



December 12, 2025

VIA RESS

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

Dear Mr. Murray,

**Re: Enbridge Gas Inc. ("EGI")
Review of EGI's Five-Year Gas Supply Plan
Board File No.: EB-2025-0065**

We are counsel to Minogi Corp. ("**Minogi**") and Three Fires Group Inc. ("**TFG**") in the above-noted proceeding. Pursuant to Procedural Order No. 2, dated November 5, 2025, please find attached the final submissions of Minogi and TFG.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer".

DT Vollmer

c. All Parties EB-2025-0065
Reggie George, TFG
Don Richardson, Minogi

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF the review of Enbridge Gas Inc.'s
five-year natural gas supply plan.

EB-2025-0065

WRITTEN SUBMISSIONS OF

THREE FIRES GROUP INC. AND MINOGI CORP.

December 12, 2025

OVERVIEW

1. We are counsel to Three Fires Group Inc. (“**TFG**”) and Minogi Corp. (“**Minogi**”) in the Ontario Energy Board’s (the “**OEB**” or “**Board**”) review of Enbridge Gas Inc.’s (**EGI**)’s five-year natural gas supply plan (the **Plan**) in keeping with the gas supply plan assessment process contemplated in the *Report of the Board: Framework for the Assessment of Distributor Gas Supply Plans*.¹
2. TFG and Minogi provide these comments with the aim of assisting the Board in understanding the expectation of First Nations to be meaningfully engaged in plans and processes that may impact their members, rights, and lands. Their comments focus on EGI’s and the Plan’s inadequacies in terms of its identification of relevant public policy and consideration of the concerns of First Nations, stemming from the complete lack of engagement with First Nations in the development process of the Plan.
3. The Plan’s analysis of the potential concerns of First Nations is non-existent. Given EGI’s acknowledgement that First Nations issues may arise in gas supply planning, its submissions and responses in this proceeding demonstrate a pattern of limiting First Nations participation to adjudicate OEB processes rather than incorporating their views, perspectives, and concerns at the formative stages of planning, when they are most relevant and impactful. This approach is inconsistent with the expectations set out by OEB staff in its report on the *Review of 2024 Annual Update to EGI Natural Gas Supply Plan 2024* (the “**2024 Report**”), the purpose of the Indigenous Working Group (“**IWG**”), and Enbridge Inc.’s corporate commitments to reconciliation as applicable to EGI.
4. TFG and Minogi’s submissions will focus on the following issues:
 - (a) the Plan suffers from a failure to engage with EGI’s first nations customers;
 - (b) EGI’S refusal to consider including a separate First Nations section in the Plan undermines First Nation participation and reconciliation;
 - (c) EGI’s lack of engagement unfairly places the burden on First Nations;

¹ EB-2017-0129, “Report of the Ontario Energy Board: Framework for the Assessment of Distributor Gas Supply Plans”, available online at: <https://www.oeb.ca/sites/default/files/Report-of-the-Board-Gas-Supply-Plan-Framework-20181025.pdf>.

- (d) EGI's has a pattern of failing to engage with First Nations in gas supply planning and making use of mechanisms like the IWG during the development process;
- (e) EGI must make use of the IWG as an important component of gas supply plan development; and
- (f) Procurement of certified natural gas ("**CNG**") must advance reconciliation and respect the rights of indigenous peoples

THE PLAN SUFFERS FROM A FAILURE TO ENGAGE WITH FIRST NATIONS

5. Three Fires and Minogi wish to reiterate their concern regarding EGI's failure to engage with First Nations during the gas supply plan development process.² They note that the repeated failure to engage with First Nations is premised on EGI's position that such engagement was unnecessary for the purposes of the Plan. TFG and Minogi note that EGI similarly failed to undertake any customer engagement with its Indigenous customers.
6. EGI admits in its interrogatory responses that it did not engage with First Nations in preparing the Plan.³ EGI argues that such engagements were unnecessary with the justification that the Plan does not have an impact on traditional lands or on Aboriginal and treaty rights, confirming its position in an interrogatory as follows:

"The adjudication of the gas supply plan by the OEB is not expected to have a physical impact on traditional lands or on Aboriginal and treaty rights and therefore, Enbridge Gas has not undertaken a consultation program commensurate with what would be undertaken in relation to an application for facilities that may have a potential impact on Aboriginal and treaty rights."⁴
7. TFG and Minogi wish to clearly state that such a position is wholly incompatible with the spirit of advancing reconciliation and the principles outlined in the *United Nations Declaration on the Rights of Indigenous Peoples*.⁵ As noted in TFG and Minogi's previous submissions in the 2024 Annual Update proceeding,⁶ reconciliation is the process of establishing and maintaining a mutually respectful relationship between Indigenous and

² See TFG and Minogi July 17, 2024 comments in EB-2024-0067 ("**2024 Annual Update**"), [available on RDS](#).

