



Evan Tomek  
Senior Advisor  
Regulatory Applications - LTC  
Regulatory Affairs

Tel: (226) 229-9598  
[Evan.tomek@enbridge.com](mailto:Evan.tomek@enbridge.com)  
EGIRegulatoryProceedings@enbridge.com

Enbridge Gas Inc.  
3840 Rhodes Drive  
P.O. Box 700  
Windsor, ON N9A 6N7  
Canada

May 12, 2026

**VIA RESS AND EMAIL**

Ritchie Murray  
Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, ON M4P 1E4

Dear Ritchie Murray:

**Re: Enbridge Gas Inc. (Enbridge Gas)  
Ontario Energy Board (OEB) File: EB-2025-0307  
Waubuno Gathering System and Compressor Replacement Project  
Reply Submissions**

In accordance with Procedural Order No. 2, please find attached Enbridge Gas's Reply Submissions in the above-noted proceeding.

Sincerely,

*Evan Tomek*

Evan Tomek  
Senior Advisor, Regulatory Applications – Leave to Construct

c.c. Henry Ren (Enbridge Gas Counsel)  
Randy Doradat (OEB Staff)  
Donald Kabbes (Independent Participant)

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B; and in particular section 90(1) and section 97 thereof;

**AND IN THE MATTER OF** an application by Enbridge Gas Inc. for an Order granting leave to construct natural gas pipelines in St. Clair Township.

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**ENBRIDGE GAS INC.**

**REPLY SUBMISSION**

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## Reply Submissions of Enbridge Gas Inc.

1. These are the reply submissions of Enbridge Gas Inc. (Enbridge Gas or the Company) in respect of its application (the Application) to the Ontario Energy Board (the OEB) under sections 90(1) and 97 of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting leave to construct natural gas pipelines to replace Enbridge Gas's existing Waubuno Compressor Package and Waubuno Gathering System (the Project). Enbridge Gas also asks that the OEB approve the form of temporary land use agreements and easement agreements contained within the Application.<sup>1</sup>
2. Enbridge Gas is proposing the Project in order to address identified reliability and obsolescence concerns of the Waubuno Compressor Package and to address integrity concerns of the Waubuno Storage Pool Gathering Line (Waubuno Gathering Line) and five well laterals in the Waubuno Storage Pool (together with the Waubuno Gathering Line, the Waubuno Gathering System).
3. Enbridge Gas notes that written submissions filed by OEB staff demonstrate overall support for the Project and a directly affected landowner, Donald Kabbes, intervened in the proceeding and did not oppose the Project<sup>2</sup>. While Donald Kabbes did not oppose the Project, he had concerns that related to the preferred route (PR) for the natural gas pipeline that was selected to replace the Waubuno Compressor Package. In this light, the purpose of these reply submissions is threefold.
4. First, Enbridge Gas confirms that the relief sought in this proceeding remains materially as set out in the Application, as originally filed. Second, Enbridge Gas hereby acknowledges that OEB staff's summary of the record is accurate and provides an appropriate characterization of the Application, the evidence, and the issues before the OEB. Third, and as set out in more detail below, these reply

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<sup>1</sup> Exhibit G, Tab 1, Schedule 1, Attachments 6 and 7.

<sup>2</sup> Final Argument of Donald Kabbes, April 28, 2026, p. 1.

submissions are intended to: (i) summarize the route evaluation and selection process for the natural gas pipeline to replace the Waubuno Compressor Package (Pipeline) including the opportunities for the public, including Donald Kabbes, to provide feedback; and (ii) address the proposed Conditions of Approval for the Project, as supported by OEB staff.

## **A. Route Evaluation and Selection**

5. Enbridge Gas retained Stantec Consulting Limited (Stantec) to undertake a route evaluation and environmental and socio-economic impact study, which included a cumulative effects assessment, to select the PR for the Pipeline. As part of the development of the study, Enbridge Gas and Stantec implemented a consultation program to receive input from interested and potentially affected parties. The consultation program input was evaluated and integrated into the study. Mitigation measures designed to reduce environmental and community impacts resulting from construction of the Project were also developed as part of the study.<sup>3</sup> The results of the study are documented in the Environmental Report (ER) found at Exhibit F, Tab 1, Schedule 1, Attachment 1. The Route Evaluation and Selection process is described in Section 4 of the ER and the Engagement and Consultation Program undertaken for the Project is described in Section 3 of the ER.
6. Two routes with the same start and end points (Waubuno Pool Station and NPS 36 Dawn to Corunna pipeline, respectively) were evaluated for the Pipeline<sup>4</sup>: (i) Alternative Route 1, travelling through private easements on agricultural land, and (ii) the Preliminary Preferred Route (PPR), travelling within the public road allowance along Tefler Road and Oil Springs Line.
7. The route evaluation and selection process completed as part of the ER confirmed that the PPR was the optimal route that is constructable while limiting

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<sup>3</sup> Exhibit F, Tab 1, Schedule 1, para. 3.

