



# **DECISION AND ORDER**

**EB-2024-0325**

## **ENBRIDGE GAS INC.**

**Application for an Order granting an exemption from leave to construct natural gas pipeline and associated facilities in the Township of South Glengarry in the United Counties of Stormont, Dundas and Glengarry**

**BEFORE: Robert Dodds**  
Presiding Commissioner

**Fred Cass**  
Commissioner

**David Sword**  
Commissioner

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**December 18, 2025**



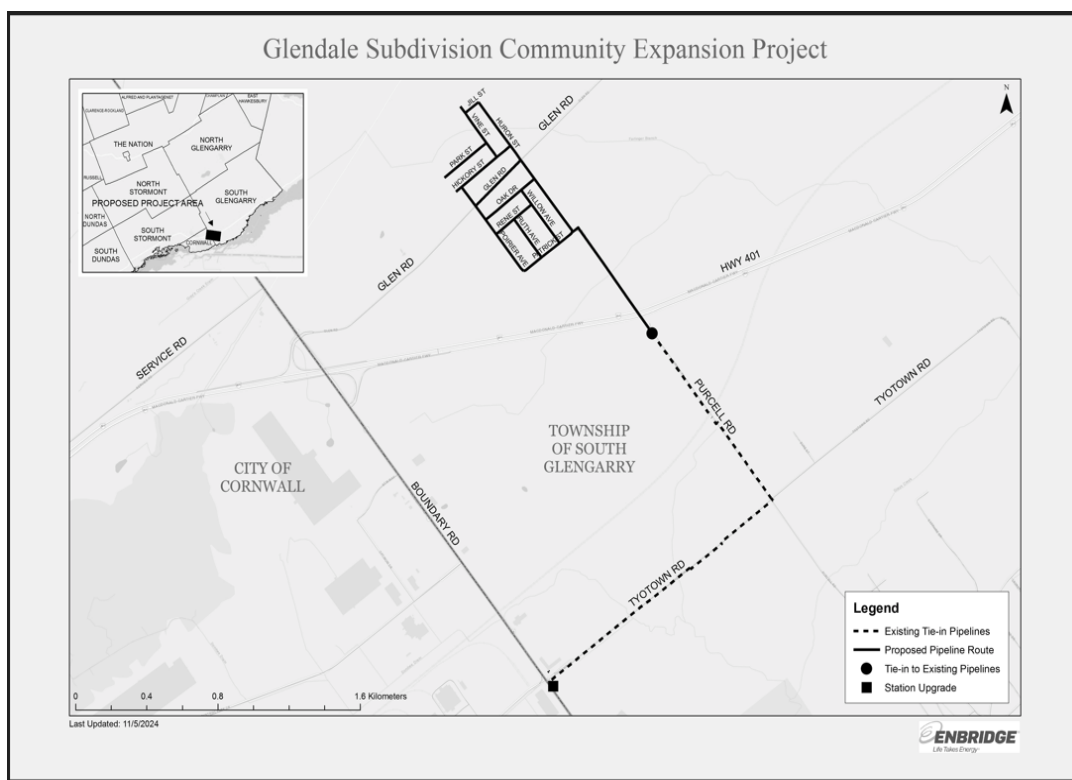
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# 1 OVERVIEW

On November 7, 2024, Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board under section 95(2) of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting an exemption from the requirement to obtain leave to construct a hydrocarbon line to serve approximately 128 customers in the community of Glendale Subdivision in the Township of South Glengarry in the United Counties of Stormont, Dundas and Glengarry (Project).

The general location of the Project is shown on the map below:



For the reasons set out below, the OEB grants an order under section 95(2) of the OEB Act, exempting Enbridge Gas from the requirement to obtain leave to construct the Project, subject to the conditions attached as Schedule A to this Decision and Order.

