

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule. B, as amended;

AND IN THE MATTER OF an application by Enbridge Gas
Inc. pursuant to Section 36(1) of the Ontario Energy Board
Act, 1998, for an order or orders approving its 2026 Demand
Side Management Plan.

EB-2024-0198

WRITTEN SUBMISSIONS OF

MINOGI CORP.

AND

THREE FIRES GROUP INC.

September 3, 2025

I. INTRODUCTION

1. We are counsel to Three Fires Group Inc. (“**TFG**”) and Minogi Corp. (“**MC**”) in the matter of the application of Enbridge Gas Inc. (the “**Applicant**”, “**EGI**” or “**Enbridge Gas**”) to the Ontario Energy Board (the “**OEB**” or the “**Board**”) for approval for an order or orders approving its 2026 Demand Side Management (“**DSM**”) Plan (the “**Application**”).
2. TFG is an Indigenous business corporation that represents the interests of Chippewas of Kettle and Stony Point First Nation (“**CKSPFN**”). CKSPFN is located in southern Ontario along the shores of Lake Huron, 35 kilometres from Sarnia, Ontario, and has over 1,000 members who live on-reserve and 900 who live off-reserve.
3. MC is an Indigenous business corporation that represents the interests of Mississaugas of Scugog Island First Nation (“**MSIFN**”). The Mississaugas of MSIFN moved into southern Ontario and settled in the areas around Lake Scugog from their former homeland north of Lake Huron around 1700. MSIFN is located on Scugog Island in the Port Perry area of Durham Region, Ontario, and has close to 300 members. Minogi’s key focus areas on behalf of MSIFN are energy transition, clean energy investments, and advancing MSIFN’s rights to lands, waters, and resources. MSIFN’s treaty rights area includes generation facilities, transmission lines, electrical distribution systems, and major natural gas mainlines and distribution systems in the Lake Ontario Energy Corridor between the GTA/Pickering and Napanee. MSIFN considers the waters and lakebed of Lake Ontario in this corridor, and south to the U.S. border, to be unceded.
4. MC and TFG are both regular participants in OEB proceedings and related processes, including the Board-approved Indigenous Working Group (“**IWG**”), established in Phase 1 of EGI’s 2024 rates rebasing application (EB-2022-0200) that operates in conjunction with EGI and other Indigenous participants.

II. OVERVIEW

5. MC and TFG’s submissions focus on the following two issues:
 - (a) continuation of EGI’s Residential Program and Low-Income Program as set out in the DSM Plan; and
 - (b) the role of the IWG in EGI’s upcoming comprehensive multi-year DSM Plan application for the 2027 DSM program year and beyond (the “**2027+ DSM Plan**”).
6. MC and TFG generally support the Application and support the roll over, one-year time-limited extension of EGI’s DSM programming to ensure program continuity, limit

impacts on customers, and ensure the integrity of programs administered jointly with the IESO.

7. On the basis of the above, Minogi and Three Fires will request that the Board:
 - (a) make the necessary approvals to roll over and continue the Residential Program and the Low-Income Program; and
 - (b) direct and/or encourage EGI meaningfully engage with the IWG to develop its comprehensive multi-year DSM Plan application for the 2027 DSM program year and beyond.
8. MC and TFG take no position on the other questions at issue in this proceeding, except to the extent that any approvals requested by EGI or other parties in this proceeding are required for and/or impact the continuation of the Residential Program and the Low-Income Program.

III. SUBMISSIONS

A. MC and TFG Generally Support EGI's 2026 DSM Plan

9. MC and TFG generally support the continuation of the Board-approved 2023-2025 programs through 2026 to ensure fair and equitable access to important DSM programming for EGI's First Nations and Indigenous customers.
10. MC and TFG note that EGI's request is limited to a one-year roll over extension as it prepares a new and revised DSM application starting in 2027 as a result of the impact of recent policy changes by the federal government, including, most significantly, the federal carbon charge being set to zero.

B. The Residential Program and Low-Income Program are of significant importance to First Nations and Indigenous customers

11. The Residential Program provides important benefits to many of EGI's customers. As noted by EGI, the Residential Program in 2025 included:
 - (a) Participants from the Home Efficiency Retrofit-Plus ("HER+") Offering;
 - (b) Participants from the replacement Home Efficiency Retrofit ("HER") Offering; and
 - (c) Participants from the Home Renovation Savings ("HRS") Program.
12. The Residential Program is expected to have a TRC-Plus ratio below 1.0 in 2026, as was the case in 2023 and 2024.¹ However, the 2026 Residential Program will be

¹ EB-2024-0198, Updated Application, Exhibit B, Tab 1, Schedule 1, pp. 8-9.

significantly narrowed during 2026 and will primarily consist of HRS participants, increasing the cost-effectiveness of the Residential Program in 2026 as compared to 2025. EGI notes that the Residential Program is the natural gas contribution to the residential one-window program (i.e., the HRS Program) currently being jointly undertaken by EGI and the IESO. It is important to emphasize that any changes to the Residential Program must ensure that EGI can continue to support the natural gas component of the HRS Program.

13. While EGI notes that the TRC-Plus ratio for the Residential Program is expected to be below 1.0,² MC and TFG respectfully submit that the TRC-Plus ratio should not be used to prematurely end the Residential Program. The anticipated increased cost-effectiveness of the Residential Program in the time-limited 2026 DSM period supports maintaining the status quo and the continuation of the program through 2026. This will ensure that the benefits of the Residential Program, including the HRS, are not lost in the interim while EGI develops the 2027+ DSM Plan.
14. In addition, the necessity to coordinate the program with the IESO and ensure the natural gas component of the HRS Program further supports the continuation of the Residential Program until the approval and implementation of any 2027+ DSM Plan.
15. The benefits and availability of the Residential and Low-Income Programs for EGI's First Nations and Indigenous customers were highlighted by Mr. Fernandes at the technical conference:

L. DeMARCO: I am going to start specifically at Exhibit A-2, schedule 1, page 4, paragraph 14, where you expressly identify that Indigenous communities are affected by this application. And you would agree with that, yes?

C. FERNANDES: There is programming in what we're proposing that's readily available to Indigenous communities. I would note, though, the -- Indigenous communities, although we wouldn't preclude anyone from going through the residential program, the low-income program, income-qualified programming has a much, much better offer for consumers. **It's generally no costs to the occupant. And First Nation communities would qualify for that, so they -- you know, we wouldn't -- if they're identified, we would be putting them -- or seeking them to go through the -- that program because it's better for them.**³ (emphasis added)

16. The Low-Income Program provides significant benefits to First Nation communities as participants receive full cost coverage, unlike the Residential Program:

L. DeMARCO: That's kind of exactly what I'm trying to understand. How much is covered by the residential program? How -- what percentage of resident -- of Indigenous customers are covered by the low-income program and other programs, and what percentage of customers

² Updated Application, Exhibit B, Tab 1, Schedule 1, p. 8.

³ Technical Conference Transcript, pp. 159-160

are covered by the residential programs, including some of the moderate-income, et cetera, programs that you have identified. Do you have a sense of that?

C. FERNANDES: So if we're talking First Nation communities, with a -- I think with a band council resolution, they're covered by the low-income program, and they generally get full cost coverage.

L. DeMARCO: And are they also covered by the residential program?

C. FERNANDES: [...] But the residential program or the mass market program would have a rebate which wouldn't be full cost coverage.⁴

17. The Low-Income Program is of critical importance to many First Nations and Indigenous customers. For example, the target market for the Home Winterproofing Offering ("**HWO**") expressly includes "[r]esidents of on-reserve First Nations communities who meet income qualification and eligibility criteria."⁵

18. Eligibility for the HWO includes residents or an on-reserve First Nation single family home that can provide either (a) a letter from Band Housing confirming that community income thresholds are within income eligibility criteria, or (b) confirmation that the community has participated in IESO's Tier 1 Energy Affordability Program during the past 12 months.⁶

19. TFG and MC respectfully submit that an abrupt discontinuation of the Low-Income Program is likely to have considerable negative impacts for many First Nations and Indigenous customers that would otherwise benefit from the full cost coverage provided by this program.

20. The benefits of the Low-Income Program were further emphasized during the technical conference:

L. DeMARCO: So assuming that First Nations customers qualify for the low-income program, they could go that way if there is a band council resolution; is that right?

C. FERNANDES: Yeah, so generally any First Nation on reserve is covered by the low-income program, is the way I would describe it. We don't have anything in our residential program that precludes any gas customer from participating. So, of course, someone could go through it, but anyone who qualifies -- and we do have a lot of marketing -- you know, if they were off reserve, they could qualify for low income, and it just has different qualification requirements. **But anyone, Indigenous or not, who can qualify for low income, we would be trying to push them through that program. That's the whole point of the program and why it**

⁴ *Ibid.*, pp. 160-161.

⁵ Updated Application, Exhibit C, Tab 2, Schedule 1, p. 13.

⁶ *Ibid.*, p. 15.

has full cost coverage. So they need additional support.
(emphasis added)

21. The Low-Income Program, and the HWO specifically, is an important program offering that provides in-home assessment, direct-install measures, weatherization, and limited health & safety remediation at no cost to participants, delivered by local delivery agents. The express inclusion of First Nations and Indigenous customers in the HWO target market, demonstrates the importance of such DSM programming for many economically disadvantaged customers that derive significant benefits from participation in the Low-Income Program.
22. MC and TFG note that the Low-Income Program is forecasted to have a TRC-Plus above the 0.7 the threshold for low income programs,⁷ demonstrating it is a prudent, customer-beneficial way to lower bills and improve comfort and safety for many Indigenous customers that participate in the program offerings.
23. As a result of the above and the clear importance of the Residential Program and Low-Income Program for many of EGI's First Nations and Indigenous customer, MC and TFG respectfully request that the Board approve the continuation of the Residential Program and the Low-Income Program through 2026 while EGI develops and seeks approval for its 2027+ DSM Plan.

C. Potential Role for the Indigenous Working Group

24. As noted by EGI, the classes of persons affected by the Application include EGI's customers residing or located in the Indigenous communities served by EGI.⁸ As a result of impacts on such customers, MC and TFG are particularly concerned with the continuation of EGI's Residential Program and the Low-Income Program. However, there is limited understanding of Indigenous participation in these programs.
25. The lack of metrics and data regarding the number of Indigenous customers participating in these program means that the Board is unable to accurately determine the true impact of failing to continue these programs – and any other DSM programming – through 2026. The lack of data on First Nations and Indigenous participation in these programs was made clear at the technical conference:

L. DeMARCO: Do you have any data on the number of Indigenous customers going through the low income versus, I guess, the residential programs?

C. FERNANDES: **We would not have data like that. If someone went through our residential program, there is nothing where we could identify them as being a member of an Indigenous community.** It's not a type of question that we would ask. But we do try and

⁷ Updated Application, Exhibit B, Tab 1, Schedule 1, p. 10.

⁸ *Ibid.*, Exhibit A, Tab 2, Schedule 1, p. 4.

advertise and market to consumers that there is an income-qualified programming, and they should check if they qualify. And then those -- that marketing is quite clear. So our hope is that wouldn't happen. (emphasis added)

[...]

L. DeMARCO: Yes. We're a little concerned that there is confusion among particular customers as to what is available to them and that they may be, in fact, streaming through the residential programs, plural.

D. O'LEARY: So then I did understand the question, and I think the answer that I heard was that **they don't track that specifically**. So that's not something we can actually provide to you today. (emphasis added)

L. DeMARCO: So there is no data on that, to be clear?

D. O'LEARY: No.⁹

26. MC and TFG remain concerned about the lack of data on First Nations and Indigenous participation in EGI's DSM programming but are cognizant of the real and perceived sensitivities around collecting such data. MC and TFG believe that the IWG is an ideal forum to consider Indigenous participation in EGI's DSM programming and explore opportunities to track and better understand such participation.¹⁰
27. The one-year extension of the 2023-2025 DSM plan and the delayed submission of a new 2027+ DSM Plan provides a unique opportunity to improve EGI's DSM programming targeted at its First Nations and Indigenous customers. This opportunity further supports the work of the IWG to "provide information and seek feedback about DSM programs **and delivery and the development of future programs as appropriate**".¹¹ (emphasis added)
28. MC and TFG respectfully request that Board seek to expressly encourage EGI to fully consult and utilize the IWG as part of its development of EGI's comprehensive, multi-year 2027+ DSM Plan application. MC and TFG note that they have both been active participants, along with the other Indigenous participants, in the IWG, and can bring to bear significant knowledge and experience in developing meaningful DSM programming that supports and benefits EGI's First Nations and Indigenous customers.

⁹ Technical Conference Transcript, p. 163.

¹⁰ MC and TFG note that DSM programming was expressly included in the Settlement Agreement approved by the Board in EB-2022-0200.

¹¹ See EB-2022-0200, Decision and Order, Exhibit 01, Tab 1, Schedule 1, p. 19.

29. In accordance with the above, MC and TFG respectfully request that the Board direct EGI to consult with the Indigenous participants through the IWG in the development of EGI's comprehensive multi-year 2027+ DSM Plan application.

D. Other Issues

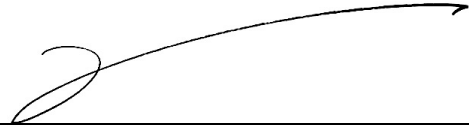
30. MC and TFG do not take a position on the other issues in this proceeding, including with respect to the (i) other DSM programs (Commercial Program, the Industrial Program, the Large Volume Program, the Energy Performance Program, and the Building Beyond Code Program), (ii) approval of the DSM budget, and (iii) approval of the DSM scorecards and shareholder incentives for 2026, except to the extent that any arguments for or against necessary Board approvals may impact the Residential Program and the Low Income Program.
31. MC and TFG respectfully request that the Board either approve the Application and/or make the necessary orders and approvals to ensure that the Residential Program and Low-Income Program are continued for the 2026 DSM period in order to ensure equitable access to programs of significant importance to many of EGI's First Nations and Indigenous customers.

E. Requested Relief

32. MC and TFG respectfully request the Board:
- (a) approve the continuation of the Residential Program and the Low-Income Program through 2026 while EGI develops and seeks approval for its comprehensive multi-year 2027+ DSM Plan application;
 - (b) direct EGI to consult through the IWG with the Indigenous participants of the IWG in the development of EGI's comprehensive multi-year 2027+ DSM Plan application; and
 - (c) make any required approvals and/or orders regarding the Application to ensure the continuation of the Residential Program and the Low-Income Program.

ALL OF WHICH IS RESPECTFULLY

SUBMITTED THIS 3rd day of September, 2025

A handwritten signature in black ink, appearing to read 'Lisa DeMarco', written above a horizontal line.

Lisa DeMarco
Resilient LLP
Counsel for MC and TFG

A handwritten signature in black ink, appearing to read 'DT Vollmer', written above a horizontal line.

DT Vollmer
Resilient LLP
Counsel for MC and TFG