<sup>4</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, section 4.

impact to agricultural productive land.<sup>5</sup> Input on the PPR was sought through consultation as described in Section 3 of the ER, and no comments were received on either the PPR or Alternative Route 1; therefore, it was confirmed as the PR.<sup>6</sup>

8. Donald Kabbes' concerns regarding the PR and the route evaluation and selection process as described in his April 28, 2026 submission are generally in regards to the following: (i) the PR's proximity to residential properties, (ii) the PR's potential impacts to residential frontage, (iii) Enbridge Gas's lack of meaningful consultation during the route evaluation and selection process, and (iv) the availability of an alternative agricultural route.
9. Enbridge Gas believes that Donald Kabbes has not provided any compelling reasons via his submission<sup>7</sup>, evidence<sup>8</sup>, or responses to Enbridge Gas's interrogatories on his evidence<sup>9</sup> to suggest that a change to the PR is warranted. As described in the following sections, Enbridge Gas believes that it has provided sufficient information within its pre-filed evidence and responses to interrogatories to show the PR is the optimal route for the Pipeline, which should adequately address Donald Kabbes' concerns.

**(i) PR's Proximity to Residential Properties**

10. Donald Kabbes contends that the PR's proximity to residential properties raises concerns related to: (i) compatibility with residential land use, (ii) safety perception, and (iii) long-term presence of industrial infrastructure near homes.<sup>10</sup> Enbridge Gas interprets his overall concern of the PR's proximity to residential properties as one of safety.

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<sup>5</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, section 4.5, p. 67.

<sup>6</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, section 4.6, p. 67.

<sup>7</sup> Final Argument of Donald Kabbes, April 28, 2026.

<sup>8</sup> Evidence of Donald Kabbes, March 17, 2026.

<sup>9</sup> Responses of Donald Kabbes, April 8, 2026.

<sup>10</sup> Final Argument of Donald Kabbes, April 28, 2026, pp. 1 - 2.

11. Enbridge Gas submits that it has provided sufficient information within its pre-filed evidence<sup>11</sup> and responses to interrogatories<sup>12</sup> that show the proposed location of the PR is appropriate and safe. Specifically, Enbridge Gas has provided evidence that shows: (i) the Pipeline design meets or exceeds the requirements of CSA Z662<sup>13</sup>, (ii) the Pipeline will operate at less than 40% of its specified minimum yield strength (SMYS) and therefore no additional setback requirements apply<sup>14</sup>, (iii) the Pipeline was designed to Class 3 locations<sup>15</sup> which provides additional safety margins beyond what is necessary for the proposed location (Class 2), and (iv) the Technical Standards and Safety Authority reviewed the design of the proposed facilities and confirmed that they did not find any non-compliances with Ontario Regulation 210/01: Oil and Gas Pipeline Systems or CSA Z662:23<sup>16</sup>.
12. Enbridge Gas also provided pipeline design and safety-related information to Donald Kabbes during a November 7, 2025, in-person meeting and via email on December 18, 2025.<sup>17</sup>

**(ii) PR's Potential Impacts to Residential Frontage**

13. Donald Kabbes suggests that routing the pipeline within the municipal road allowance directly in front of homes introduces impacts that would not occur if the pipeline were located across agricultural land, including: (i) construction disturbance in front of residences, (ii) potential impacts to landscaping and

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<sup>11</sup> Exhibit D, Tab 1, Schedule 1, paras. 6 – 9.

<sup>12</sup> Exhibit I.STAFF-13, Attachment 1, p. 1, section 1; Exhibit I.STAFF-13, Attachment 1, p. 4, section 4; Exhibit I.DK-10.

