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BY EMAIL

May 21, 2026

Ritchie Murray
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ritchie Murray:

**Re: Ontario Energy Board (OEB) Staff Submission
Enbridge Gas Inc.
Lanark and Balderson Community Expansion Project
OEB File Number: EB-2025-0306**

Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 3.

Yours truly,

Natalya Plummer
Natural Gas

Encl.

cc: All parties in EB-2025-0306



ONTARIO ENERGY BOARD

OEB Staff Submission

OEB Staff Submission

Enbridge Gas Inc.

Lanark and Balderson Community Expansion Project

EB-2025-0306

May 21, 2026

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Application Summary

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) under section 90(1) of the *Ontario Energy Board Act, 1998*, (OEB Act), for an order granting leave to construct approximately 14.7 kilometres (km) of natural gas pipeline in the communities of Lanark and Balderson and surrounding areas in the Township of Lanark Highlands and Township of Drummond/North Elmsley (Project).

The Project is expected to supply natural gas to approximately 286 new customers who currently do not have access to natural gas services. The Project was selected as eligible to receive funding from the Government of Ontario as part of Phase 2 of the Natural Gas Expansion Program (NGEP).

Enbridge Gas also applied to the OEB under section 97 of the OEB Act for approval of the form of land-use agreements it offers to landowners affected by the routing or location of the Project.

The Project has been organized into two construction phases:

- Phase 1:
 - Approximately 5.1 km of Nominal Pipe Size 4 polyethylene natural gas pipeline
 - Planned to commence in April 2027 and be placed in service by December 2027

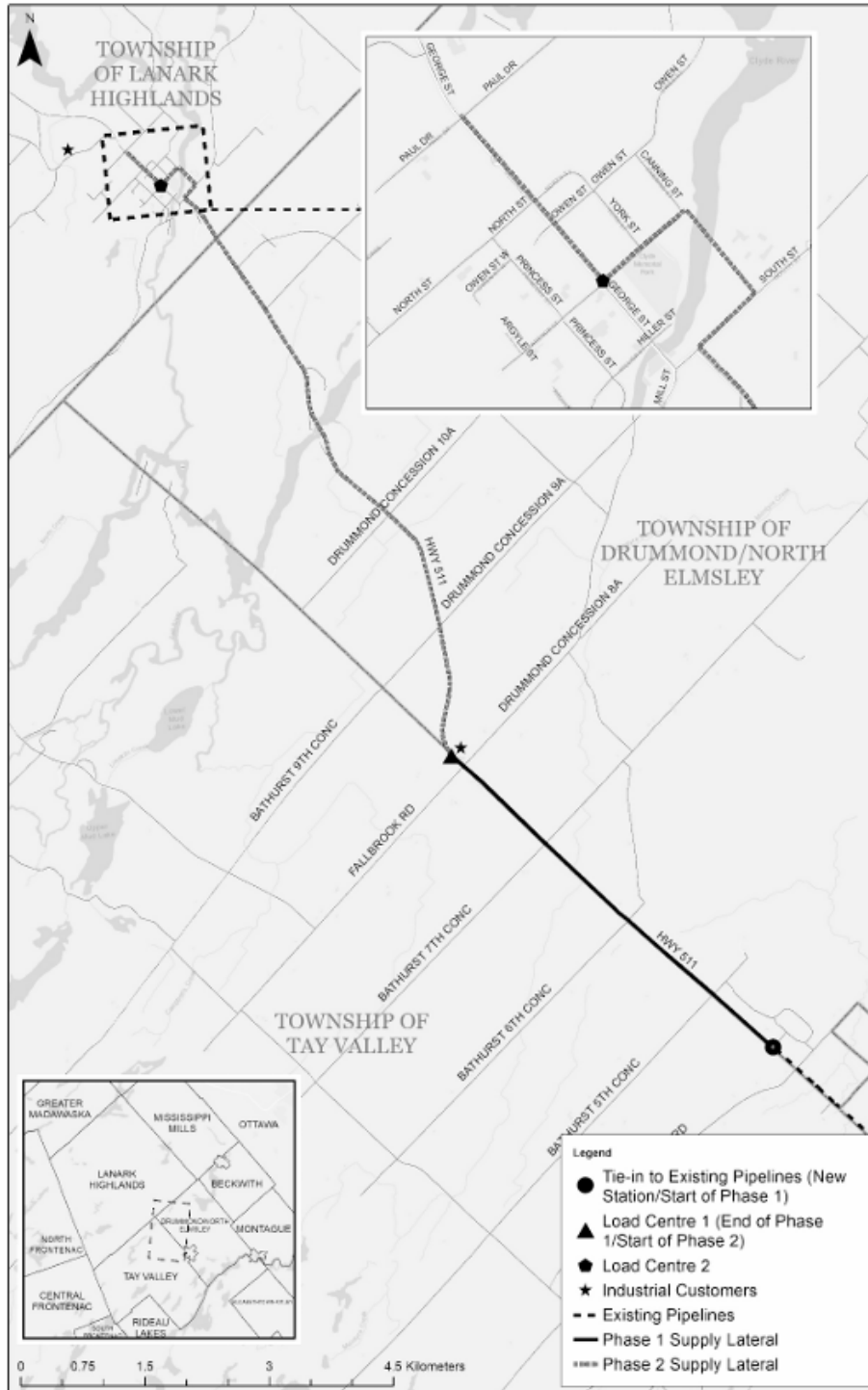
- Phase 2:
 - Approximately 9.6 km of Nominal Pipe Size 4 polyethylene natural gas pipeline
 - Planned to commence in October 2027 and be placed in service by December 2028

