



Enbridge Gas Inc.

Application for exemption from leave to construct natural gas pipeline and associated facilities in the City of Burlington

**PROCEDURAL ORDER NO. 2
March 20, 2026**

On November 19, 2025, Enbridge Gas Inc. applied to the Ontario Energy Board (OEB) under section 95(2) of the Ontario Energy Board Act, 1998, S.O. 1998, c. 15, (Schedule B) for an order granting an exemption from the requirement to obtain leave to construct for a project involving the construction of approximately 3.2 kilometres of natural gas pipeline and ancillary facilities in the Cedar Springs community, located in the City of Burlington (the Project).

On December 10, 2026, the OEB issued a Notice of Hearing to the following Indigenous communities:

- Six Nations of the Grand River (Six Nations)
- Mississaugas of the Credit First Nation

On February 2, 2025, in response to the Notice of Hearing, the OEB received a request from Six Nations for intervenor status and cost eligibility.

On February 9, 2026, the OEB issued Procedural Order No. 1 (reissued on February 12, 2026) which granted intervenor status and cost award eligibility to Six Nations. Procedural Order No. 1 set out a schedule for written discovery on Enbridge Gas's application and for written submissions by OEB staff, Six Nations and Enbridge Gas.

On February 23, 2026, Six Nations and OEB staff filed interrogatories and on March 9, 2026, Enbridge Gas filed interrogatory responses. According to Procedural Order No. 1, written submissions from Six Nations and OEB staff are due by March 23, 2026 and a reply submission from Enbridge Gas is due by April 7, 2026.

Six Nations Correspondence of March 18, 2026

On March 18, 2026, Six Nations sent correspondence to the OEB consisting of a letter enclosing an affidavit with attached exhibits sworn by Peter Graham, Consultation Supervisor of the Six Nations of the Grand River. In the letter, Six Nations sought leave to file the affidavit as evidence in the proceeding pursuant to section 13.02 of the OEB's [Rules of Practice and Procedure](#).

Six Nations stated that the affidavit provides important supplementary evidence regarding the history and status of Enbridge's consultation with Six Nations, and that Six Nations intends to rely on the affidavit in its forthcoming written submissions. Six Nations further stated that it intends to seek costs in the estimated amount of \$2,400 to compensate it for the time and expense of preparing this evidence.

Decision – Intervenor Evidence

The OEB grants Six Nations leave to file the proposed evidence.

Rule 13.03 of the OEB's Rules of Practice and Procedure provides that in determining whether to grant leave for a party to file evidence under Rule 13.02, the OEB will consider:

- (a) the relevance and materiality of the proposed evidence;
- (b) where the intervenor has requested its costs in connection with the proposed evidence, the quantum of those costs; and
- (c) any other relevant considerations affecting the fairness, efficiency or timeliness of the proceeding or the fulfillment of the OEB's statutory mandate.

In the OEB's view, the affidavit of Peter Graham, with attachments, is arguably relevant and material to the proceeding. The affidavit addresses the communications between Enbridge Gas and Six Nations regarding the Project. It is related to an issue to be decided in this proceeding, namely whether the Crown's duty to consult was adequately discharged with respect to the application.

Six Nations indicated it will seek costs in the estimated amount of \$2,400 in relation to this evidence. While the OEB makes no decision on costs at this time, the OEB does not consider this estimate of quantum of costs to be a concern in relation to considering whether to grant leave for Six Nations to file the evidence in question, given the evidence's arguable relevance and materiality.

Further Procedural Steps

In the OEB's view, it is appropriate for Enbridge Gas and OEB staff to have the opportunity to file written interrogatories with respect to this evidence, and for Six Nations to file written responses to any interrogatories.

The OEB notes that the evidentiary record has expanded in this proceeding. For this reason, at this time the OEB wishes to bring to the parties' attention that it intends to hold a written hearing for this matter unless the OEB is satisfied that an electronic or oral hearing format is required. Any party that thinks that another type of hearing is required can make this request of the OEB with reasons for the request.

The OEB intends to provide for subsequent procedural steps, including parties' submissions, in a future procedural order.

The OEB is making provision for the following procedural steps.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Six Nations is granted leave to file the materials submitted to the OEB on March 18, 2026, namely the letter of March 18, 2026 and the enclosed Affidavit of Peter Graham with attachments. These materials are now part of the record for this proceeding.
2. The OEB hereby cancels the following deadlines from Procedural Order No. 1:
 - Written submissions from Six Nations and OEB staff by March 23, 2026.
 - Written reply submissions from Enbridge Gas by April 7, 2026.
3. Enbridge Gas and OEB staff shall request any relevant information and documentation from Six Nations that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by April 3, 2026.
4. Six Nations shall file with the OEB complete written responses to all interrogatories and serve them on Enbridge Gas by April 17, 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-2025-0313**) 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 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, Natalya Plummer at Natalya.Plummer@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **March 20, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar