



Enbridge Gas Inc.

**Application for exemption from leave to construct
natural gas pipeline and associated facilities in the
Town of Caledon**

**PROCEDURAL ORDER NO. 1
December 18, 2025**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on September 29, 2025, 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 in the Town of Caledon near the intersection of Humber Station Road and Old Church Road, Ontario. The proposed project consists of approximately 3 kilometres (km) of Nominal Pipe Size (NPS) 4 polyethylene (PE) natural gas pipeline and approximately 5 km of NPS 2 PE natural gas pipeline (Project). The Project is expected to cost \$6 million and serve approximately 62 customers in the Town of Caledon.

The application will be heard by Commissioner David Sword.

Enbridge Gas relies on section 3.0.1 (1) of Ontario Regulation 328/03 for its application. This regulation authorizes the OEB to make an order under subsection 95 (2) of the OEB Act that exempts a person from the requirement to obtain leave from the OEB under subsection 90 (1) of the OEB Act. The exemption is available if:

- a) Leave is required only by virtue of clause 90 (1) (b) of the OEB Act;
- b) The proposed hydrocarbon line is projected to cost more than the amount specified in section 3 (1) for the purposes of that clause (i.e., \$2 million) but not more than \$10 million; and
- c) The OEB makes a determination that the Crown's duty to consult, if it applies in respect of the application, has been adequately discharged.

On October 24, 2025, the OEB issued a Notice of Hearing to each of the following Indigenous communities:¹

- Alderville First Nation
- Beausoleil First Nation
- Curve Lake First Nation
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation
- Hiawatha First Nation
- Huron-Wendat Nation
- Kawartha Nishnawbe First Nation
- Mississaugas of Scugog Island First Nation
- Mississaugas of the Credit First Nation

The Notice of Hearing provided an opportunity for each of the Indigenous communities to actively participate in the hearing as an intervenor by filing a Notification Letter with the OEB. For Indigenous communities wishing to express their view on the application without engaging as an intervenor, the Notice also made provision for Indigenous communities to file Letters of Comment with the OEB. The Notice of Hearing also provided the Indigenous communities with the option to follow the proceeding as a Monitor, which would result in the delivery by email of all documents issued by the OEB with respect to this proceeding to those applying for such status.

As stated in the Notice of Hearing, the deadline to apply as an intervenor (by Notification Letter) was December 8, 2025. No Indigenous community applied for intervenor status.

Letter of Comment – Wendat Nation

On December 15, 2025, Wendat Nation filed a Letter of Comment to inform the OEB of specific concerns regarding receipt of the environmental reports and Stage 1 and Stage 2 Archaeological Assessment (AA) reports during the planning phase and prior to any exemption from the requirement to obtain leave to construct that may be granted by the OEB. Wendat Nation indicated that the Stage 2 AA report is a critical source of information enabling the Wendat Nation to evaluate risks of infringement upon its rights

¹ The Ministry of Energy and Mines identified ten Indigenous communities potentially affected by the proposed project in a Delegation Letter to Enbridge Gas.

and heritage and that early access to this report facilitates its participation in fieldwork and allows the Nation to raise concerns, where applicable, and to work proactively with Enbridge Gas to address and resolve them. Wendat Nation stated that following discussions with Enbridge Gas, it was compelled to accept that the Stage 2 AA would be conducted only after the project's planning phase, and solely on the final route selected by Enbridge Gas rather than all the initial routes considered during the planning phase.

Wendat Nation stated that this matter has been the subject of numerous exchanges between Wendat Nation and Enbridge Gas across a number of projects being undertaken by Enbridge Gas but Wendat Nation has not received a favourable response. Wendat Nation noted its concern that Enbridge Gas could be granted an exemption by the OEB from the requirement to obtain leave to construct for the project without a Stage 2 AA having been conducted and duly reviewed. Wendat Nation requested that it receive the Stage 2 AA report when it is under review by Enbridge Gas and be granted a minimum of 30 days after its receipt to provide its comments as well as the right to request an extension beyond this 30-day period if deemed necessary by its consultation team.

Rule 23.05 of the OEB's *Rules of Practice and Procedure* requires Enbridge Gas to address the issues raised in the Letter of Comment by way of a document filed in the proceeding before the proceeding's record is closed. To ensure the timely hearing of this application, Enbridge Gas is encouraged to respond to the comments from Wendat Nation by no later than the filing of interrogatory responses to its evidence.

The issue the OEB must decide in this proceeding is whether the Crown's duty to consult has been sufficiently discharged with respect to the Project. In order to assist the OEB in making this determination, Enbridge Gas is directed to file an updated Indigenous Consultation Report (ICR) that includes any consultation activities since September 4, 2025 (day the ICR is dated), and any correspondence from the Ministry of Energy and Mines on Enbridge Gas's consultation activities by the date set in this Procedural Order.

Provision is also being made for written interrogatories from OEB staff.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas shall file an updated ICR and any correspondence from the Ministry of Energy and Mines on Enbridge Gas's consultation activities with the OEB, by **January 16, 2026**.
2. OEB staff shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB, by **January 30, 2026**.
3. Enbridge Gas shall file with the OEB complete written responses to all interrogatories, by **February 13, 2026**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2025-0270** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Judith Fernandes, judith.fernandes@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **December 18, 2025**

ONTARIO ENERGY BOARD

By delegation, before: Ritchie Murray

Ritchie Murray
Acting Registrar