Enbridge Gas states that constructing the Project in two phases will allow customers in Phase 1 of the Project to have access to natural gas prior to the winter season while reducing the risk of pipe being left isolated for the winter shutdown.¹

A general location of the Project is shown on the map below. The map delineates the Project by phase.

¹ Enbridge Gas Response to OEB Staff 1-a), March 23, 2026

Figure 1: Lanark and Balderson Community Expansion Project



The Proceeding

Enbridge Gas filed its application on November 27, 2025. The OEB issued a Notice of Hearing on December 30, 2025.

Climate Network Lanark (CNL), Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO) and Pollution Probe applied for intervenor status and cost award eligibility.

On February 18, 2026, the OEB issued Procedural Order No. 1, which granted intervenor status and cost award eligibility to CNL, FRPO and Pollution Probe.

The OEB did not grant intervenor status to Environmental Defence. The OEB determined that there was a large overlap between the issues of interest to CNL and Environmental Defence, and that interests of local consumers and exploration of policy matters would be sufficiently represented by CNL in this proceeding.

Procedural Order No. 1 also set a schedule for written discovery on Enbridge Gas's application and for CNL to file a letter with the OEB that includes a description and cost estimate of the evidence it proposes to file.

On March 1, 2026, CNL filed a letter with the OEB that included a description and cost estimate of the evidence it was proposing to file. In the letter, CNL acknowledged that the letter was filed after the date set in Procedural Order No.1.

On March 5, 2026, Enbridge Gas filed a letter requesting an extension to some of the dates set in Procedural Order No. 1 due to the late filing of CNL's letter which resulted in an overlap in some of the procedural timelines set in Procedural Order No.1. Enbridge Gas also cited resource constraints.

On March 5, 2026, the OEB issued Procedural Order No. 2 which granted Enbridge Gas's request for an extension to the dates set in Procedural Order No. 1 for the filing of submissions on CNL's evidence letter and for Enbridge Gas's interrogatory responses.

OEB staff, Pollution Probe and Enbridge Gas each filed submissions on CNL's proposed evidence and CNL filed a response.

On May 1, 2026, the OEB issued Procedural Order No. 3 which denied CNL's request to file evidence and set May 21, 2026 as the date for the filing of submissions from OEB staff, CNL, Pollution Probe and FRPO, and June 10, 2026 for the filing of a reply submission from Enbridge Gas.

OEB Staff Submission

NGEP-funded projects are subject to the same public interest test as other projects for which leave to construct approval is required.² OEB staff submits that the appropriate public interest factors to be considered pursuant to section 96(1) of the OEB Act for leave to construct applications are those set out in the [OEB's Standard Issues List](#) for natural gas leave to construct applications.

OEB staff's submission is therefore structured to address the following issues as reflected in the Standard Issues List:

1. Project Need
2. Project Alternatives
3. Project Cost and Economics
4. Environmental Impacts
5. Landowner Matters
6. Indigenous Consultation
7. Conditions of Approval

As explained below, OEB staff supports the approval of Enbridge Gas's leave to construct application, subject to the OEB's standard conditions of approval. OEB staff also supports the approval of the forms of land-use agreements proposed by Enbridge Gas.

