



May 6, 2025

VIA RESS

Ontario Energy Board
P.O. Box 2319,
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Registrar

Dear Ms. Marconi,

**Re: Enbridge Gas Inc. ("EGI")
Motion to Review and Vary / 2024 Rates Application
Board File Nos.: EB-2024-0078 / EB-2022-0200**

We are counsel to Three Fires Group Inc. ("**TFG**") in the above-noted proceeding (the "**Proceeding**"). We are writing further to TFG's cost claims submitted on April 23, 2025 (the "**TFG Cost Claim**") and in response to EGI's letter regarding intervenor cost claims dated April 30, 2025 (the "**EGI Letter**").

TFG's participation in the Proceeding was deliberately limited to a single issue — the threshold question concerning the Average Useful Life issue (the "**Asset Life Issue**"), as set out in its submissions dated June 29, 2024 (the "**TFG Submissions**"). As noted in the TFG Cost Claim, TFG participated effectively in the Proceeding, taking a limited, principled, and coordinated approach to the Asset Life Issue to further the rights and concerns of Chippewas of Kettle and Stony Point First Nation ("**CKSPFN**"), with specific emphasis on the energy transition. This limited scope was chosen to ensure that TFG participated efficiently and in a targeted way, minimizing the burden on the process and avoiding duplication of effort throughout all stages of the Proceeding.

The TFG Submissions were focused on substantive legal arguments and the application of the OEB's established threshold test to the facts of the Asset Life Issue in the Proceeding and were intended to support the clarity and consistency of the Board's decision-making. The TFG Submissions focused on the insufficiency of EGI's evidentiary record, particularly regarding the energy transition and the significant risks it presents for First Nations — an issue of outmost importance to CKSPFN. TFG argued that the motion amounted to a disagreement with how the Board weighed the evidence, rather than the identification of any error, in accordance with prior decisions and existing authority. The TFG Submissions were ultimately consistent with the Board's findings and were explicitly referenced in the Board's decision on the Asset Life Issue threshold question.¹

TFG notes that the time spent preparing the TFG Submissions reflected the time and effort required to ensure that TFG's position was clearly and independently articulated, in line with the

¹ For example, the Board referenced TFG's submissions on this point at p. 3 and footnote 10.

Practice Direction on Cost Awards and the areas of interest and concern of CKSPFN. TFG's participation and claimed costs reflect good faith efforts to ensure procedural fairness and the quality of the TFG Submissions, rather than an inefficient or unfocused intervention on all matters at issue in the Proceeding. The time spent preparing for and writing the TFG Submission also includes internal Indigenous consultations and coordination on the Asset Life Issue to ensure alignment of the TFG Submissions with the interests and perspectives of CKSPFN and its members.

TFG appreciates EGI's implied commitment to intervenor efficiency in the EGI Letter. In the spirit of this commitment, EGI should commend TFG for coordinating with Ginoogaming First Nation ("GFN"), the only other Indigenous intervenor in the Phase 1 proceeding (EB-2022-0200), to obtain their express support for the TFG Submissions, thereby avoiding two separate interventions in the Proceeding and ensuring cost and resource efficiency.² This coordination helped to ensure that the TFG Submissions were on issues important to First Nations that participated in the Phase 1 proceeding and included Indigenous perspectives in a streamlined and consistent manner, without unnecessary duplication of time and effort.

TFG submits, in accordance with section 5.01 of the *Practice Direction on Cost Awards*, that it: (a) participated responsibly in the Proceeding, with its overall costs within the average range of costs submitted by other intervenors; (b) contributed to a better understanding of the Asset Life Issue and the threshold test question; (c) made reasonable efforts to coordinate its participation with GFN and the other intervenors in the Proceeding; and (d) made reasonable efforts to ensure that its participation in the Proceeding was not unduly repetitive and was focused only on the Asset Life Issue, being the issue most relevant and material to CKSPFN and its members.

In light of the focused nature of TFG's participation, its effort to increase intervenor efficiency to avoid duplication, its coordination with other intervenors, and the relevance of the TFG Submissions to the Board's decision, TFG respectfully submits that its cost claim should be awarded in full.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Vollmer', with a stylized, cursive script.

DT Vollmer
Counsel for TFG

² We note that this is also consistent with EGI's increasing concern for First Nation intervenor coordination in other OEB proceedings. For example, see EGI's letters seeking greater coordination between First Nation intervenors in EB-2024-0198 and EB-2024-0111.