## 2 APPLICATION SUMMARY AND PROCESS

### 2.1 Application Summary

The Project consists of the construction of approximately 4.9 kilometres of Nominal Pipe Size (NPS) 2 polyethylene (PE) Intermediate pressure (IP) natural gas distribution pipeline and 720 metres of NPS 4 PE IP natural gas distribution pipeline. The total estimated Project cost is \$3.7 million (\$2.75 million total pipeline costs and \$0.97 million total ancillary costs).

Section 90(1) of the OEB Act sets out the circumstances where an order granting leave to construct for a hydrocarbon pipeline is required:

**90 (1)** No person shall construct a hydrocarbon line without first obtaining from the Board an order granting leave to construct the hydrocarbon line if,

- (a) the proposed hydrocarbon line is more than 20 kilometres in length;
- (b) the proposed hydrocarbon line is projected to cost more than the amount prescribed by the regulations;
- (c) any part of the proposed hydrocarbon line,
  - (i) uses pipe that has a nominal pipe size of 12 inches or more, and
  - (ii) has an operating pressure of 2,000 kilopascals or more; or
- (d) criteria prescribed by the regulations are met.

Section 3.0.1(1) of O. Reg. 328/03 authorizes the OEB to make an order under subsection 95 (2) of the OEB Act exempting a person from the requirement to obtain leave from the OEB under subsection 90(1) 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 (i.e. \$2 million) for the purposes of that clause 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

Enbridge Gas submitted that the Project should be granted an exemption under subsection 95(2) from the requirement to obtain leave to construct as it meets the exemption criteria:

- The Project is less than 20 km in length and uses pipe sizes less than 12 inches and has an operating pressure of less than 2,000 kilopascals. As a result, Enbridge Gas states that leave is only required for the Project because of clause 90(1)(b) of the OEB Act.
- The Project cost is \$3.7 million, which is less than the \$10 million prescribed in the regulation.
- Enbridge Gas was delegated the procedural aspects of Indigenous consultation by the Ministry of Energy and Mines (Ministry) and has carried out consultation and continues to carry out consultation with the identified Indigenous communities, and through these efforts the duty to consult has been adequately discharged.

In this application, the central issue for the OEB to consider is whether the Crown's duty to consult has been discharged.

## 2.2 Process

The OEB issued a Notice of Hearing on December 10, 2024, to the following Indigenous communities identified in the Delegation Letter that was issued by the Ministry on January 5, 2024:

- Huron-Wendat Nation
- Mohawk Council of Akwesasne

The Notice of Hearing provided information on how the notified communities could participate in the proceeding, including by becoming intervenors.

On January 30, 2025, the Mohawk Council of Akwesasne filed a Notification Letter requesting intervenor status.

The OEB issued Procedural Order No. 1 on February 19, 2025 granting the Mohawk Council of Akwesasne intervenor status in this proceeding. Enbridge Gas was directed to file an updated Indigenous Consultation Report and any correspondence from the Ministry on Enbridge Gas's consultation activities. Enbridge Gas filed the updated Indigenous Consultation Report and Ministry correspondence on February 26, 2025.

Procedural Order No. 1 also provided the Mohawk Council of Akwesasne with an opportunity to provide additional comments in response to Enbridge Gas's updated Indigenous Consultation Report and any correspondence from the Ministry. On March

12, 2025, the Mohawk Council of Akwesasne provided additional comments in response to the updated Indigenous Consultation Report.

Procedural Order No.1 set the schedule for written discovery on Enbridge Gas's evidence. OEB staff filed interrogatories on March 26, 2025 and Enbridge Gas filed interrogatory responses on April 9, 2025. As part of its responses to OEB staff interrogatories, Enbridge Gas stated that a meeting between Enbridge Gas and the Mohawk Council of Akwesasne was scheduled for April 28, 2025 to discuss the Project.

The OEB issued Procedural Order No. 2 on April 22, 2025, which set the dates for the filing of written submissions from the Mohawk Council of Akwesasne and OEB staff by May 27, 2025 and any reply submissions from Enbridge Gas by June 10, 2025. Procedural Order No. 2 directed Enbridge Gas to provide a summary of the meeting with the Mohawk Council of Akwesasne, an updated Indigenous Consultation Report, and any correspondence from the Ministry to Enbridge Gas on Enbridge Gas's consultation activities. Procedural Order No. 2 also provided for the Mohawk Council of Akwesasne to file comments in response to Enbridge Gas's meeting summary, updated Indigenous Consultation Report and any correspondence from the Ministry.

