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April 29, 2026

VIA RESS AND EMAIL

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

Dear Ritchie Murray:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Ontario Energy Board (OEB) File: EB-2025-0301
Port Colborne Reinforcement Project (the Project)
Enbridge Gas Comments on Interrogatory Responses of Six Nations of the Grand
River (SNGR) and OEB Staff Abeyance Recommendation**

Enbridge Gas has reviewed SNGR's responses to OEB Staff interrogatories (IRs) filed April 22, 2026, as well as the OEB's denial of OEB staff's request to put this matter into abeyance, and provides the following comments.

Response to SNGR April 22, 2026 Filing

In its response to OEB staff's questions, SNGR notes that a meeting occurred between SNGR and Enbridge Gas on April 21, 2026, one day before the IR responses were filed. SNGR's IR response indicates that "[n]o significant progress was made" in the meeting. Further, it claims that "SNGR's concerns have not been addressed or resolved with Enbridge following the November 25, 2025 meeting."

Enbridge Gas representatives who attended the April 21, 2026, meeting understood the discussion at the meeting to be constructive, focused, and productive. The matters discussed were largely issues that had been previously identified and discussed through project documentation shared with SNGR and through subsequent discussions between Enbridge Gas and SNGR. Enbridge Gas has made significant efforts to explain and answer questions with respect to Project assessments and studies, including proposed mitigation measures. Enbridge Gas maintains that the consultation undertaken, including that achieved through this regulatory process itself, has been adequate to discharge the duty to consult.

With respect to financial accommodation, separate and apart from the capacity funding that has been provided to engage on the Project, Enbridge Gas submits that SNGR's assertion that Enbridge Gas "refused to discuss financial accommodation in good faith" or "opposes any accommodation" is inaccurate. Enbridge Gas clearly explained why, in its view, financial accommodation is not warranted for the Project, taking into account the negligible expected Project impacts and Enbridge Gas's commitment to implement appropriate mitigation measures.

Further, Enbridge Gas notes that, as well-documented in the Indigenous Consultation Record (ICR), it offered capacity funding to all First Nations identified by the Ontario Ministry of Energy

and Mines (MEM), which SNGR accepted, to support activities such as timely technical reviews of documents, participation in field work and to engage in meaningful consultation.¹

Regarding the Metrolinx vegetation guide, Enbridge Gas made a commitment at the April 21 meeting to review the guide despite the fact that the Metrolinx guide is not likely to present a substantial departure from Enbridge Gas practices. Enbridge Gas asked SNGR if there are any specific items of note related to the Metrolinx guide and the SNGR representatives did not identify anything except that the Metrolinx guide is a good practice document because it is meant for all Metrolinx projects and it is not specific in that way.

OEB Staff Abeyance Proposal

Enbridge Gas is pleased that in its April 28, 2026, Decision on Abeyance Request and Procedural Order No. 5, the OEB has denied OEB Staff's request to place this matter into abeyance. Enbridge Gas also agrees with the OEB's finding that the absence of a letter of opinion from the Ministry of Energy and Mines (MEM) will not impede or negatively affect the completion of the steps in the current procedural schedule. Enbridge Gas intends to address the OEB's authority to render a decision in this proceeding in its reply submissions in the event that the MEM has not issued its letter of opinion by that time.

In that regard, Enbridge Gas notes that the OEB's *Environmental Guidelines for Hydrocarbon Projects and Facilities in Ontario* (Guidelines) outline what is generally included in the procedural aspects of the duty to consult:

- Meeting with Indigenous communities to share the information required for communities to understand and assess the potential impacts on Aboriginal or treaty rights
- Providing reasonable resources for Indigenous communities to participate in consultation
- Responding to questions and concerns raised by Indigenous communities and keeping the Crown apprised of rights assertions by communities
- Maintaining a complete record of all Indigenous consultation activities
- Discussing options to accommodate communities in respect of adverse effects on Aboriginal or treaty rights

Further, the Guidelines explain that the OEB cannot issue a final decision approving an application unless it is satisfied, based on the evidence before it, that the duty to consult has been discharged (emphasis added).² The OEB must make this determination itself and is well-suited to do so even in the absence of a letter of opinion from the MEM. The Guidelines also contemplate that any such letter from the MEM will be provided to the applicant prior to the leave to construct record being closed by the OEB.³ This implies that the MEM must act in a timely manner to provide the letter of opinion (similar to the 25 business day timeframe afforded the MEM for the project delegation letter⁴) and work within the OEB's procedural timelines, not vice versa. That is, the OEB should not suspend its timelines to accommodate further MEM consultation with First Nations for whom there already exists a robust consultation record before the OEB. To do so introduces unnecessary delay, duplication and regulatory paralysis.

¹ See Exhibit I.STAFF-1, Attachment 2, page 3.

² OEB's *Environmental Guidelines for Hydrocarbon Projects and Facilities in Ontario*, page 16

³ *Ibid.*, page 18

⁴ *Ibid.*, page 17

As well-articulated by Investment Ontario (IO) in its letter of comment⁵, the positive economic impact anticipated from the new customer, Asahi Kasei Battery Canada (AK), and its project is substantial: over \$1.56 billion in capital investment, more than 300 new direct jobs, and significant secondary and tertiary benefits for the surrounding region. IO is of the view that any further delays would have significant and detrimental financial and implementation impact to AK's project.

As such, any abeyance would introduce further unnecessary delay and materially increase the risk that the Project will be unable to achieve its planned in-service date and in turn will adversely affect AK as noted by IO. Enbridge Gas is also concerned about the potential "knock-on effect" if the OEB were to place the Project into abeyance, similar to the four other Enbridge Gas projects before the OEB that are negatively impacted by like abeyances.⁶ This uncertainty is costly in the first instance for both Enbridge Gas and prospective customers, and it sends a clear signal of discouraging timely investment and economic growth in the province, contrary to the express aims of the province as outlined in the its Integrated Energy Plan.

For these reasons, the OEB should not only maintain the timelines set out in Procedural Order No. 5; it should work with its government partner, the MEM, to ensure timely issuance of letters of opinion in this and similar cases and in any event, maintain current performance standards for issuing decisions.

If you have any questions, please contact the undersigned.

Sincerely,



Patricia Squires
Manager, Regulatory Applications – Leave to Construct

Cc: Arend Wakeford (Enbridge Gas Counsel)
Zora Crnojacki (OEB staff)
Brittany Rabinovitch (SNGR Counsel)
Aaron Gold (SNGR Counsel)
Aidan Testa (Articling Student)

⁵ Filed April 22, 2026

⁶ EB-2024-0249 Boblo Island Community Expansion Project; EB-2025-0270 Humber Station Community Expansion Project; EB-2025-0272 Washago Community Expansion Project; EB-2025-0323 Merrickville Community Expansion Project;