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**Enbridge Gas Inc.**  
50 Keil Drive North  
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Canada

April 8, 2025

**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-2024-0084  
Cherry Valley Community Expansion Project  
Reply Submissions**

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In accordance with Procedural Order No. 2, please find attached Enbridge Gas's Reply Submissions in the above-noted proceeding.

Sincerely,

*Eric VanRuymbeke*

Eric VanRuymbeke  
Sr. Advisor - Leave to Construct Applications

c.c: Henry Ren (Enbridge Gas Counsel)  
Natalya Plummer (OEB staff)  
Lawren Murray (OEB Counsel)

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B; and in particular subsection 95 (2) thereof;

**AND IN THE MATTER OF** an application by Enbridge Gas Inc. for an order granting an exemption from the requirement to obtain leave to construct natural gas distribution pipelines and ancillary facilities that make up a Community Expansion Project to provide access to natural gas in the community of Cherry Valley in the County of Prince Edward.

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**ENBRIDGE GAS INC.**

**REPLY SUBMISSION**

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**A. Introduction**

1. These are the Reply submissions of Enbridge Gas Inc. (Enbridge Gas or the Company) in respect of its application to the Ontario Energy Board (OEB) under section 95(2) of the *Ontario Energy Board Act, 1998* (OEB Act) for an order exempting the Company from the requirement to obtain leave to construct for natural gas pipelines and facilities, as described herein, in the community of Cherry Valley, in the County of Prince Edward, Ontario (the Project).
2. The Project is in the public interest and the request for exemption from the requirement to obtain leave to construct should be granted. The Project is required to support the Government of Ontario's Natural Gas Expansion Program (NGEP) and is designed to expand access to natural gas to areas of Ontario that do not currently have access to natural gas. The need for the Project is directly supported by the community's municipal government through their request for natural gas for their constituents. The Corporation of the County of Prince Edward has emphasized their support for the Project through letters of support, dated June 30, 2020 and January 11, 2024.<sup>1</sup> Core to the need for the Project is the clearly expressed preference for and interest in natural gas service from future customers within the community in question.<sup>2</sup>
3. The detailed Reply follows below.

**B. Exemption from Leave to Construct Requirement**

4. Section 95 (2) of the OEB Act together with Ontario Regulation 328/03 subsection 3.0.1 (1) set out certain circumstances in which a person is exempt from having to obtain leave under section 90 (1) of the OEB Act.

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<sup>1</sup> Exhibit B-1-1, Attachments 2 and 3.

<sup>2</sup> Exhibit B-1-1, p. 3, para. 11; Exhibit B-1-1, Attachment 4.

5. Enbridge Gas submits that following aspects of the Project demonstrate that it meets the exemption criteria:<sup>3</sup>
- The Project is less than 20 km in length. The Project uses pipe sizes less than 12 inches and will have an operating pressure less than 2,000 kilopascals and therefore leave would only be required by virtue of clause 90 (1) (b) of the OEB Act.
  - The Project cost, at \$6.9 million (including ancillary costs), is less than \$10 million as prescribed by the regulation.
  - Enbridge Gas was delegated the procedural aspects of Indigenous consultation by the Ministry of Energy and Electrification (ENERGY), and has carried out (and continues to carry out) engagement with the identified Indigenous communities. Enbridge Gas filed ENERGY's letter of opinion (Sufficiency Letter) with the OEB on March 24, 2025.<sup>4</sup>
6. Enbridge Gas agrees with OEB staff's submission that the requested exemption order should be granted as this application satisfies the exemption requirements provided for in section 3.0.1(1) of O. Reg. 328/03.<sup>5</sup>

**C. Environmental Impacts**

7. Enbridge Gas retained Stantec Consulting Ltd. to undertake a route evaluation and environmental and socio-economic impact study, which included a cumulative effects assessment, to select the preferred route for the Project. This included a consultation program, input from which was evaluated and integrated into the study. Mitigation measures designed to minimize environmental and

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<sup>3</sup> Exhibit A-2-1, p. 4, para. 11.

<sup>4</sup> Exhibit H-1-1, Attachment 5 (updated March 24, 2025).

<sup>5</sup> OEB staff submissions, p. 2.

socio-economic impacts that may result from construction of the Project were also developed as part of the study.

