



Enbridge Gas Distribution Inc.

**Application for exemption from leave to construct
natural gas pipeline and associated facilities in the
Town of Amherstburg**

PROCEDURAL ORDER NO. 2

April 1, 2025

Enbridge Gas Distribution Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on August 9, 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 Boblo Island in the Town of Amherstburg. The proposed project consists of 170 metres of Nominal Pipe Size (NPS) 4 polyethylene (PE) natural gas distribution pipeline; approximately 600 metres of NPS 4 steel natural gas distribution pipeline; and approximately 2.3 kilometres of NPS 2 PE natural gas distribution pipeline (Project). The Project is expected to cost \$5.2 million and serve approximately 347 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 decides that the Crown's duty to consult, if it applies in respect of the application, has been adequately discharged.

On September 11, 2024, the OEB issued a Notice of Hearing to each of the following Indigenous communities:

- Aamjiwnaang First Nation
- Bkejwanong (Walpole Island First Nation)
- Caldwell First Nation
- Chippewas of Kettle and Stony Point First Nation
- Chippewas of the Thames First Nation
- Oneida Nation of the Thames

The Notice of Hearing provided an opportunity for each of the identified 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 via 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.

Caldwell First Nation requested and was granted intervenor status in this proceeding. In addition, Chippewas of the Thames First Nation filed a Letter of Comment to notify the OEB of its concern that the Crown's duty to consult has not been adequately discharged in respect of the Project. No other Indigenous communities sought intervenor status or chose to file a letter of comment.

In Procedural Order No. 1, issued on December 4, 2024, the OEB set the schedule for written discovery on Enbridge Gas's evidence. Caldwell First Nation and OEB staff filed interrogatories on December 18, 2024. On January 31, 2025 Enbridge Gas filed: (i) written response to the interrogatories of Caldwell First Nation and OEB staff and (ii) a written response to the comments made by Chippewas of the Thames First Nation in their letter of comment.

Enbridge Gas to file Additional Information

OEB staff filed an interrogatory asking for additional information regarding a land claim by Walpole Island First Nation¹ (Land Claim). The Land Claim includes all of Boblo Island. In response Enbridge Gas acknowledged its awareness of the Land Claim and stated that it would continue to listen and work with Walpole Island First Nation. Upon review of responses to interrogatories, the OEB has determined that it requires additional information on consultation with Walpole Island First Nation related to the Land Claim. For that reason, the OEB directs Enbridge Gas to file:

¹ Exhibit I.OEB STAFF-2. Attachment 1, page 1

1. Information on the current status of the Land Claim and the consultation with Walpole Island First Nation related to the Land Claim.
2. A complete Consultation Log, including the timeline and content of any consultation with the Walpole Island First Nation on the Land Claim.
3. Copies of written communication (i.e., e-mails, memos) documenting the consultation between Enbridge Gas and Walpole Island First Nation regarding the Land Claim.

The OEB is also scheduling submissions from Caldwell First Nation and OEB staff and a reply submission from Enbridge Gas.

Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. Enbridge Gas shall file with the OEB complete written responses to the OEB's follow-up questions noted above, by **April 11, 2025**.
2. OEB staff and Caldwell First Nation shall file their written submissions with the OEB and serve them on all parties by **April 28, 2025**.
3. Enbridge Gas shall file a written reply submission with the OEB and serve it on Caldwell First Nation by **May 8, 2025**.

Please quote file number, **EB-2024-0249** 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.

- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

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, Zora Crnojacki at Zora.Crnojacki@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, **April 1, 2025**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar