Size (NPS) 2-inch polyethylene (PE) Intermediate pressure (IP) natural gas distribution pipeline, and approximately 720 metres of NPS 4-inch PE IP natural gas distribution pipeline (Project). The Project is expected to cost \$3.7 million and serve approximately 128 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 December 10, 2024, the OEB issued a Notice of Hearing to each of the following Indigenous communities:<sup>1</sup>

- Huron-Wendat Nation
- Mohawk Council of Akwesasne

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 January 31, 2025.

### **Intervention Request by Mohawk Council of Akwesasne**

On January 30, 2025, Mohawk Council of Akwesasne (MCA) filed a Notification Letter in which it requested intervenor status and that the OEB conduct an oral hearing on this matter.

Enbridge Gas filed a letter on February 7, 2025, stating that it does not object to MCA's request for intervenor status but that it objects to MCA's request for an oral hearing. Enbridge Gas further stated that the OEB frequently and most commonly determines gas pipeline leave to construct applications of this nature by way of written proceeding as such a format is an efficient and effective way to evaluate such applications and consider the applicant's consultation efforts. Enbridge Gas noted that while it appreciates the nature of the interests and rights MCA raises in the Notification Letter, such matters appear to be similar in nature to interests and rights raised by Indigenous groups in other OEB proceedings that are, with few exceptions, conducted in writing. Enbridge Gas also noted that an oral hearing would very likely add unnecessary time and expense to the OEB adjudication process for this small, government-supported Project that will be constructed on existing road allowance for local residents. Enbridge Gas argued that this is contrary to the objectives of an exemption application of this nature.

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

MCA is approved as an intervenor and is granted eligibility to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. The OEB will make a determination on the form of hearing at a later date.

In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

### **Update to Indigenous Consultation Report**

In its Notification letter, MCA stated that neither Enbridge Gas nor the Ministry of Energy and Electrification (Ministry) have meaningfully consulted with MCA with respect to the Project and that it intends to contest Enbridge Gas's application. MCA further stated that based on the Indigenous Consultation Record filed with the application, Enbridge Gas has completed outreach to an email address and to an unknown phone number, and there is no record of any response from MCA as a result of this outreach.

MCA submitted that Enbridge Gas had an obligation to ensure that its correspondence was received by MCA but instead continued its outreach to an email address that provided no response. MCA stated that, prior to receiving the Notice of Hearing, MCA was not aware of the Project at all. MCA submitted that, given the above, the Crown's duty to consult has not been adequately discharged. MCA stated that it has requested that the OEB conduct an oral hearing, given the serious nature of this application and the interests and rights at stake for MCA.

Enbridge Gas responded to MCA's letter, stating that it wishes to clarify the record in respect of MCA's claim that "there has been no consultation with the Mohawks of Akwesasne with respect to the Project." Enbridge Gas reaffirmed that it has logged eight emails and one phone call from Enbridge Gas to MCA representatives in its Indigenous Consultation Log (Consultation Log) filed as part of its application. Enbridge Gas stated that the emails included Project information, the Environmental Report, and invitations to MCA to provide comments and ask questions. Enbridge Gas stated that these consultations occurred on or before October 22, 2024, which was the date that Enbridge Gas finalized the Consultation Log for filing with the application on November 7, 2024. Enbridge Gas stated that it had not received any responses from MCA representatives. Enbridge Gas states that since then, it has received correspondence from MCA and has engaged in on-going dialogue related to the Project, with the most recent correspondence from MCA occurring on January 28, 2025. Enbridge Gas stated that it is prepared to file an updated Consultation Log at the appropriate time in this proceeding.

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 an Updated Consultation Log with details of any consultation activities since October 21, 2024 (day the ICR is dated), and any correspondence from the Ministry on Enbridge Gas's consultation activities by the date set in this Procedural Order.

### Interrogatories

Provision is being made for written interrogatories from MCA and OEB staff. Parties should consult Rules 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Further procedural orders may be issued by the OEB.

### THE ONTARIO ENERGY BOARD ORDERS 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 **February 26, 2025**.
2. Mohawk Council of Akwesasne may file additional comments in response to Enbridge Gas's updated ICR and any correspondence from the Ministry of Energy and Electrification by **March 12, 2025**.
3. Mohawk Council of Akwesasne and 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 **March 26, 2025**.
4. Enbridge Gas shall file with the OEB complete written responses to all interrogatories, by **April 9, 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-2024-0325** 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](mailto: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, Judith Fernandes at [Judith.Fernandes@oeb.ca](mailto:Judith.Fernandes@oeb.ca) and OEB Counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)  
Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, February 19, 2025

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**Schedule A**

**Enbridge Gas Distribution Inc.**

**EB-2024-0325**

**Applicant and List of Intervenors**

Enbridge Gas Inc.  
EB-2024-0325

**APPLICANT & LIST OF INTERVENORS**

February 19, 2025

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**APPLICANT**

**Rep. and Contact Information for Service**

**Enbridge Gas Inc.**

**Patricia Squires**

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**INTERVENORS**

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