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BY EMAIL

July 11, 2025

Patricia Squires
Manager, Regulatory Applications
Enbridge Gas Inc.
500 Consumers Road
North York, ON M2J 1P8
patricia.squires@enbridge.com

Dear Patricia Squires:

**Re: Enbridge Gas Inc.
Glendale Community Expansion Project– Application for
Exemption from Leave-to-Construct (LTC) Requirement
Ontario Energy Board File Number: EB-2024-0325**

On November 7, 2024, Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) 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 (Project) to serve the community of Glendale Subdivision in the Township of South Glengarry in the United Counties of Stormont, Dundas and Glengarry.

In this proceeding, the issue to be determined is whether the Crown's duty to consult has been adequately discharged.

On January 5, 2024, the Ministry of Energy and Electrification¹ (Ministry) issued its delegation letter, delegating the procedural aspects of the Crown's duty to consult in relation to the Project to Enbridge Gas and identified two Indigenous communities to be consulted – the Huron-Wendat Nation (HWN) and the Mohawk Council of Akwesasne (MCA). As part of its application, Enbridge Gas noted that it had provided its Indigenous Consultation Report (ICR) for the Project to the Ministry for its review. Enbridge Gas

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

stated in its application that it expects to receive a letter of opinion from the Ministry as to whether its consultation has been sufficient and will file this letter with the OEB. As of this date, Enbridge Gas has not yet filed with the OEB a letter of opinion as contemplated in the OEB's [Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario](#).

On April 22, 2025, the OEB issued Procedural Order No. 2 providing for the filing of written submissions from the Mohawk Council of Akwesasne (MCA) and OEB staff by May 27, 2025 and any reply submissions from Enbridge Gas by June 10, 2025.

OEB staff submitted that this proceeding should be placed into abeyance to allow for additional time for the identified Indigenous communities to review the proposed Project and raise potential issues that could impact their constitutional rights.

The Mohawk Council of Akwesasne (MCA) submitted that the duty to consult has not yet been adequately discharged and that consultations remain ongoing. MCA stated that it has asserted and established Aboriginal and Treaty rights around the north shore of the St. Lawrence River, including the Project area, as well as other legal interests. MCA argued that meaningful consultation must account for these considerations and provide an opportunity for MCA to participate in the discussions. MCA stated that it intends to undertake several activities as part of these consultation efforts, including seeking capacity funding, making site visits to the Project locations and potential engagement with its membership. MCA stated that it is committed to meaningful consultation, and as such, requires an appropriate timeline in which to complete these activities.

In its reply submission, Enbridge Gas stated that the duty to consult in relation to the Project has been discharged, through the consultation efforts already undertaken by Enbridge Gas and through the opportunity to participate in the regulatory process itself. Enbridge Gas asserted that it has implemented an expansive consultation program that involved: providing Project notification to the Huron-Wendat Nation (HWN) and the Mohawk Council of Akwesasne (MCA) early in Project development; offering capacity funding to each community; sharing information including the Environmental Report; inviting each community to share comments and information, including information about any Indigenous rights practiced in the Project area; and responding to any expressed concerns and explaining how those concerns would be addressed, through mitigation or otherwise, moving forward. Enbridge Gas further stated that it has offered to engage with MCA and HWN in a variety of ways, including written communications, in-person meetings and participation in fieldwork.

The OEB has reviewed the submissions of the Mohawk Council of Akwesasne (MCA) OEB staff and Enbridge Gas. The OEB finds that placing the application in abeyance is necessary to provide further opportunity for: a) Enbridge Gas and MCA to work together to address the consultation activities identified by MCA in its submission and b) Enbridge Gas to update the ICR to demonstrate how any concerns identified by MCA were considered and responded to by Enbridge Gas. The abeyance will also provide additional time for the filing of the Ministry's letter of opinion. In accordance with the OEB's [Protocol for Adjusting Adjudicative Timelines](#), the OEB places Enbridge Gas's application in abeyance effective July 11, 2025.

The OEB will take this application out of abeyance following receipt of additional evidence that the requirements of the duty to consult have been met, which could include the Ministry' letter of opinion.

Please direct any questions relating to this application to the Case Manager, Judith Fernandes at Judith.Fernandes@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Yours truly,

Ritchie Murray
Acting Registrar

c: EGRegulatoryProceedings@enbridge.com
Mohawk Council of Akwesasne - intervenor