On May 5, 2025, Enbridge Gas filed a summary of the April 28, 2025 meeting with the Mohawk Council of Akwesasne as part of its updated Indigenous Consultation Report. The Mohawk Council of Akwesasne filed comments on May 12, 2025 on the meeting summary provided by Enbridge Gas.

On July 11, 2025, the OEB issued a letter stating that having reviewed the submissions of the Mohawk Council of Akwesasne, OEB staff and Enbridge Gas, it would place Enbridge Gas's application in abeyance to provide opportunity for further consultation between Enbridge Gas and the Mohawk Council of Akwesasne and for the filing of an updated Indigenous Consultation Report and the Ministry's Letter of Opinion.

On October 9, 2025, Enbridge Gas filed an updated application to include a Letter of Opinion from the Ministry and an updated Indigenous Consultation Report detailing the additional consultation activities undertaken to address concerns raised by the Mohawk Council of Akwesasne.

On November 5, 2025, the OEB issued Procedural Order No. 3 providing for the Mohawk Council of Akwesasne and OEB staff to file written comments on Enbridge Gas's evidentiary update and the issue of whether the duty to consult has been adequately discharged in light of that further evidence and for Enbridge Gas to file a response to any comments that were filed.

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On November 14, 2025, OEB staff filed comments and on November 24, 2025, Enbridge Gas responded to these comments.

On November 28, 2025, the Mohawk Council of Akwesasne filed written comments, requesting that the OEB permit the comments to be filed outside of the time period set out in Procedural Order No. 3. The Mohawk Council of Akwesasne submitted that, given the nature of the comments, no prejudice would be experienced by Enbridge Gas as a result of the timing of the submission of these comments.

On December 3, 2025 the OEB issued a letter advising parties that it would permit the late filing of comments by the Mohawk Council of Akwesasne.

### 3 DECISION

#### 3.1 Exemption Request

On January 5, 2024, the Ministry delegated the procedural aspects of the Crown's duty to consult to Enbridge Gas and identified two Indigenous communities to be consulted.

Pursuant to the OEB's Environmental Guidelines, Enbridge Gas filed an Indigenous Consultation Report with its application describing the consultation activities it has undertaken.<sup>1</sup> During the course of this proceeding, Enbridge Gas provided multiple updates to the Indigenous Consultation Report in response to the OEB's procedural orders and as part of its response to OEB staff interrogatories.<sup>2</sup>

Enbridge Gas stated that it developed a consultation program to receive input from interested and potentially affected parties including Indigenous communities<sup>3</sup> and that it offers capacity funding to assist Indigenous communities to meaningfully participate in engagement activities such as timely reviews of technical documents and participation in field work associated with the proposed Project. The evidence and submissions filed by Enbridge Gas indicate that it has provided the two potentially impacted Indigenous communities with the following information:

- Notice of Upcoming Project including Map of the Project Location
- Notification Letter and Notice of Study Commencement
- In-Person and Virtual Information Sessions letters
- The Environmental Report, which provides information about the potential effects of the Project on the environment
- The OEB's Notice of Hearing providing information on how to participate in the hearing
- Information in response to questions and/or concerns raised by the Mohawk Council of Akwesasne and the Huron-Wendat Nation

The Environmental Report was circulated to Indigenous communities on July 17, 2024 and comments were requested by August 29, 2024.<sup>4</sup>

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<sup>1</sup> Application and Evidence, Exhibit H, Tab 1, Schedule 1

<sup>2</sup> Updated Application dated May 5, 2025, Exhibit H-1-1, Attachment 6, Exhibit H-1-1, Attachment 7 and EGI IRRs, Exhibit I-STAFF-1