8. Enbridge Gas believes that, by following its standard construction practices and adhering to the recommendations and mitigation measures identified in the Environmental Report (ER), subsequent Environmental Protection Plan (prepared prior to commencing construction), and additional measures provided by regulatory agencies through permitting and approval process, the construction of the Project will have negligible impacts on the environment. The cumulative effects assessment completed as part of the ER indicates that no significant cumulative effects are anticipated from the development of the Project.<sup>6</sup>
9. Enbridge Gas submits that it has appropriately completed the ER in accordance with the OEB's applicable guidelines. Furthermore, Enbridge Gas is prepared to adhere to Condition 5<sup>7</sup> of OEB staff's proposed Conditions of Approval<sup>8</sup>.

**D. Indigenous Consultation**

10. On the issue of consultation with potentially affected Indigenous communities, Enbridge Gas was delegated the procedural aspects of consultation by ENERGY. ENERGY identified ten Indigenous Nations or communities with whom Enbridge Gas should consult as they may be potentially impacted by the Project. A notice of hearing was served on all potentially impacted Nations or communities, providing the opportunity to become an intervenor, provide comments or ask to follow the hearing as a monitor. None of the Indigenous communities identified by ENERGY requested intervenor status or participated in the regulatory proceeding.

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<sup>6</sup> Exhibit F-1-1, p. 5.

<sup>7</sup> "Enbridge Gas shall implement all the recommendations of the Environmental Report filed in the proceeding."

<sup>8</sup> OEB staff submissions, Schedule A.

11. 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.<sup>9</sup> Enbridge Gas also responded to certain interrogatories related to Indigenous engagement and advised that the mitigation measures identified in the ER are designed to minimize the extent of impacts of the Project, including impacts on wildlife, water course, and vegetation, which are often matters of concern to Indigenous communities. Enbridge Gas is not aware of any outstanding concerns from Indigenous communities at this time and has committed to maintaining ongoing engagement with these communities throughout the life of the Project to ensure any potential impacts on Aboriginal or treaty rights are addressed, as appropriate.
12. On March 21, 2025, Enbridge Gas received ENERGY's Sufficiency Letter in which ENERGY stated that it "is of the opinion that the procedural aspects of consultation undertaken by Enbridge to-date for the purposes of the application for exemption to Ontario Energy Board's Leave to Construct for the Project are satisfactory".<sup>10</sup>
13. Further, in its submissions, OEB staff states that:<sup>11</sup>

...no specific impacts to Aboriginal or treaty rights have been identified, and that the duty to consult has been discharged to allow the OEB to approve the exemption application.

There is no evidence on the record that identifies outstanding concerns regarding Project specific impacts to Aboriginal or treaty rights. OEB staff further notes that none of the ten potentially impacted Indigenous nations or communities have intervened in this application to raise concerns about the Project and OEB staff also notes that the Ministry of Energy and Electrification confirmed its opinion that the procedural aspects of Enbridge Gas's consultation efforts were appropriate.

OEB staff submits that the exemption application should be granted – subject to certain Conditions of Approval set out below.

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<sup>9</sup> Exhibit H-1-1, Attachment 8 (updated December 18, 2024).

<sup>10</sup> Exhibit H-1-1, Attachment 5 (updated March 24, 2025).

<sup>11</sup> OEB staff submissions, pp. 4-5.

**E. Conditions of Approval**

14. OEB staff submits that the OEB should approve the Project with the proposed Conditions of Approval attached as Schedule A to its submissions.<sup>12</sup> Enbridge Gas agrees and is prepared to adhere to the conditions proposed by OEB staff.

**F. Conclusion**

15. Based on the foregoing, Enbridge Gas respectfully requests that the OEB issue an order exempting the Company from the requirement to obtain leave to construct for the Cherry Valley Community Expansion project pursuant to section 95(2) of the OEB Act. If exempted, Enbridge Gas is targeting to commence construction for the Project in May 2025 and to be placed into service in August 2025. As such, Enbridge Gas respectfully requests that the OEB issue its decision expeditiously to enable Enbridge Gas to meet the construction schedule for the Project and its broader community expansion portfolio.

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<sup>12</sup> Ibid, p. 5.