³ Exhibit I.1-GFN-1, response c).

⁴ Exhibit I.1-GFN-1, response f-g).

⁵ TFG and Minogi have had the opportunity to read Ginoogaming First Nation's ("**GFN**") extensive comments on reconciliation and the impacts of gas supply planning on First Nations rights and lands and generally agree with those comments and as such will not repeat similar arguments in these submissions.

⁶ See note 2 above.

non-Indigenous peoples in Canada.⁷ EGI's public policies endorse the principles of reconciliation:

(a) Enbridge Inc.'s Indigenous Peoples Policy ("**IPP**") states that "[c]ompanies can play a role in advancing reconciliation through meaningful engagement with and inclusion of Indigenous peoples and perspectives in their business activities" and that Enbridge will "seek the input and knowledge of Indigenous groups to identify and develop appropriate measures to avoid and/ or mitigate the impacts of [its] projects and operations that may occur on their traditional lands".

(b) The Indigenous Reconciliation Action Plan ("**IRAP**") provides that "Enbridge understands meaningful engagement and respectful relationships are foundational to advancing reconciliation. [Enbridge is] committed to developing strategies, mechanisms and opportunities that support and nurture dialogue and engagement between Enbridge and Indigenous groups throughout the lifecycle of [its] projects and operations."

8. In the development process for the Plan, advancing reconciliation, at the very least, should have meant recognizing reconciliation as clearly articulated Ontario public policy applicable to EGI,⁸ as further supported by OEB decisions and policies supporting Indigenous participation and recognizing the importance of reconciliation,⁹ and Enbridge Inc.'s policies applicable to EGI, including the IPP and IRAP.
9. Further, reconciliation, as an overarching public policy applicable to OEB processes and proceedings, supports, at minimum, EGI engaging and having conversations with First Nations early enough to canvas their views and ideas prior to finalizing and filing the Plan. Ideally, EGI would also undertake customer engagement with its Indigenous customers to better understand their concerns and issues with the Plan. This would enable EGI to better understand First Nations concerns regarding potential risks and impacts and determine how to address and mitigate any concerns with the Plan.

⁷ Truth and Reconciliation Commissions, "Honouring the Truth, Reconciling for the Future", p. 6.

⁸ See TFG and Minogi's final submissions in the Phase 2 EGI rebasing proceeding, EB-2024-0111, at paras 17-21, and 53, [available on RDS](#); see also GFN's submissions in this proceeding at pp. 4-5.

⁹ For example, see the Board's recent remarks that "the process of reconciliation is important and ongoing" in EB-2024-0111, Decision and Order, (May 29, 2025), p. 34. OEB website, [Consultation with Indigenous Peoples](#);

EGI'S REFUSAL TO CONSIDER INCLUDING A SEPARATE FIRST NATIONS SECTION IN THE PLAN UNDERMINES FIRST NATION PARTICIPATION AND RECONCILIATION

10. In its 2024 Report, OEB staff emphasized that the gas supply plan process “provides – and should continue to provide – an opportunity for interested First Nations customers to participate”. OEB staff also noted that an adjudicative review of the Plan would allow the Board to consider whether particular First Nations concerns should be addressed in subsequent annual updates.
11. Despite this clear framing and recognition that there may be First Nations concerns in addition to those already identified by TFG and Minogi during in the 2024 annual update process, EGI has outright rejected their request in this proceeding to consider including a dedicated “First Nations Considerations” section in the Plan and in each annual update. When asked whether it would consider such a section, EGI answered:

“No. Enbridge Gas does not support including a dedicated “First Nations Considerations” section in each Annual Update. The gas supply plan is developed to ensure the gas supply requirements of all customers are met, including First Nations customers. If there is a specific Indigenous matter recognized by the OEB through this adjudicative process, Enbridge Gas will address the matter in the most appropriate means through the Annual Update filing.”¹⁰
12. EGI's response is inconsistent with the 2024 Report which, in the opinion of TFG and Minogi, clearly envisioned that First Nations concerns could be addressed as part of the gas supply plan process and included in the Plan.
13. TFG and Minogi believe that the Plan would benefit from the inclusion of the views and perspectives of First Nations throughout the gas supply plan development process. First Nations can assist in identifying and developing appropriate measures to identify and mitigate concerns and any potential impacts of EGI's gas supply, including the procurement of gas, with an improved Plan providing an important mechanism to track progress on implementable actions and measures.
14. A requirement for EGI to engage with First Nations on developing its gas supply plan would undoubtedly improve the quality of the Plan, and future updates, by ensuring that the concerns and perspectives of First Nations, as well as EGI's Indigenous customers, are identified and considered, as contemplated in the 2024 Report. It would also increase the

¹⁰ Exhibit I.5-TFG/M-5, response b).

likelihood that any First Nations concerns, risks and/or opportunities are identified early and prior to filing, enabling EGI to take meaningful action when it is most cost-effective to do so, ratepayers and EGI's customers and stakeholders. Instead, EGI has decided to rely on an *ex post facto* adjudicative process after the Plan has already been finalized and filed before it would even consider identifying and responding to the concerns of First Nations.

15. TFG and Minogi request that the Board require EGI to engage with First Nations as part of its gas supply plan and annual update development processes, in addition to undertaking customer engagement with its Indigenous customers.
16. TFG and Minogi, again,¹¹ also request that future gas supply plans and annual updates include sections specifically addressing how First Nations were engaged, which should include, at minimum, an identification of any First Nations concerns, and the actions being taken or considered by EGI to address such concerns.

EGI'S LACK OF ENGAGEMENT UNFAIRLY PLACES THE BURDEN ON FIRST NATIONS

17. EGI seems to be unable to articulate why it should not have identified and addressed First Nations concerns in the Plan. Instead, EGI relies on its lack of engagement to reverse the onus and place the burden on First Nations to bring forward concerns after the Plan has already been finalized and filed:

D. VOLLMER: So I am just wondering if the OEB staff report notes that there might be [First Nations] concerns, and there might not be, and then why it is Enbridge's position that there likely isn't or couldn't be?

A. MIKHAILA: I think if there are First Nations matters that, you know, those groups like yourself representing your clients feel that need to be, I think that is a matter of argument for you to argue and for us to respond to.

D. VOLLMER: Okay. But from just a general perspective of understanding these issues, this is how the gas supply plan has addressed these issues, you don't think that that should be in the plan?

A. MIKHAILA: No.¹²

18. TFG and Minogi take note of the seemingly dismissive way in which EGI's witness referred to TFG and Minogi, organizations that directly represent the interests of Chippewas of Kettle

¹¹ See TFG and Minogi's comments in the 2024 Annual Update proceeding.

¹² Transcripts, TC Vol 1, pp. 114-115.

and Stony Point First Nation and Mississaugas of Scugog Island First Nation, respectively, as “those groups”. This, however, appears to be consistent with EGI’s overall approach to First Nations in the gas supply plan development process in this proceeding.

19. TFG and Minogi submit that EGI cannot take the position that it is solely the responsibility of First Nations to raise and argue concerns with the Plan after it has already been developed and filed. The obligation does not rest on First Nations to identify issues retroactively in an adjudicated forum. Rather, the onus rests with EGI, as the regulated utility, in accordance with engagement principles and clear public policy to advance reconciliation and improve First Nation participation in Ontario’s energy sector,¹³ to make reasonable efforts to determine whether First Nations concerns exist, to engage directly with First Nations, and to address any identified concerns as part of the development of the Plan prior to filing.
20. Instead, EGI’s approach reverses this expectation by declining to inquire, declining to engage, and then declining to assess whether any First Nations concerns may be relevant during the planning and development process of the Plan.
21. TFG and Minogi strongly reject EGI’s position that (a) it need not take any steps prior to filing the Plan to determine whether First Nations concerns exist with respect to the Plan, and (b) any potential concerns should only be addressed if a First Nation brings them forward through argument in an adjudicated process at the OEB after the Plan has already been finalized and filed. This approach not only undermines the purpose of proactive planning expected of regulated utilities, but also disregards the practical realities faced by many First Nations that operate with constrained resources that may limit their ability to advance concerns through a complex adjudicative process on relatively short timelines.
22. TFG and Minogi submit that expecting First Nations to bear the onus of raising issues retroactively, despite structural and systemic constraints, is incompatible with meaningful reconciliation and the practical realities of many of Ontario’s First Nations. It is also inconsistent with the expectation that EGI will make appropriate use of available tools and mechanisms, including the IWG, to identify and consider First Nations interests during the gas supply plan development process.

¹³ For example, see TFG and Minogi’s November 19, 2025, comments in the Board’s consultation to support a review and evaluation of its Integrated Resource Planning Framework for EGI (EB-2025-0125), [available on RDS](#).

EGI HAS A PATTERN OF FAILING TO ENGAGE WITH FIRST NATIONS AND THE IWG DURING THE DEVELOPMENT PROCESS

23. TFG and Minogi take note that EGI appears to be resistant to engaging with interested First Nations through the IWG in the development and preparation stages of its plans and programs.
24. For example, despite requests for discussing development of the Plan and prior knowledge that at least two Indigenous Participants in the IWG were interested in participating in EGI's gas supply planning, EGI admitted in an interrogatory response that it did not present the Plan to the IWG prior to filing:

“Enbridge Gas did not present to the IWG on the gas supply plan. At the March 2025 IWG meeting, one of the IWG members requested that the gas supply plan be discussed with the IWG so they could proactively provide comments. At the May 2025 meeting, Enbridge Gas advised that the gas supply plan had been filed with the OEB and suggested the appropriate forum for interested Indigenous groups to participate in the gas supply related matters is with the public regulatory process so the OEB could consider any concerns or interests raised by Indigenous intervenors with respect to the gas supply plan.”¹⁴
25. This failure to engage with the IWG occurred even though TFG and Minogi raised significant concerns with EGI's gas supply planning during the 2024 Annual Update process.
26. EGI knew or reasonably ought to have known that several IWG participants wanted to participate in the development of the Plan prior to its filing as part of the work of the IWG. By waiting until after the Plan was filed, EGI prevented any opportunity for meaningful engagement with First Nations during the planning stage, resulting in a failure to proactively identify any concerns that could have been addressed in the Plan.
27. TFG and Minogi note that a similar pattern arose in the recent DSM proceeding (EB-2024-0198), where EGI submitted its initial 2026–2030 DSM Plan without engaging the IWG,¹⁵ then indicated that IWG involvement in the new 2027+ DSM plan would be impractical because it would be filed in the near-term, again leaving no opportunity for IWG participation.¹⁶

¹⁴ Exhibit I.1-GFN-1, response d-e).

¹⁵ TFG and Minogi note that DSM is a discreet area of focus for the IWG pursuant to the Phase 1 Settlement Agreement and the Terms of Reference of the IWG.

¹⁶ TFG and Minogi wish to provide the additional context. In the recent DSM proceeding (EB-2024-0198), EGI was aware well in advance of submitting its 2026–2030 DSM Plan that DSM programming was of particular interest to

28. Accordingly, it appears to TFG and Minogi that there is a recurring pattern of First Nations expressing early interest, EGI failing to undertake any engagement prior to developing plans and programs, and then EGI asserting that it is “not practical” to engage and collaborate.
29. TFG and Minogi submit that EGI’s approach creates significant barriers for First Nations and undermines opportunities for constructive partnership as envisioned in the establishment of the IWG, and in accordance with broader provincial public policy to increase First Nation participation in energy planning and in Ontario’s energy system. It also deprives EGI of the significant benefits of early-stage insights from First Nations, including the Indigenous Participants of the IWG, that could help shape EGI’s plans and programs, such as the Plan, in a way that addresses the concerns and needs of First Nations.

THE IWG SHOULD BE RECOGNIZED AS A KEY COMPONENT OF GAS SUPPLY PLANNING

30. TFG and Minogi agree with GFN that the IWG should play a more integral role in the development of EGI’s gas supply planning materials before they are filed. The IWG was established through a settlement agreement endorsed by the Board and has been recognized by OEB staff as an appropriate venue to address matters of particular relevance to First Nations customers. The IWG therefore represents a Board-approved mechanism designed to support engagement, provide a structure and forum for dialogue, and allow First Nations to raise issues early in the planning cycle.
31. In this context, it is reasonable for the Board to expect that EGI will make meaningful use of the tools available to it. The existence of the IWG provides EGI with a clear and accessible forum for engaging interested First Nations and discussing topics such as gas supply, planning horizons, DSM implications, stranded asset risks, and other matters of interest. Where those interests are known or reasonably foreseeable, the IWG offers an appropriate mechanism for discussion before regulatory filings are made.

TFG and Minogi, being an expressly identified area of focus for the IWG under the Phase 1 Settlement Agreement in EB-2022-0200 and the IWG’s Terms of Reference. Despite this, EGI did not engage the IWG in developing its initial 2026-2030 DSM Plan. Subsequently, when the 2026–2030 Plan was later withdrawn and the proceeding put into abeyance, EGI apparently began preparing a new 2027+ DSM Plan without engaging the IWG. TFG and Minogi again expressed clear interest in participating in the development of the new plan in its final submissions; however, in its reply submissions, EGI stated that involving the IWG was “not practical given the expected timing of the application’s filing.” TFG and Minogi note that EGI presented on the proposed 2027+ DSM Plan at the most recent IWG meeting on November 26, 2025.

32. Engaging the IWG during the development of the Plan would have likely reduced the resource inefficiencies of an adjudicated process and helped ensure that the concerns and issues of First Nations were identified and considered at an earlier stage when they could have been meaningfully incorporated into and improved the Plan. TFG and Minogi submit that this would also align with the reconciliation-focused objectives expressed in Enbridge Inc.'s own corporate commitments and with the direction provided in the 2024 Report, which contemplate the IWG as a venue for more detailed discussions on issues important to First Nations.
33. TFG and Minogi requests that the Board require EGI to engage with the IWG in the preparation of annual updates to the Plan well in advance of filing. This would not be an undue burden as the IWG already exists, and several of its members are intervenors in this proceeding. Instead, it would ensure that the Board-approved IWG, which is intended to facilitate Indigenous engagement, is used for that purpose. Moving forward, this will make EGI's gas supply planning processes more responsive, transparent, and reflective of the interests of First Nations.

PROCUREMENT OF CNG MUST ADVANCE RECONCILIATION AND RESPECT THE RIGHTS OF INDIGENOUS PEOPLES

34. TFG and Minogi wish to again reiterate their concern with EGI's procurement of 'CNG',¹⁷ which is a welcomed renaming that removes any connotations of it being "responsibly" sourced. While TFG and Minogi continue to be generally supportive of procuring CNG as part of EGI's gas supply, they wish to again emphasize that CNG should seek to advance reconciliation and must therefore recognize the rights of Indigenous Peoples, including a requirement to obtain the free, prior, and informed consent ("FPIC") of any impacted First Nation or Indigenous communities.
35. In its response to questions related to whether EGI procures CNG certified under frameworks that ensure the rights of Indigenous Peoples are recognized and respected, EGI again acknowledged that it has not assessed whether CNG certifications frameworks

¹⁷ See TFG and Minogi's submissions in the 2024 Annual Update proceeding; see also Anwaatin's May 11, 2021 comments in EB-2021-0004, [available on RDS](#).

are consistent with the IPP and IRAP, and noted that only one of the frameworks expressly addresses the rights of Indigenous Peoples.¹⁸

36. TFG and Minogi, again, request that, at minimum, EGI undertake an assessment of each of the CNG certifications frameworks and their compatibility with the IPP and IRAP, and the rights of Indigenous Peoples including a requirement to obtain FPIC of impacted Indigenous Peoples and communities.
37. As previously argued by TFG and Minogi, any CNG certification scheme or framework that does not expressly respect the rights of Indigenous Peoples, including obtaining FPIC of impacted communities, does not advance reconciliation and should not be considered by EGI or the Board as providing any sort of ESG-type gas and should be excluded from identification and any associated claims in EGI's gas supply plan filings.
38. Until such time as EGI requires that any CNG it procures is certified under a framework that expressly addresses the rights of Indigenous Peoples and requires that FPIC has been obtained, the Board should reject the inclusion of any associated ESG-type claims made in OEB filings based on the procurement and/or use of such gas.

CONCLUSION

39. These submissions provide recommendations that EGI should be required to address as part of its gas supply plan processes, including future annual updates, increasing the likelihood that the Board, Ontario ratepayers, and First Nations will have access to the information necessary to address the concerns of First Nations and promote objectives relating to affordability, access, reliability, and reconciliation.

¹⁸ Exhibit I.2-TFG/M-3, response b); see also 2024 Annual Update, Consultation Transcript, p. 182 and Anwaatin's comments in EB-2021-0004

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS 12th DAY OF DECEMBER,
2025.



Elisabeth (Lisa) DeMarco
Resilient LLP
Counsel for TFG and Minogi



DT Vollmer
Resilient LLP
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