<sup>3</sup> Application and Evidence, Exhibit F, Tab 1, Schedule 1, page 1, paragraph 1

<sup>4</sup> Application, Exhibit F, Tab 1, Schedule 1, page 4, paragraph 9



On October 9, 2025, Enbridge Gas filed an updated application which included the Letter of Opinion it received from the Ministry. The Letter of Opinion noted that the Ministry has completed its review of the consultation undertaken by Enbridge Gas with Indigenous communities for the Project, including the information provided by Enbridge Gas and materials filed in the proceeding. The Letter of Opinion further stated that the Ministry has also communicated directly with Indigenous communities to understand any potential impacts to Aboriginal and/or treaty rights from the Project as well as community feedback about satisfaction with Enbridge Gas's response or proposed mitigation, where appropriate. The Ministry stated that based on its review of materials and its outreach to Indigenous communities, it is of the opinion that the procedural aspects of the consultation undertaken by Enbridge Gas for the Project are satisfactory.

Additionally, in keeping with the OEB's direction set out in the letter of abeyance, Enbridge Gas also filed an updated Indigenous Consultation Report detailing the additional consultation activities undertaken to address concerns raised by the Mohawk Council of Akwesasne.

### Concerns Raised and Enbridge Gas's Response and Commitments

#### Mohawk Council of Akwesasne

The Mohawk Council of Akwesasne filed a letter with the OEB on January 30, 2025, stating that neither Enbridge Gas nor the Ministry have meaningfully consulted with the Mohawk Council of Akwesasne with respect to the Project and that it intends to contest Enbridge Gas's application. The Mohawk Council of Akwesasne further stated that based on the Indigenous Consultation Report filed with the application, Enbridge Gas completed outreach to an email address and to an unknown phone number, and there is no record of any response from the Mohawk Council of Akwesasne as a result of this outreach. The Mohawk Council of Akwesasne asserted that Enbridge Gas had an obligation to ensure that its correspondence was received by the Mohawk Council of Akwesasne but instead continued its outreach to an email address that provided no response.

On February 6, 2025, Enbridge Gas responded to the Mohawk Council of Akwesasne's letter, stating that it wished to clarify the record in respect of the Mohawk Council of Akwesasne's claim that "there has been no consultation with the Mohawks of Akwesasne with respect to the Project." Enbridge Gas stated that it logged eight emails and one phone call from Enbridge Gas to the Mohawk Council of Akwesasne representatives in its Indigenous Consultation Report filed as part of its application. Enbridge Gas also stated that the emails included Project information, the

Environmental Report, and invitations to the Mohawk Council of Akwesasne to provide comments and ask questions.

In accordance with the OEB's direction in Procedural Order No. 1, Enbridge Gas filed an updated Indigenous Consultation Report on February 26, 2025. Procedural Order No. 1 provided the Mohawk Council of Akwesasne with an opportunity to comment in response to Enbridge Gas's updated Indigenous Consultation Report.

The Mohawk Council of Akwesasne filed a letter with the OEB on March 12, 2025, stating that it has reviewed the updated Indigenous Consultation Report filed by Enbridge Gas and remained of the view that the Crown's duty to consult has not been adequately discharged. The Mohawk Council of Akwesasne stated that the updated Indigenous Consultation Report shows additional correspondence that went unreceived by the Mohawk Council of Akwesasne and that the correspondence it received, as well as the subsequent replies, focused on efforts to set up meetings. The Mohawk Council of Akwesasne expressed continuing concerns about the Project stating that it was in contact with Enbridge Gas to set up a meeting in which substantive consultation could begin.

On April 9, 2025, when Enbridge Gas filed its interrogatory responses, it confirmed that a virtual meeting with the Mohawk Council of Akwesasne was scheduled for April 28, 2025, and provided an updated Indigenous Consultation Report. In response to OEB staff interrogatories asking Enbridge Gas to describe any outstanding concerns raised by the Mohawk Council of Akwesasne, Enbridge Gas stated that on March 4, 2025, the Mohawk Council of Akwesasne provided a letter stating that the Project is in a historically occupied area and advised that any development in the Nutfield tract (where the Glendale Project is located) required consent from the Mohawk Council of Akwesasne.<sup>5</sup> Enbridge Gas stated that the Mohawk Council of Akwesasne expressed willingness to reopen dialogue on the Project and advised Enbridge Gas of the individuals to whom official Project correspondence should be sent, including the Mohawk Council of Akwesasne's legal counsel.

In accordance with the OEB's direction in Procedural Order No. 2, on May 5, 2025, Enbridge Gas filed an updated Indigenous Consultation Report that included a summary of the meeting with the Mohawk Council of Akwesasne on April 28, 2025. In the updated Indigenous Consultation Report, Enbridge Gas noted that at the meeting, the Mohawk Council of Akwesasne specifically asked about the generation of excess soil, Black Ash, the use of native grass species for restoration, the spread of invasive species, and

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<sup>5</sup> EGI IRRs, Exhibit I, OEB STAFF-1, p.3

potential site visits. Enbridge Gas explained that the Project was not expected to generate volumes of excess soil that would trigger a filing on the Ministry of the Environment, Conservation and Parks registry and described the soil-related assessment and analysis it was performing. Enbridge Gas also confirmed that no Black Ash were found during targeted studies and no tree removal is expected; the plan to use native grass species; and its equipment cleaning protocols to prevent the spread of invasive species. Enbridge Gas also noted that they could discuss site visits with the Mohawk Council of Akwesasne.<sup>6</sup>

Procedural Order No. 2 provided the Mohawk Council of Akwesasne with an opportunity to provide comments on Enbridge Gas's meeting summary and the updated Indigenous Consultation Report.

On May 12, 2025, the Mohawk Council of Akwesasne filed a letter with the OEB stating that Enbridge Gas's summary of the meeting contained in the Indigenous Consultation Report is largely accurate and that while it is pleased with Enbridge Gas's effort to begin consulting in earnest, such consultation remained ongoing. The Mohawk Council of Akwesasne noted that the meeting generated valuable discussion between the Mohawk Council of Akwesasne and Enbridge Gas but it did not represent the end of consultation at this stage. The Mohawk Council of Akwesasne indicated that it intended to undertake several activities as part of these consultation efforts, including site visits to the Project locations and potential engagement with its membership. The Mohawk Council of Akwesasne mentioned that it was preparing an outline of costs for Enbridge Gas to consider as part of Enbridge Gas's funding obligations set out in the Ministry's January 5, 2024 delegation letter to Enbridge Gas. The Mohawk Council of Akwesasne stated that, given the foregoing, its position is that consultation had begun but had not been discharged at this stage of the Project.

#### Huron-Wendat Nation

Through the pre-hearing consultation, the Huron-Wendat Nation advised that it was interested in participating in the Stage 2 Archaeological Assessment (AA) work and Enbridge Gas contacted the Huron-Wendat Nation to provide the opportunity to participate in the work scheduled for the week of October 14, 2024. The Huron-Wendat Nation responded to Enbridge Gas stating that it has reduced staff and does not have a field liaison available because of the hunting season but would like to receive a draft copy of the Stage 2 AA report.<sup>7</sup>

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<sup>6</sup> Updated Application May 5, 2025, Exhibit H, Tab 1, Schedule 1, Attachment 8

<sup>7</sup> Application, Exhibit H, Tab 1, Schedule 1, Attachment 8, pages 18,19

In response to OEB staff's interrogatories asking Enbridge Gas to describe any outstanding concerns raised by the Huron-Wendat Nation, Enbridge Gas stated that on March 31, 2025, the Huron-Wendat Nation contacted Enbridge Gas requesting again for the Stage 2 AA report. The Huron-Wendat Nation stated that this is a valuable source of information that helps it to assess if the Project risks impacting the Huron-Wendat Nation rights and heritage. On April 3, 2025 at an in-person meeting with the Huron-Wendat Nation, Enbridge Gas explained the timing of the Stage 2 AA and provided the Stage 2 AA report for the Project to the Huron-Wendat Nation.<sup>8</sup>

Enbridge Gas noted that the results of Stage 2 AA did not identify any archaeological resources. Enbridge Gas further noted that the mitigation measures identified in the Environmental Report are designed to minimize the extent of impacts of the Project, including impacts on wildlife, water courses, vegetation and archaeological resources, which are often matters of concern to Indigenous communities.<sup>9</sup>

Enbridge Gas's updated Indigenous Consultation Report filed as part of Enbridge Gas's evidentiary update on October 9, 2025 indicated that the Huron-Wendat Nation again expressed concern on May 5, 2025 regarding the timing of Stage 2 AAs and that the Huron-Wendat Nation would pause its participation in the consultation process until these concerns are resolved. The Huron-Wendat Nation acknowledged receipt of a capacity funding agreement.

On June 5, 2025 Enbridge Gas and the Huron-Wendat Nation met virtually to discuss concerns over the Stage 2 AA timing and Enbridge Gas provided information on how they conduct the AA process as outlined in the Ministry of Citizenship and Multiculturalism guidelines, and that the Stage 2AA is conducted once the preliminary preferred route has been chosen. According to the updated Indigenous Consultation Report, the Huron-Wendat Nation again expressed concern regarding a route being chosen without the information provided in the Stage 2 AA and the Huron-Wendat Nation not having enough time to voice their concern if anything is discovered during the Stage 2 AA on the chosen route. The Huron-Wendat Nation indicated that if the proposed capacity funding is renewed annually, it would allow the Huron-Wendat Nation to dedicate resources to participate in the AA of all routes of the Project and would give the Huron-Wendat Nation time and confidence to address any concerns that may be raised at a later phase.

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<sup>8</sup> Exhibit I, STAFF-1, p. 3 and Updated Application May 5, 2025 Exhibit H, Tab 1, Schedule 1, Attachment 8, pages 21,22

<sup>9</sup> Ibid

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### Submissions

In accordance with Procedural Order No. 2, OEB staff and the Mohawk Council of Akwesasne filed submissions on the application on May 27, 2025 and Enbridge Gas filed its reply submissions on June 10, 2025. The Huron-Wendat Nation did not request intervenor status and therefore did not file any submissions in this proceeding.

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 section 35 rights. OEB staff noted that while the dialogue between Enbridge Gas and the communities has been constructive to date, these discussions appear to still be at an early stage, especially with respect to the Mohawk Council of Akwesasne. OEB staff also noted that at the time of filing submissions, Enbridge Gas has not yet filed the Ministry's letter of opinion.

The Mohawk Council of Akwesasne submitted that it did not have the evidence before it that the duty to consult has been adequately discharged. The Mohawk Council of Akwesasne argued that the Indigenous Consultation Report demonstrates that consultations with the Mohawk Council of Akwesasne have only just begun and that a number of critical steps remain, including providing capacity funding, facilitating site visits, and possible community engagement.

In its reply submission, Enbridge Gas stated in its view, the Crown's 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 stated that it is committed to maintaining ongoing engagement with the communities throughout the life of the Project to ensure any potential impacts on Aboriginal or treaty rights are addressed, as appropriate.

### Abeyance and Evidentiary Update

On July 11, 2025, the OEB placed Enbridge Gas's application in abeyance. The OEB stated that placing the application in abeyance was necessary to provide further opportunity for: a) Enbridge Gas and the Mohawk Council of Akwesasne to work together to address the consultation activities identified by the Mohawk Council of Akwesasne in its submission and b) Enbridge Gas to update the Indigenous Consultation Report to demonstrate how any concerns identified by the Mohawk Council of Akwesasne were considered and responded to by Enbridge Gas. The OEB noted that the abeyance would also provide additional time for the filing of the Ministry's letter of opinion. The OEB stated that it would take the 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's letter of opinion.

On October 9, 2025, Enbridge Gas filed an update to the application to include a Letter of Opinion from the Ministry on the sufficiency of Indigenous consultation for the Project. As per the OEB's direction set out in the letter of abeyance, Enbridge Gas also filed an updated Indigenous Consultation Report detailing the additional consultation activities undertaken to address concerns raised by the Mohawk Council of Akwesasne.

On November 5, 2025, the OEB issued Procedural Order No. 3 providing an opportunity for the Mohawk Council of Akwesasne and OEB staff to file written comments on Enbridge Gas's evidentiary update and the issue of whether the duty of consult has been adequately discharged in light of that further evidence and for Enbridge Gas to file a response to any comments that are filed.

In comments filed on November 14, 2025, OEB staff submitted that, based on the updated Indigenous Consultation Report, it appeared that Enbridge Gas has been responsive to matters raised by the Mohawk Council of Akwesasne in its submissions, which included capacity funding, site visits and community presentation. OEB staff submitted that, based on the current evidentiary record, the duty to consult has been discharged sufficiently to allow the OEB to approve the Project, noting that its submission is made on the assumption that Enbridge Gas will continue to engage with the Huron-Wendat Nation and the Mohawk Council of Akwesasne throughout the life of the Project as appropriate.

On November 24, 2025, Enbridge Gas filed comments in response to OEB staff comments, confirming that the matters raised by the Mohawk Council of Akwesasne in their May 27, 2025 submissions have been addressed, as documented in the updated Indigenous Consultation Report. Enbridge Gas stated that the OEB has sufficient evidence to approve the Project and reiterated its intent to continue its engagement with the Mohawk Council of Akwesasne and the Huron-Wendat Nation throughout the life of the Project to ensure any concerns are addressed as appropriate.

On November 28, 2025, the Mohawk Council of Akwesasne filed written comments, stating that it reviewed and considered the updated evidence, including the updated Indigenous Consultation Report, filed by Enbridge Gas on October 8, 2025 and confirmed the factual basis of Enbridge Gas's claims in its submissions. The Mohawk Council of Akwesasne confirmed that capacity funding was provided by Enbridge Gas and a site visit was conducted and that the Mohawk Council of Akwesasne declined an offer from Enbridge Gas to deliver a community presentation. The Mohawk Council of Akwesasne confirmed that it has maintained continued engagement with Enbridge Gas

through in-office meetings and the exchange of email. The Mohawk Council of Akwesasne stated that it looked forward to consultation by Enbridge Gas related to this Project in the appropriate and respectful manner that has been experienced recently.

## Findings

The OEB shall, on application, exempt a project from the requirement to obtain leave to construct if its cost is less than \$10 million and if the OEB makes a determination that the Crown's duty to consult, if applicable, has been adequately discharged.

The total cost of the Glendale Subdivision expansion project is approximately \$3.7 million and the OEB finds that the duty to consult has been adequately discharged; therefore these criteria have been satisfied. Accordingly, the OEB grants an order under section 95(2) of the OEB Act, exempting Enbridge Gas from the requirement to obtain leave to construct for the Project, subject to the conditions attached as Schedule A to this Decision and Order.

The OEB is satisfied that Enbridge Gas followed the OEB's Environmental Guidelines with respect to Indigenous Consultation and finds that the duty to consult has been adequately discharged.

This finding is supported by evidence on the record of this proceeding, as well as the Ministry's Letter of Opinion, dated October 3, 2025, stating that it is satisfied that Enbridge Gas's efforts to date are satisfactory to discharge the Crown's Duty to Consult with respect to the Project.

