



Enbridge Gas 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. 2
April 22, 2025**

Enbridge Gas 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 two Indigenous communities identified by the Ministry of Energy and Electrification¹(Ministry) as potentially affected by the Project in a Delegation Letter to Enbridge Gas:

- Huron-Wendat Nation (HWN)
- Mohawk Council of Akwesasne (MCA)

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.

On January 30, 2025, MCA filed a Notification Letter requesting intervenor status.

On February 19, 2025, the OEB issued Procedural Order No. 1 granting MCA intervenor status in this proceeding. In order to assist the OEB in making a determination on whether the Crown's duty to consult has been discharged with respect to the Project, Enbridge Gas was directed in Procedural Order No.1 to file an updated Indigenous Consultation Report (ICR) and any correspondence from the Ministry on Enbridge Gas's consultation activities. Enbridge Gas filed the updated ICR and Ministry correspondence on February 26, 2025.

Procedural Order No. 1 also provided MCA with an opportunity to provide additional comments in response to Enbridge Gas's updated ICR and any correspondence from the Ministry. On March 12, 2025, MCA provided additional comments stating that it has reviewed the updated ICR filed by Enbridge Gas and remains of the view that the Crown's duty to consult has not been adequately discharged. MCA stated that the updated ICR shows additional correspondence that went unreceived by MCA. MCA further stated that the correspondence it received, as well as the subsequent replies, simply focus on efforts to set up meetings. MCA claims that such correspondence falls short of substantive consultation and does not satisfy the Crown's duty to consult. MCA stated that it continues to have concerns about the Project that have neither been discussed nor addressed to date. MCA noted that it is currently in contact with Enbridge Gas to set up a meeting in which substantive consultation can begin.

Procedural Order No.1 set the schedule for written discovery on Enbridge Gas's evidence. OEB staff filed interrogatories on March 26, 2025 and Enbridge Gas filed interrogatory responses on April 9, 2025, each in accordance with the dates set in Procedural Order No. 1. In response to OEB staff interrogatories on how Enbridge Gas is addressing outstanding concerns raised by MCA and/or HWN, Enbridge Gas stated that a meeting between Enbridge Gas and MCA is scheduled for April 28, 2025 to

¹The Ministry of Energy and Electrification is now Ministry of Energy and Mines

discuss the Project. Enbridge Gas stated that it will provide a summary of the meeting to the OEB.²

By way of this procedural order, the OEB is setting out the next steps for this proceeding, which includes the filing of the meeting summary by Enbridge Gas. The OEB will also direct Enbridge Gas to file an updated ICR that reflects any further engagement activities with MCA and/or HWN since April 3, 2025 and any correspondence from the Ministry to Enbridge Gas on Enbridge Gas's consultation activities. The OEB will also allow MCA to provide additional comments on Enbridge Gas's meeting summary and the updated ICR.

The OEB will provide a schedule for submissions from OEB staff and MCA, as well as for 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 a summary of the meeting with Mohawk Council of Akwesasne, an updated ICR to reflect engagement activities since April 3, 2025, and any correspondence from the Ministry of Energy and Mines on Enbridge Gas's consultation activities, by **May 5, 2025**. A copy of these materials should also be provided to the Mohawk Council of Akwesasne.
2. Mohawk Council of Akwesasne may file additional comments in response to Enbridge Gas's meeting summary, updated ICR and any correspondence from the Ministry of Energy and Mines by **May 12, 2025**. A copy of these comments should also be provided to Enbridge Gas.
3. Mohawk Council of Akwesasne and OEB staff shall file any written submissions with the OEB and serve them on all other parties by **May 27, 2025**.
4. Enbridge Gas shall file a written reply submission, if any, with the OEB and serve it on the Mohawk Council of Akwesasne, by **June 10, 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](#).

²EGI Exhibit I.OEB STAFF-1, p.3

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 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 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 22, 2025**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar