



BY EMAIL

November 14, 2025

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ritchie Murray:

**Re: Ontario Energy Board (OEB) Staff Comments - Enbridge Gas's Updated Evidence
Enbridge Gas Inc. – Glendale Community Expansion Project –
Application for Exemption from Leave-to-Construct Requirement
OEB 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.

On January 5, 2024, the Ministry of Energy and Mines¹(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 – Huron-Wendat Nation (HWN) and Mohawk Council of Akwesasne (MCA).

At the time of filing submissions on May 27, 2025, OEB staff submitted that the 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

¹Formerly the Ministry of Energy and Electrification

could impact their constitutional rights. OEB staff noted that based on the evidence filed, consultation had commenced, however, these discussions appeared to still be at an early stage, especially with respect to MCA. OEB staff submitted that as per the Ministry's delegation letter, Enbridge Gas was directed to undertake a level of consultation in the "moderate range" with MCA, with an expectation that this include opportunity for the community to share evidence about potential impacts, an offer of capacity funding to support meaningful participation, and for Enbridge Gas to demonstrate how any concerns were considered and responded to. OEB staff submitted that additional time should be provided for consultation to continue. OEB staff also noted that Enbridge Gas had not yet filed the Ministry's letter of opinion.

Following the review of submissions filed by MCA, OEB staff and Enbridge Gas, the OEB determined that placing the application in abeyance was 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 Indigenous Consultation Report (ICR) to demonstrate how any concerns identified by MCA were considered and responded to by Enbridge Gas. The OEB also stated that the abeyance would provide additional time for the filing of the Ministry's letter of opinion. The OEB placed Enbridge Gas's application in abeyance effective July 11, 2025.

On October 8, 2025, Enbridge Gas revised its evidence, filing an updated ICR and the Ministry's letter of opinion with the OEB. The letter of opinion, dated October 3, 2025, states:

This letter is to notify Enbridge that, based on this review of materials and MEM's outreach to Indigenous communities, MEM is of the opinion that the procedural aspects of the Crown's duty to consult delegated and undertaken by Enbridge for the purposes of the Ontario Energy Board's proceedings for the Project to date are satisfactory.

On November 5, 2025, the OEB issued Procedural Order No. 3 stating that it is taking the proceeding out of abeyance and is providing an opportunity for parties to file written comments on Enbridge Gas's updated evidence and for Enbridge Gas to respond to any comments filed by parties.

OEB staff makes the following observations in respect of Enbridge Gas's evidentiary update:

- In its submissions dated May 27, 2025, MCA identified several activities that it intended to undertake in consultation with Enbridge Gas, 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 requires an appropriate timeline in which to complete these activities.

- The updated ICR filed by Enbridge Gas indicates that:
 - MCA provided a signed capacity funding letter to Enbridge Gas
 - A site visit has been undertaken, with confirmation by MCA that Enbridge Gas has addressed initial environmental concerns regarding Black Ash within the impact area and that it supports the mitigation measures proposed by Enbridge Gas regarding turtle nesting
 - MCA confirmed that a community presentation would not be necessary

OEB staff submits that, based on the updated ICR, it appears that Enbridge Gas has been responsive to matters raised by MCA in its submissions. Considering the above observations and the current evidentiary record, OEB staff submits that the duty to consult has been discharged sufficiently to allow the OEB to approve the Project. This submission is made on the assumption that Enbridge Gas will continue to engage with HWN and MCA throughout the life of the Project as appropriate.

OEB staff notes that it has not had the opportunity to review MCA's submissions prior to filing this submission, as both submissions are due on the same day. OEB staff is therefore unaware of what MCA's current views are on the adequacy of consultation to date. MCA's views on this issue are obviously very important, and the ultimate decision in this case will also be informed by those views.

Yours truly,

Judith Fernandes
Senior Advisor, Natural Gas Applications

c: All Parties