<sup>13</sup> Exhibit D, Tab 1, Schedule 1, paras. 6 – 7; Exhibit I.DK-10.

<sup>14</sup> Exhibit I.DK-10.

<sup>15</sup> Exhibit D, Tab 1, Schedule 1, para. 8; Exhibit I.DK-10.

<sup>16</sup> Exhibit D, Tab 1, Schedule 1, para. 17.

<sup>17</sup> Exhibit I.STAFF-13, Attachment 1.

mature trees, (iii) disruption to residential access and frontage, and (iv) long-term constraints associated with pipeline presence.<sup>18</sup>

14. Donald Kabbes also confirms that the above-noted impacts were illustrated in his previously filed photographic evidence.<sup>19</sup> Enbridge Gas would like to acknowledge that the referenced photographs do not illustrate the potential impacts as stated in his submission, but rather are pictures and Google Maps screenshots of his property and surrounding properties with a visual approximation of the pipeline's position relative to his property as he confirmed in response to an interrogatory.<sup>20</sup>
15. Enbridge Gas submits that it has provided sufficient evidence within its pre-filed evidence<sup>21</sup> and responses to interrogatories<sup>22</sup> that the Company has adequately identified potential impacts associated with construction and proposed appropriate mitigation measures which should adequately address Donald Kabbes' concerns. Specifically, Enbridge Gas confirmed that the PR is planned to mostly be installed via directional drilling, which only requires a receiving hole and an exit hole and does not otherwise disturb the surface above and therefore minimizes the potential impacts to residential frontage (e.g., driveways, lawns, and landscaping).<sup>23</sup> Enbridge Gas also confirmed that driveway access would be maintained during construction and lawns and landscaping would be restored back to preconstruction conditions to the extent practical where required.<sup>24</sup> Furthermore, Enbridge Gas previously addressed Donald Kabbes concerns regarding "long-term constraints associated with pipeline presence"<sup>25</sup> and confirmed that trees should not be affected during construction and described the

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<sup>18</sup> Final Argument of Donald Kabbes, April 28, 2026, p. 2.

<sup>19</sup> Ibid.

<sup>20</sup> Responses of Donald Kabbes to Interrogatories of Enbridge Gas Inc., EGI-8.

<sup>21</sup> Exhibit D, Tab 1, Schedule 1, paras. 11, 12, and 14; Exhibit D, Tab 2, Schedule 1, paras. 6, 7, 9, and 12; Exhibit F, Tab 1, Schedule 1, Attachment 1, Sections 5 and 7.

<sup>22</sup> Exhibit I.DK-7.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Exhibit I.STAFF-13, Attachment 1, section 3, p. 1.

steps that would be taken if trees were affected for unforeseen reasons during a November 7, 2025 meeting<sup>26</sup>.

16. Enbridge Gas will comply with all mitigation measures identified within its pre-filed evidence and responses to interrogatories. With the implementation of such mitigation measures, the potential impacts to residential frontage as identified by Donald Kabbes are anticipated to be either temporary, insignificant, or non-existent. OEB staff came to a similar conclusion, stating the following in its submission<sup>27</sup>:

OEB staff has no concerns about the environmental aspects of the Project, based on Enbridge Gas's commitment to implement the mitigation measures set out in the ER.

OEB staff submits that Enbridge Gas's compliance with the OEB's standard conditions of approval for leave to construct natural gas projects will ensure that impacts of pipeline construction are mitigated and monitored.

17. Enbridge Gas also provided information related to mitigation and restoration measures to Donald Kabbes during a November 7, 2025 in-person meeting and via email on December 18, 2025.<sup>28</sup>

**(iii) Enbridge Gas's Consultation**

18. Donald Kabbes contends that Enbridge Gas showed a lack of meaningful consultation and suggests that (i) he did not receive or does not recall receiving direct notice of the project, (ii) he was not directly contacted regarding the routing of the pipeline in front of his home, (iii) he did not participate in the virtual information session, and (iv) nearby residents were not meaningfully engaged on route selection.

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<sup>26</sup> Exhibit I.STAFF-13, Attachment 1, section 8, p. 3.

<sup>27</sup> OEB Staff Submission, April 28, 2026, p. 16.

<sup>28</sup> Exhibit I.STAFF-13, Attachment 1, section 5, p. 2; Exhibit I.STAFF-13, Attachment 1, section 7, p. 3; Exhibit I.STAFF-13, Attachment 1, section 8, p. 3.

