



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipelines  
in the Township of St. Clair**

**PROCEDURAL ORDER NO. 2**

**March 3, 2026**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 24, 2025, under section 90 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to construct approximately 2.0 kilometres of natural gas pipelines and associated facilities in St. Clair Township. The proposed natural gas pipelines will replace the Waubuno Compressor Package located at the Waubuno Pool Station and replace the Waubuno Storage Pool Gathering Line along with certain well laterals in the Waubuno Storage Pool (Waubuno Project). Enbridge Gas notes the pipelines are needed due to reliability, obsolescence and integrity concerns. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of the Waubuno Project.

**Request for Confidentiality**

In its cover letter to its application, Enbridge Gas requested confidential treatment for certain information pursuant to the OEB's [\*Practice Direction on Confidential Filings\*](#) (Practice Direction). Specifically, Enbridge Gas requested confidential treatment for information pertaining to estimated budget amounts for Aamjiwnaang First Nation to support a Community Information Session (located in the application at Exhibit H, Schedule 1, Tab 1, Attachment 7, Line item attachments 1.26 and 1.31). Enbridge Gas described this information as having "presumptive confidential treatment".

Sections 5.1.6 and 5.1.7 of the Practice Direction provide for a party or OEB staff to object to a request for confidentiality. OEB staff submitted an objection to Enbridge Gas' confidentiality request. OEB staff submitted that the information in question is not presumptively confidential as, in staff's view, it does not appear to fall into any of the categories of information that the OEB will presumptively consider confidential in Appendix B of the Practice Direction.

Donald Kabbes did not file submissions in respect of the confidentiality request.

Enbridge Gas replied to OEB staff's submission, disagreeing with OEB staff's submission that the information in question does not fall into any categories of information that will be considered presumptively confidential listed in Appendix B of the Practice Direction.

Enbridge Gas stated that it communicated via email with OEB staff on February 3, 2026, and indicated that the subject confidentiality request would fall under the "Billing rates of a third party" category of information and therefore would be considered presumptively confidential as per Appendix B of the Practice Direction.

Enbridge Gas further submitted that "disclosure of the information will give rise to the types of harms contemplated in Appendix A of the Practice Direction. The information pertains to negotiated, case specific budget amounts associated with Indigenous engagement activities that are inherently contextual and are specific to the needs, capacity and preferences of each Indigenous community, as well as the scale, scope and timing of the particular project. Disclosing this financial information could significantly interfere with the ability of the Company and Indigenous communities to negotiate in good faith and efficiently move forward. For instance, the amounts could be used as a benchmark in future discussions and could distort the negotiation dynamic by anchoring expectations to a publicly available "going rate" that does not account for the unique circumstances of each community/project. As such, public disclosure would be "detrimental" within the meaning of the Practice Direction and Enbridge Gas respectfully asks for confidential treatment to be granted."

## Findings

The OEB finds that the information identified as estimated budget amounts for Aamjiwnaang First Nation to support a Community Information Session constitutes "billing rates of a third party" under the OEB's Practice Direction on Confidential Filings, Appendix B. Specifically, the OEB finds that the contract between Enbridge and the Aamjiwnaang First Nation covering the rental and catering aspects of a Community Information Session constitutes a third-party billing rate. Therefore, this information is considered presumptively confidential.

The OEB finds that there is potential harm associated with the disclosure of the information, consistent with the Practice Direction on Confidential Filings, Appendix A, which identifies "the potential harm that could result from disclosure of the information..." as a relevant consideration. The OEB accepts the rationale provided by Enbridge Gas in its response letter dated February 20, 2026.

This information shall remain confidential. The redacted information shall only be provided to individuals that have signed and filed a Declaration and Undertaking.

## Intervenor Evidence

The OEB issued Procedural Order No. 1 on February 5, 2026. Among other things, it approved Donald Kabbes as an intervenor and established the dates for interrogatories and responses on Enbridge Gas's filed evidence.

Donald Kabbes's intervenor request indicated their interest in this proceeding is related to the routing of the proposed pipeline and its impacts on their residence, driveway frontage, landscaping, trees, safety, and the use and enjoyment of their property.

In their intervenor request form, Donald Kabbes stated they are proposing to file the following evidence:

- A written landowner statement describing the impacts of the proposed pipeline alignment on their residence and property including proximity of the pipeline to their home, and impacts to their driveway frontage, landscaping, lawn, and mature trees
- Photographs of the affected frontage area and residential features
- A map/sketch showing the proposed route in the road right-of-way compared to an alternative route across their farm field
- A description of alternative alignment for the pipeline route, along with indication of their willingness to grant an easement for the alternative route, including why it would reduce impacts on residences and improve land-use compatibility

## Findings

The OEB notes that the evidence proposed to be submitted by Donald Kabbes relates to matters typically examined in a leave to construct application for a natural gas pipeline, such as project alternatives and land matters.

The OEB will allow Donald Kabbes to submit evidence in the areas indicated in their intervention request form, as described above.

At this time, provision is being made for written interrogatories. Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories. The OEB has set out dates for filing intervenor evidence, interrogatories on intervenor evidence, responses to the interrogatories, and written submissions below. Further procedural orders may be issued by the OEB. The dates set out for various steps in PO1 are still valid and shall occur concurrently with the order set out below.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. Donald Kabbes shall file their written evidence with the OEB and serve it on all parties by March 17, 2026.
2. OEB staff, and Enbridge Gas shall request any relevant information and documentation from Donald Kabbes that is in addition to its filed evidence, by written interrogatories filed with the OEB and served on all parties by March 31, 2026.
3. Donald Kabbes shall file with the OEB complete written responses to all interrogatories and deliver those responses to all parties by April 14, 2026
4. Any written submissions from OEB staff and Donald Kabbes shall be filed with the OEB and served on all parties by April 28, 2026.
5. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on intervenors by May 12, 2026.

**Direction for preparing materials**

- 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](#).
- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.

- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

### How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2025-0307**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should 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](mailto:registrar@oeb.ca) for assistance.
- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar and be received by **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, Randy Doradat at [Randy.Doradat@oeb.ca](mailto:Randy.Doradat@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **March 3, 2026**

**ONTARIO ENERGY BOARD**

Ritchie Murray  
Acting Registrar