Project Need

The Project is one of 210 proposals for community expansion projects, including four economic development projects, submitted to the OEB, and included in the OEB's *Report to the Minister of Energy, Northern Development and Mines and to the Associate Minister of Energy: Potential Projects to Expand Access to Natural Gas Distribution*.³

The Project is one of multiple projects selected as eligible to receive funding, as part of the Ontario Government's Phase 2 NGEP as specified in Ontario Regulation 24/19: *Expansion of Natural Gas Distribution System*, made under the OEB Act.⁴

The NGEP provides funding to Ontario natural gas distributors to support the expansion of natural gas to communities that are not currently connected to the natural gas system. NGEP funding acts in a manner similar to a contribution in aid of construction,

² EB-2022-0248 Decision, pp. 12,13; EB-2022-0156 Decision, p. 12,13; EB-2022-0249 Decision, pp. 12,13

³ EB-2019-0255, OEB's Report to the Minister of Energy, Northern Development and Mines and the Associate Minister of Energy: Potential Projects to Expand Access to Natural Gas Distribution, December 10, 2020

⁴ Ontario Regulation 24/19 Expansion of Natural Gas Distribution Systems, Schedule 2

and is designed to bring projects that would otherwise be uneconomic to a profitability index of 1.0 (i.e., make them economic under the OEB's test under E.B.O. 188). The *Expansion of Natural Gas Distribution System* regulation sets out the funding mechanism and includes the projects selected to receive the government funding as well as the amount of funding allocated to each project.⁵ Enbridge Gas noted that the Project supports the Ontario government's efforts to help expand access to natural gas in Ontario that do not currently have access to the natural gas system.⁶

The Project will be primarily located in the Township of Lanark Highlands and the Township of Drummond/North Elmsley which are lower tier municipalities located in the County of Lanark. A small portion of distribution pipeline will also be located in the Township of Tay Valley.

Enbridge Gas notes that letters of support were provided by the Township of Drummond/North Elmsley and the Township of Lanark Highlands in 2020 to support Enbridge Gas's proposal in Phase 2 of the NGEF.⁷ The County of Lanark expressed its support for the Project in a letter dated November 18, 2025.⁸

Enbridge Gas conducted independent quantitative research of potential customers in the Project area between June 3 and June 19, 2023. A total of 121 surveys were completed from a list of 297 homeowners. Enbridge Gas forecasts a total of 286 customers will connect to the Project.

Enbridge Gas states that the need for the Project is directly supported by the interest in natural gas service within the community as derived from the market research and in-person survey results. In its application, Enbridge Gas provided the expected ten-year growth forecast for customer additions as reproduced in Table 1, below.

⁵ The Expansion of Natural Gas Distribution Systems Regulation sets the mechanism for sourcing the funding of the eligible expansion projects by requiring that rate-regulated natural gas distributors charge each of their customers \$1 per month.

⁶ Application, Exhibit B, Tab 1, Schedule 1, Page 2, Para 5

⁷ Application, Exhibit B, Tab 1, Schedule 1, Page 2, Para 6

⁸ Application, Exhibit B, Tab 1, Schedule 1, Attachment 2

Table 1: Total Forecasted Customer attachments for the Project⁹

Customer Additions	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total Forecasted
Conversions											
Residential Units (Singles)	51	88	53	24	23	4	4	4	2	2	255
Commercial (small, medium, large) / institutional / agricultural	7	11	8	3							29
Industrial	1	1									2
Total	59	100	61	27	23	4	4	4	2	2	286

In response to an OEB staff interrogatory about customer attachments, Enbridge Gas provided a breakdown of the customer attachments in the Township of Lanark Highlands, the Township of Drummond/North Elmsley and the Township of Tay Valley as reproduced in Table 2, Table 3, and Table 4, below.¹⁰

Enbridge Gas noted that there has been a decrease in the forecasted customer attachments from its original project proposal for the NGEP as a result of field investigations that identified constructability constraints in specific areas.¹¹

Table 2: Forecasted Customer Attachments for the Township of Lanark Highlands¹²

Customer Additions	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total Forecasted
Conversions											
Residential Units (Singles)	29	71	44	16	21	4	4	4	2	2	197
Commercial (small, medium, large) / institutional / agricultural	2	10	8	3	0	0	0	0	0	0	23
Industrial	0	1	0	0	0	0	0	0	0	0	1
Total	31	82	52	19	21	4	4	4	2	2	221

⁹ Application, Exhibit B, Tab 1, Schedule 1, Page 6

¹⁰ Enbridge Gas Response to OEB Staff 2-b), March 23, 2026

¹¹ Application, Exhibit E, Tab 1, Schedule 1, Page 2, Para 3

¹² Enbridge Gas Response to OEB Staff 2-b), March 23, 2026

Table 3: Forecasted Customer Attachments for the Township of Drummond/North
Elmsley¹³

Customer Additions	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total Forecasted
Conversions											
Residential Units (Singles)	12	12	8	7	2	0	0	0	0	0	41
Commercial (small, medium, large) / institutional / agricultural	3	1	0	0	0	0	0	0	0	0	4
Industrial	1	0	0	0	0	0	0	0	0	0	1
Total	16	13	8	7	2	0	0	0	0	0	46

Table 4: Forecasted Customer Attachments for the Township of Tay Valley

Customer Additions	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total Forecasted
Conversions											
Residential Units (Singles)	10	5	1	1	0	0	0	0	0	0	17
Commercial (small, medium, large) / institutional / agricultural	2	0	0	0	0	0	0	0	0	0	2
Industrial	0	0	0	0	0	0	0	0	0	0	0
Total	12	5	1	1	0	0	0	0	0	0	19

OEB Staff Submission

OEB staff submits that, based on the evidence on the record, Enbridge Gas has established the need for the Project.

¹³ Ibid

OEB staff notes that in prior OEB decisions on NGEF community expansion projects, the OEB emphasized that the Ontario government has identified a public need through its passage of the *Access to Natural Gas Act 2018 and O. Reg. 24/19*, and has found that where an NGEF project is shown to be economic within the financial parameters set out in the legislation, it meets the requirements of the public interest criterion in section 96(1) of the OEB Act.¹⁴

OEB staff notes that the Project is one of the community expansion projects selected by the Ontario Government to be eligible to receive NGEF funding in support of the government's efforts to make gas distribution service available to currently unserved communities in Ontario. OEB staff notes that the Project customer attachments have changed from the original estimate that underpinned the NGEF funding. However, OEB staff submits that the Project continues to address the government's efforts to allow customers in currently unserved communities the opportunity to receive natural gas service.

Enbridge Gas used multiple methods to establish the ten-year forecast of customer attachments. OEB staff notes that Enbridge Gas committed to continue engaging in outreach activities to ensure forecasted customer attachments are realized. OEB staff also notes that the Project is supported by the Township of Lanark Highlands, the Township of Drummond/North Elmsley and the County of Lanark.

In addition, OEB staff notes that this Project promotes the expansion of the gas system to unserved communities in Ontario, which in OEB staff's view supports the government's objectives as outlined in the Integrated Energy Plan and corresponding Natural Gas Policy Statement.

As noted in decision for the Tay Valley certificate proceeding¹⁵, which is one of the communities that will be served by this project, the OEB found that in granting a certificate to Enbridge Gas for the Township of Tay Valley, "[t]he OEB is guided by its legislative objectives related to natural gas, in particular, to facilitate rational expansion of transmission and distribution." The OEB also stated that "[t]he Natural Gas Policy Statement affirms the continued importance of natural gas in the province's future energy mix, identifying natural gas as a 'critical energy source' for Ontario. It also states that "homeowners in rural and northern areas who do not have access to natural gas, want the option to have it through expansion".." "

In light of Enbridge Gas's evidence, the legislation governing NGEF projects, and the objectives outlined in the Natural Gas Policy Statement and Integrated Energy Plan, OEB staff submits that the need for the Project has been sufficiently established.

¹⁴ Ibid

¹⁵ EB-2024-0342, Decision and Order, Township of Tay Valley Certificate Proceeding, October 16, 2025

Project Alternatives

Enbridge Gas submitted that it applied the Integrated Resource Planning (IRP) Binary Screening Criteria and determined that the Project meets the definition of a community expansion project as defined in the IRP Framework and therefore, no IRP evaluation is required.¹⁶ Enbridge Gas stated that a description of the Project (including preliminary facility design and estimated Project costs) was submitted to the OEB and the Government of Ontario as part of Phase 2 of the NGEF. As such, Enbridge Gas did not assess other facility alternatives, however, Enbridge Gas did assess routing alternatives. The results of the route assessment are documented in the Environmental Report included in the application.¹⁷

OEB Staff Submission

OEB staff submits that as the Project is a NGEF-related community expansion project, no IRP evaluation is required. Therefore, OEB staff notes that Enbridge Gas is not required to consider IRP alternatives to infrastructure facilities to meet the need.

Project Cost and Economics

Enbridge Gas states that the Project has a total estimated cost of \$18.6 million.¹⁸ A total of \$12.3 million of the total cost is attributed to pipeline facilities and a total of \$6.3 million is attributed to ancillary facilities.

The estimated cost of the Project includes a 13% contingency applied to all direct capital costs. Enbridge Gas states that the contingency amount is consistent with the level of contingency set for other projects it proposed for the NGEF funding.¹⁹

The total Project cost is \$592,852 lower than the estimate provided in Enbridge Gas's project proposal under Phase 2 of the NGEF as shown in Table 5, below. Enbridge Gas explains that the cost variance is attributed to a decrease in pipe lengths and forecasted customer attachments because of field investigations that identified constructability constraints in specific areas.²⁰

The NGEF funding provided for the Project is \$12.7 million. The \$12.7 million of NGEF

¹⁶ EB-2020-0091, Decision and Order, Enbridge Gas Inc. Integrated Resource Framework Proposal, July 22, 2021, Appendix A. and p. 48. The IRP Framework states that, "If a facility project has been driven by government legislation or policy with related funding explicitly aimed at delivering natural gas into communities, then an IRP evaluation is not required."

¹⁷ Application, Exhibit C, Tab 1, Schedule 1, Page 3, Para 8

¹⁸ Application, Exhibit E, Tab 1, Schedule 1, Page 1, Para 1

¹⁹ Application, Exhibit E, Tab 1, Schedule 1, Page 1, para 2

²⁰ Application, Exhibit E, Tab 1, Schedule 1, Page 2, Para 3

funding is treated similarly to a contribution in aid of capital. Therefore, the total capital cost of the Project, net of NGEF funding, is approximately \$5.9 million.²¹ In addition to NGEF funding, Enbridge Gas intends to charge a System Expansion Surcharge (SES) of \$0.23 / m³ to the customers attaching to the Project for a term of 40 years to assist with the economic feasibility of the Project, which is consistent with Enbridge Gas's application for a harmonized SES (Harmonized SES Proceeding).²²

Table 5: Total Estimated Project Costs (\$CAD)

Item No.	Description	Pipeline Costs	Ancillary Costs ¹	Total Costs
1	Material	410,350	410,123	820,473
2	Construction	7,341,085	4,731,346	12,072,431
3	Outside Services	2,555,838	261,442	2,817,280
4	Land, Permits, Approvals and Consultations	2,239	1,119	3,358
5	Contingency	1,553,005	877,293	2,430,298
6	Sub-Total	11,862,518	6,281,323	18,143,841
7	Interest During Construction	459,362	3,791	463,153
8	Total Project Cost	12,321,880	6,285,114	18,606,994
9	Original Proposed Cost			19,199,846
10	Variance (8-9)			(592,852)

Enbridge Gas states that the Project is economically feasible, having a Profitability Index (PI) of 1.0. Enbridge Gas indicated that without the NGEF funding and SES, the PI for the Project is 0.22, and with the inclusion of the SES the PI is 0.41.²³ Enbridge Gas states that the PI of 1.0 is based on the most up-to-date estimated capital costs and forecasted revenues and is inclusive of the NGEF funding and revenues associated with SES charges. The original PI of the Project as filed in the OEB's proceeding on Potential Projects for NGEF Funding was also 1.0 (inclusive of NGEF funding and SES revenues).²⁴

Enbridge Gas stated that, consistent with the OEB's findings in the Harmonized SES proceeding²⁵, after the Project is placed into service, Enbridge Gas will apply a ten-year Rate Stability Period (RSP) during which Enbridge Gas will bear the risk of shortfalls

²¹ Ontario Regulation 24/19, Expansion of Natural Gas Distribution Systems, Schedule 2

²² EB-2020-0094

²³ Application, Exhibit E, Tab 1, Schedule 1

²⁴ EB-2019-0255, Lanark and Balderson Community Expansion Project Proposal, Schedule 6L

²⁵ EB-2020-0094

relating to the Project customer attachment and capital expenditure forecast. Enbridge Gas stated that at the time of the rebasing, following the conclusion of the RSP, it will file the actual costs and revenues of the Project with the OEB for consideration of inclusion in rates.²⁶

OEB Staff Submission

OEB staff submits that the updated total estimated cost of the Project is reasonable. OEB staff also notes that the contingency budget is aligned with the contingency budget for other similar community expansion projects. OEB staff submits that the Project, with the inclusion of NGEF funding and revenues associated with SES charges, is forecast to be economically feasible with a projected PI of 1.0.