19. Furthermore, Donald Kabbes has indicated that he may have received project notices but never opened them.<sup>29</sup> OEB staff submitted that Enbridge Gas facilitated the mailing out of the Notice of Upcoming Project (NUP) and Notice of Study Commencement and Virtual Information Session (NOC) to residents adjacent to the project study area, including Donald Kabbes, but acknowledged that it was unknown whether the notices were successfully delivered to Donald Kabbes' address and whether, as a result, he had the opportunity to comment on the Project's routing prior to the route being selected.<sup>30</sup>
20. Enbridge Gas submits that it has provided sufficient evidence within its pre-filed evidence<sup>31</sup> that it has adequately consulted with the public and provided multiple opportunities for interested parties, including Donald Kabbes, to provide feedback on the PR and the Project generally. All landowners in the Project Study Area, including Donald Kabbes, were mailed the NUP and NOC on February 7, 2025, and April 4, 2025, respectively.<sup>32</sup> The NUP, NOC and Virtual Information Session all provided the opportunity for landowners within the Project Study Area, including Donald Kabbes, to provide input on alternative pipeline routes.
21. Donald Kabbes' claim that nearby residents were not meaningfully engaged as well as his characterization of their views on the PR in his submission should be completely disregarded as he does not have permission to discuss their views in this proceeding.<sup>33</sup> No other resident, or interested party otherwise, has raised concerns with Enbridge Gas regarding the PR.

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<sup>29</sup> Exhibit I.STAFF-13, Attachment 1, section 3, p. 5.

<sup>30</sup> OEB Staff Submission, p. 19.

<sup>31</sup> Exhibit F, Tab 1, Schedule 1, paras. 8 – 12; Exhibit F, Tab 1, Schedule 1, Attachment 1, section 2 and Appendix A; Exhibit G, Tab 1, Schedule 1, para. 10.

<sup>32</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, p. 29; Exhibit G, Tab 1, Schedule 1, para. 10.

<sup>33</sup> Responses of Donald Kabbes to Interrogatories of Enbridge Gas Inc., EGI-3.

22. Enbridge Gas submits that the ER, which included an Engagement and Consultation Program<sup>34</sup>, was completed in accordance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Projects and Facilities in Ontario, 8<sup>th</sup> Edition (2023)* (OEB's Environmental Guidelines) which was agreed to by OEB staff<sup>35</sup>:

OEB staff submits that Enbridge Gas has completed the ER in accordance with the OEB's Environmental Guidelines.

23. In addition to the direct mailing of the Project notices to residents within the study area, the NOC was published on April 3, 2025, in *Sarnia This Week*<sup>36</sup> which provided further opportunity for the public, including Donald Kabbes, to provide input on the Project.
24. Regardless of Donald Kabbes' preference for the Pipeline to travel across his property and neighbouring lands that he agreed was a missed opportunity for compensation and is a factor in his opposition to the Project<sup>37</sup>, there are various reasons why locating the pipeline within the road allowance is preferred as opposed to productive agricultural lands, as explained further in section (iv).

**(iv) Alternative Agricultural Route**

25. In his March 17, 2026, filed evidence and his April 28, 2026 submissions, Donald Kabbes failed to recognize that Enbridge Gas evaluated an alternative pipeline route that travelled through private easements on agricultural land. Enbridge Gas submits that it has provided sufficient information within its pre-filed evidence<sup>38</sup> and responses to interrogatories<sup>39</sup> regarding the route evaluation and selection

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<sup>34</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, section 2.

<sup>35</sup> OEB Staff Submission, April 28, 2026, p. 16.

<sup>36</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, pp. 15 – 16.

<sup>37</sup> Exhibit I.STAFF-13, Table 1, p. 4.

<sup>38</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, section 4.

<sup>39</sup> Exhibit I.DK-1; Exhibit I.DK-2; Exhibit I.DK-3; Exhibit I.DK-8; Exhibit I.DK-12; Exhibit I.DK-13; Exhibit I.DK-14; Exhibit I.DK-15.

process which included comprehensive descriptions of the alternative route considered and justification for why the PR was selected, including that the Alternative Route would have an incremental cost increase of approximately \$1.5 million compared to the PR<sup>40</sup> and therefore a greater impact to ratepayers. OEB staff acknowledged that Enbridge Gas evaluated an alternative agricultural route and provided sufficient reasoning regarding the selection of PR<sup>41</sup>:

OEB staff submits that Enbridge Gas evaluated an alternative route option through agricultural land, aligned with Donald Kabbes's preference and provided sufficient reasoning for why the selected route is optimal.