The OEB notes that in its submissions dated raised May 27, 2025, the Mohawk Council of Akwesasne 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 and the updated Indigenous Consultation Report filed by Enbridge Gas indicates that:

- The Mohawk Council of Akwesasne provided a signed capacity funding letter to Enbridge Gas
- A site visit has been undertaken, with confirmation by the Mohawk Council of Akwesasne 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
- The Mohawk Council of Akwesasne confirmed that a community presentation would not be necessary

On November 28, 2025, the Mohawk Council of Akwesasne filed written comments, stating that it reviewed and considered the updated evidence, including the updated Indigenous Consultation Report and confirmed the factual basis of Enbridge Gas's claims in its submissions. The Mohawk Council of Akwesasne also confirmed that capacity funding was provided by Enbridge Gas and a site visit was conducted and that the Mohawk Council of Akwesasne declined an offer from Enbridge Gas to deliver a community presentation.

The Mohawk Council of Akwesasne also confirmed that it has maintained continued engagement with Enbridge Gas through in-office meetings and the exchange of emails. The Mohawk Council of Akwesasne stated that it looks forward to consultation by Enbridge Gas related to this Project in the appropriate and respectful manner that has been experienced recently.

The OEB's expectation is that Enbridge Gas will continue to engage as appropriate with the Huron-Wendat Nation and the Mohawk Council of Akwesasne throughout the life of the Project.

### **3.2 Conditions of Approval**

Section 23 of the OEB Act permits the OEB, when making an order, to impose conditions as it considers appropriate. In its reply submissions, Enbridge Gas requested that, should the OEB approve the LTC exemption, the OEB include the same conditions of approval as proposed by OEB Staff in their submission on the Tweed LTC Exemption application.<sup>10</sup> The Tweed LTC Exemption Decision incorporated the conditions of approval proposed by OEB staff.

### **Findings**

The OEB grants an order under section 95(2) of the OEB Act, exempting Enbridge Gas from the requirement to obtain leave to construct the Project, subject to the conditions attached as Schedule A to this Decision and Order.

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<sup>10</sup> EB-2024-0303 Decision and Order, EGI LTC Tweed Exemption Application



## 4 ORDER

### THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas Inc. is granted an exemption under section 95(2) of the OEB Act from the requirement to obtain leave to construct under section 90(1) of the OEB Act, to construct the Project in the community of Glendale Subdivision in the Township of South Glengarry in the United Counties of Stormont, Dundas and Glengarry as described in its application, subject to the Conditions of Approval attached as Schedule A to this Decision and Order.
2. Mohawk Council of Akwesasne shall file with the OEB and forward to Enbridge Gas Inc. its cost claim in accordance with the OEB's *Practice Direction on Cost Awards* on or before **January 16, 2026**.
3. Enbridge Gas Inc. shall file with the OEB and forward to Mohawk Council of Akwesasne any objections to the claimed costs of Mohawk Council of Akwesasne on or before **January 30, 2026**.
4. If Enbridge Gas Inc. objects to Mohawk Council of Akwesasne's costs, Mohawk Council of Akwesasne shall file with the OEB and forward to Enbridge Gas Inc. its responses, if any, to the objection to its cost claim on or before **February 13, 2026**.
5. Enbridge Gas Inc. shall pay the OEB's costs of and incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at Toronto December 18, 2025

### ONTARIO ENERGY BOARD

Ritchie Murray  
Acting Registrar

**SCHEDULE A**  
**DECISION AND ORDER**  
**ENBRIDGE GAS INC.**  
**EB-2024-0325**  
**DECEMBER 18, 2025**

**Application under Section 95(2) of the OEB Act**  
**CONDITIONS OF APPROVAL**

1. Enbridge Gas shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2024-0325 and these Conditions of Approval.
2. Unless otherwise ordered by the OEB, exemption from the requirement to obtain leave to construct shall terminate 12 months from the date of the OEB's approval of the exemption application, unless construction has commenced prior to that date.
3. Enbridge Gas shall give the OEB notice in writing:
  - i. of the commencement of construction, at least 10 days prior to the date construction commences
  - ii. of the full project in-service date, no later than 10 days after all the facilities go into service.
4. Enbridge Gas shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
5. Enbridge Gas shall implement all the recommendations of the Environmental Report filed in the proceeding.
6. Enbridge Gas shall designate one of their employees as project manager who will be the point of contact for these conditions and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.