OEB staff notes that Enbridge Gas's proposal to charge the SES to newly attached customers over a term of 40 years is in accordance with the OEB's findings in the Harmonized SES proceeding.²⁷ OEB staff also notes that specific approval of the SES charge is not required as was referenced by the OEB in its findings with respect to the Haldimand Shores leave to construct application.²⁸

OEB staff notes that in the Harmonized SES proceeding, the OEB stated the following:

The OEB finds that inclusion of the forecasted capital costs in rate base at the next rebasing before the end of the RSP is consistent with the Generic Decision's requirement for a Community Expansion Project and would achieve the desired goal that Enbridge Gas bear the risk of any capital cost overrun during the RSP. The OEB also finds that the treatment of actual capital costs at the time of rebasing following the rate stabilization period is appropriately the jurisdiction of the panel reviewing the rate rebasing case.²⁹

The OEB further noted:

The OEB confirms the requirement to continue to report on the capital costs, customer attachments and PI of SES projects that require a LTC at the first rebasing following the end of the ten-year RSP... This information will be vital to the panel deciding on the inclusion of actual costs in rate base after the RSP.³⁰

OEB staff agrees that Enbridge Gas should bear the risk of any revenue shortfall during the ten-year RSP associated with the customer attachment and capital cost forecasts as this approach is in accordance with the OEB's findings in the Harmonized SES

²⁶ Application, Exhibit E, Tab 1, Schedule 1, Page 4, Para 12

²⁷ EB-2020-0094, Decision and Order, November 5, 2020

²⁸ EB-2022-0088, Decision and Order, August 18, 2022, pp. 9-10

²⁹ EB-2020-0094, Decision and Order, November 5, 2020, p. 10

³⁰ Ibid

proceeding.³¹

The RSP ensures that Enbridge Gas bears the risk of revenue shortfalls during the first ten years that the Project is in-service. OEB staff notes that, after the RSP, the OEB will have the opportunity to review the actual project costs and revenues³² and determine the appropriate amounts to use for ratemaking purposes.

OEB staff submits that the allocation of risk, between ratepayers and Enbridge Gas, beyond the term of the RSP for the Project has not been determined at this time. Enbridge Gas is relying on its forecast of capital costs and customer attachments to underpin the need for the Project. OEB staff agrees that this is the best information on the record to support the need for the Project. However, there is a risk that the customer attachments may not materialize as forecasted.

OEB staff notes that all options will be available to the OEB in the rebasing following the conclusion of the RSP with respect to the appropriate rate treatment of potential capital cost overruns and/or lower than forecast customer attachments/volumes (and associated revenues).

OEB staff notes that, as was stated in decisions on previous community expansion applications, the OEB cannot bind a future panel that will be responsible for determining the appropriate treatment of revenue shortfalls in Enbridge Gas's post-RSP rebasing application. However, the OEB has stated in previous NGEP-related decisions that there is a reasonable expectation that existing customers will not be called upon to provide a further subsidy to compensate for post-RSP revenue shortfalls.³³

Environmental Impacts

Stantec Consulting Ltd (Stantec) was retained by Enbridge Gas to conduct a route evaluation and environmental and socio-economic impact study. The evaluation included a Stage 1 Archeological Assessment and cumulative effects assessment to identify the preferred route for the Project and a consultation program. The results of the evaluation are documented in the Environmental Report (ER) filed with the application.

The draft ER was circulated to the Ontario Pipeline Coordinating Committee (OPCC), and other interested stakeholders on July 9, 2025. A summary of comments from the

³¹ EB-2020-0094, Decision and Order, November 5, 2020

³² Enbridge Gas agreed that it would file this information in the rebasing application following the conclusion of the RSP. Application Exhibit E, Tab 1, Schedule 1, Page 4, para 12 July 25, 2023, p. 25

³³ EB-2022-0111, Final Decision, pages 13-14; EB-2023-0200, Final Decision, pages 12-13; EB-2023-0261, Final Decision, pages 11-12; EB-2023-0201, Final Decision, pages 12-13; EB-2023-0261, Decision and Order, pages 11-12; EB-2022-0156, Final Decision, page. 20-21; EB-2022-0248, Final Decision, pages 21; EB-2022-0249, Final Decision, page 20

OPCC is included as appendix A.6 of the ER.