26. Enbridge Gas submits that the ER, which included a route evaluation and selection process<sup>42</sup>, was completed in accordance with the OEB's Environmental Guidelines.
27. Enbridge Gas would like to re-iterate that the route evaluation and selection process was undertaken by a third-party consultant (Stantec) to select the PR for the Pipeline. The route evaluation and selection process concluded that as the PPR would be constructed in the road easement, it would meet the following routing objective as described in the ER<sup>43</sup>:

Existing linear infrastructure should be used or paralleled to the greatest extent feasible to reduce impacts on previously undisturbed environmental and socio-economic features and to limit constraints on future land development.

28. In addition, Stantec confirmed that the interactions between the PPR and the environmental and socio-economic features identified in the route evaluation and selection process (in other words, the PPR's potential impacts) are not significant and can be managed and mitigated during construction, whereas in contrast,

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<sup>40</sup> Exhibit I.DK-13.

<sup>41</sup> OEB staff submission, April 28, 2026, p. 16.

<sup>42</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, Section 4.

<sup>43</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, pp. 76, 81.

Alternative Route 1 would result in new impacts to private property and productive agricultural land.<sup>44</sup>

29. Enbridge Gas described complexities that result from constructing and locating pipelines on agricultural lands in response to interrogatories<sup>45</sup> which further justified the selection of the PR within the municipal road allowance.
30. As described in response to an interrogatory<sup>46</sup>, if Enbridge Gas was ordered to route the Pipeline across open agricultural lands, there could be impacts to the September 1, 2027, in-service date as the ER would need to be revised to obtain feedback from all stakeholders and Indigenous communities who may raise concerns with the change. Enbridge Gas provided a thorough explanation of the implications associated with a delay to the proposed construction schedule and in-service date in its response at Exhibit I.STAFF-1.

## **B. Conditions of Approval**

31. The OEB's *Natural Gas Facilities Handbook* includes standard conditions of approval<sup>47</sup> that are typically imposed in leave to construct approvals. The pre-filed evidence noted that Enbridge Gas has reviewed these standard conditions and has not identified any additional or revised conditions that the Company wishes to propose for the Project. The written submissions of OEB staff also contend that (upon receiving and considering the Ministry of Energy and Mines' (MEM) Letter of Opinion) the OEB should approve the Project subject to the OEB's standard conditions of approval for natural gas leave to construct applications.

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<sup>44</sup> Exhibit F, Tab 1, Schedule 1, Attachment 1, p. 81.

<sup>45</sup> Exhibit I.DK-2 and Exhibit I.DK-11.

<sup>46</sup> Exhibit I.DK-12.

<sup>47</sup> Ontario Energy Board. Natural Gas Facilities Handbook EB-2022-0081, Appendix D. [https://www.oeb.ca/sites/default/files/uploads/documents/regulatorycodes/2024-04/OEB\\_Natural%20Gas%20Facilities%20Handbook\\_2024.pdf](https://www.oeb.ca/sites/default/files/uploads/documents/regulatorycodes/2024-04/OEB_Natural%20Gas%20Facilities%20Handbook_2024.pdf)

32. Enbridge Gas hereby confirms that it is prepared to adhere to the OEB's standard conditions of approval in respect of the Project.
33. Enbridge Gas also confirms that it received the MEM's Letter of Opinion on May 6, 2026 which confirmed the MEM is of the opinion that the procedural aspects of the Crown's duty to consult delegated and undertaken by Enbridge Gas for the purpose of the OEB's proceedings for the Project to date are satisfactory. This letter was filed with the OEB on May 7, 2026.<sup>48</sup>

### **Conclusion**

34. Based on the foregoing, Enbridge Gas submits that the Project is in the public interest and respectfully requests that the OEB issue an Order granting leave to construct for the Project pursuant to section 90(1) of the OEB Act, and an Order approving the form of temporary land use agreements and easement agreements contained within the Application pursuant to section 97 of the OEB Act.

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<sup>48</sup> Exhibit H, Tab 1, Schedule 1, Attachment 4.