Enbridge Gas stated that:

[u]sing the mitigation measures and monitoring and contingency plans found within the ER and additional mitigation measures provided by regulatory agencies and Indigenous communities via the permitting and approval process and consultation, the construction of this Project is anticipated to have negligible impacts on the environment. No significant environmental or cumulative effects are anticipated from development of the Project.³⁴

The ER concluded that no significant adverse effects are anticipated from the construction and operation of the project with the implementation of the mitigation measures recommended in the ER.

OEB Staff Submission

OEB staff submits that Enbridge Gas has completed the ER in accordance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario*.³⁵ OEB staff has no concerns with the environmental aspects of the Project, based on Enbridge Gas's commitment to implement the mitigation measures set out in the ER.

OEB staff notes that the Standard Conditions of Approval for leave to construct require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the proposed project and ensure that the environmental impacts of the project are addressed, mitigated and monitored.

Landowner Matters and Agreements

Enbridge Gas states that most of the preferred route follows the public road allowance but that temporary working areas may be required along the preferred route where the road allowance is too narrow or confined to facilitate construction. Enbridge Gas also states that temporary working rights will be negotiated where required.

³⁴ Application, Exhibit F, Tab 1, Schedule 1, page 5, para 15

³⁵ [EB-2022-0231, Report of the Board – Environmental Guidelines 8th Ed](#), March 28, 2023

Enbridge Gas filed a temporary land use agreement³⁶ and easement agreements³⁷ for OEB approval. The same forms of agreements were approved in the Watford Pipeline Project.³⁸

In response to an OEB staff interrogatory³⁹, Enbridge Gas states that no temporary easements are required at this time but that the Project requires two permanent easements from the Ministry of Natural Resources. Enbridge Gas also states that the Ministry of Natural Resources has indicated its intention to issue easement documentation following a review of the completed application.

OEB Staff Submission

OEB staff notes that the proposed forms of easement and temporary land use agreements were both previously approved by the OEB. OEB staff has no concerns with approval of these proposed forms agreements,

Indigenous Consultation

In accordance with the Environmental Guidelines, on August 29, 2024, Enbridge Gas contacted the Ministry of Energy and Mines (Ministry) in respect of the Crown's duty to consult related to the Project. The Ministry issued a letter, delegating the procedural aspects of the Crown's duty to consult for the Project to Enbridge Gas on October 15, 2024 (Delegation Letter). In the Delegation Letter, the Ministry identified six Indigenous communities as potentially impacted by the project:

- Alderville First Nation
- Algonquins of Ontario
- Algonquins of Pikwàkanagàn
- Curve Lake First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation

The ER was circulated to Indigenous communities on July 9 and July 10, 2025. Direct notice of the application was provided by Enbridge Gas to all of the above-noted Indigenous communities, and none of them sought to intervene or otherwise participate directly in the hearing.⁴⁰

An Indigenous Consultation Report (ICR) was included in the application.

³⁶ Application, Exhibit G, Tab 1, Schedule 1, Attachment 1

³⁷ Application, Exhibit G, Tab 1, Schedule 1, Attachment 2

³⁸ EB-2024-0275

³⁹ Enbridge Gas Response to OEB Staff 6-b), March 23, 2026

⁴⁰ EB-2024-0306, Affidavit of Service - Notice of Application, January 28, 2026

The ICR notes that the Algonquins of Ontario had questions regarding the archaeology monitoring work, including the meeting location, field director's name and contact number, PPE requirements, location map, duration of Project, Project stage, and health and safety sign in sheets and that Enbridge Gas was working to provide the information.

In response to OEB staff interrogatories⁴¹, Enbridge filed an updated ICR. In its interrogatory response, Enbridge Gas provided further information about the questions from Algonquins of Ontario regarding the Project, and stated that it would provide the additional information pertaining to archaeology monitoring once the fieldwork is scheduled. Enbridge Gas also stated that it addressed the questions from Mississaugas of Scugog Island First Nation regarding the Project, and that it will address the remaining concerns expressed by Curve Lake First Nation pertaining to potential open-cut watercourse crossings, expanding of the Project study area of the environmental assessment to include the upstream and downstream (i.e., sub-watershed) areas, sharing of draft restoration plans, and enhancement opportunities during restoration.

Enbridge Gas states that it will ensure that additional commitments made to Indigenous groups through the engagement process, including invitations for participation in field studies, will be fulfilled and that it will continue to actively engage with Indigenous groups to ensure meaningful ongoing dialogue concerning the Project.⁴²

Enbridge Gas states that the ICR was provided to the Ministry on the date of the filing of this application.⁴³ The Environmental Guidelines contemplates that the Ministry provide a letter (letter of opinion) with its views on whether consultation undertaken by Enbridge Gas is adequate⁴⁴. As of the date of the filing of this submission, Enbridge Gas has not filed the Ministry's letter of opinion for the Project.

OEB Staff Submission

OEB staff submits that Enbridge Gas appears to have made efforts to engage with affected Indigenous groups. OEB staff is not aware of any concerns that could materially affect the Project that have been raised through Enbridge Gas's consultation to date. OEB staff observes that Enbridge Gas appears to be cooperating with the Indigenous communities during the consultation process and that it has made certain commitments to Indigenous communities in relation to the Project. OEB staff is not aware of any potential adverse impacts of the Project to any Aboriginal or treaty rights.

As the OEB considers closing arguments, OEB staff submits that the OEB should wait to receive the letter of opinion from the Ministry before providing its final approval to grant leave to construct the Project. If the letter of opinion is not filed prior to record

⁴¹ Enbridge Gas Response to OEB Staff 7-a) to 7-d), March 23, 2026

⁴² Ibid

⁴³ Application, Exhibit H, Tab 1, Schedule 1, Page 2, para 5

⁴⁴ EB-2022-0231, Report of the Board – Environmental Guidelines 8th Ed, March 28, 2023, page 17

close, the OEB can place the proceeding in abeyance until such time that the letter is filed.

Conditions of Approval

The OEB has established standard conditions of approval that are typically imposed in leave to construct approvals. Enbridge Gas stated that it has reviewed the OEB's standard conditions of approval and has not identified any additional or revised conditions to propose for the Project.⁴⁵

OEB Staff Submission

OEB staff submits that the OEB should approve the Project subject to the Conditions of Approval attached as Schedule A to this submission.

~All of which is respectfully submitted~

⁴⁵ Enbridge Gas Response to OEB Staff 8), March 23, 2026

Schedule A
Conditions of Approval
EB-2025-0306
May 21, 2026

**Leave to Construct Application under
Section 90 of the OEB Act**

**Enbridge Gas Inc.
EB-2025-0306**

Conditions of Approval

1. Enbridge Gas Inc. shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2025-0306 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued unless construction has commenced prior to that date.

(b) Enbridge Gas Inc. 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 planned in-service start date, at least 10 days prior to the date the facilities begin to go into service
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
 - iv. of the full project in-service date, no later than 10 days after all the facilities go into service
3. Enbridge Gas Inc. shall obtain all necessary approvals, permits, licences, certificates, agreements, and rights required to construct, operate and maintain the Project.
4. Enbridge Gas Inc. shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
5. Enbridge Gas Inc. shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Enbridge Gas Inc. shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
6. Concurrent with the final monitoring report referred to in Condition 7(b), Enbridge Gas shall file a Post Construction Financial Report, which shall provide a variance analysis of project cost, schedule and scope compared to the estimates filed in this

proceeding, including the extent to which the project contingency was utilized. Enbridge Gas shall also file a copy of the Post Construction Financial Report in the proceeding where the actual capital costs of the project are proposed to be included in rate base or any proceeding where Enbridge Gas proposes to start collecting revenues associated with the Project, whichever is earlier.

7. Both during and after construction, Enbridge Gas Inc. shall monitor the impacts of construction, and shall file with the OEB one electronic (searchable PDF) version of each of the following reports:

(a) A post construction report, within three months of the full project in-service date, which shall:

- i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 1
- ii. describe any impacts and outstanding concerns identified during construction
- iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
- iv. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
- v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licenses, and certificates required to construct, operate, and maintain the proposed project

(b) A final monitoring report, no later than fifteen months after the full project in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:

- i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 4
- ii. describe the condition of any rehabilitated land
- iii. describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction
- iv. include the results of analyses and monitoring programs and any recommendations arising therefrom
- v. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received; a description of the complaint; any actions taken to address the complaint; and the rationale for taking such actions

8. Enbridge Gas Inc. 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.