



**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 4  
May 22, 2026**

On November 19, 2025, Enbridge Gas Inc. (Enbridge Gas) 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 October 19, 2021, the Ministry of Energy and Mines (Ministry) issued its delegation letter, delegating the procedural aspects of the Crown's duty to consult in relation to the Project to Enbridge Gas. The Ministry identified the following Indigenous communities to be consulted:

- Six Nations of the Grand River (Six Nations)
- Haudenosaunee Confederacy Chiefs Council
- Mississaugas of the Credit First Nation

The OEB issued a Notice of Hearing to each of the Indigenous communities to be consulted. Six Nations subsequently requested intervenor status in the proceeding. On February 9, 2026, the OEB issued Procedural Order No. 1 which granted intervenor status and cost award eligibility to Six Nations, and set out a schedule for interrogatories and parties' submissions.

On March 18, 2026, Six Nations requested leave of the OEB to file evidence, and provided the evidence to the OEB. The OEB granted leave for Six Nations' evidence to be filed in Procedural Order No. 2, issued on March 20, 2026. Procedural Order No. 2 also canceled the deadlines for parties' submissions and provided for written interrogatories with respect to Six Nations' evidence. Procedural Order No. 3 granted a request from Six Nations to extend the deadlines for interrogatories and responses and adjusted the procedural schedule accordingly.

## Six Nations' Responses to OEB Staff Interrogatories

In accordance with the procedural schedule, OEB staff filed interrogatories on Six Nations' evidence on April 7, 2026 and Six Nations filed responses on April 20, 2026.

In its response to OEB staff interrogatories, Six Nations stated that since the meeting between Six Nations and Enbridge Gas on November 25, 2025, there has been "effectively no substantive consultation". Six Nations indicated that the parties had reached an agreement regarding capacity funding, and a meeting had been scheduled for April 21, 2026. Six Nations also stated in response to another staff interrogatory that its concerns have not been addressed or resolved following the November 25, 2025, meeting with Enbridge and that the concerns it had at the outset of the Project remain unaddressed.

## OEB Staff Abeyance Request

On April 23, 2026, OEB staff filed a request that the OEB place this proceeding into abeyance.

OEB staff noted that the [Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario](#) ("Environmental Guidelines") indicate that prior to the record of the proceeding being closed, the Ministry will provide a letter (Letter of Opinion) to the applicant expressing its view on the adequacy of Indigenous consultation based on materials provided to the Ministry. The applicant is expected to file the Letter of Opinion with the OEB. Enbridge Gas stated in its application that it will file this letter with the OEB upon receipt.<sup>1</sup> To date, the Letter of Opinion has not been filed.

OEB staff further submitted that consistent with recent practice,<sup>2</sup> the proceeding should be placed into abeyance to allow for the Ministry's Letter of Opinion to be placed on the record, before further procedural steps take place such as submissions from OEB staff and Six Nations, and Enbridge Gas's reply submission. OEB staff submitted that if any new information arises as a result of a further filing by Enbridge Gas related to the Duty to Consult, OEB staff may file additional correspondence with its view on the appropriate next steps. OEB staff submitted that for this reason, it would be appropriate for the OEB to wait to set dates for the filing of written submissions and reply

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<sup>1</sup> Exhibit H, Tab 1, Schedule 1, Attachment 3, Page 1.

<sup>2</sup> Humber Station Community Expansion Project (EB-2025-0270), Merrickville-Wolford Community Expansion Project (EB-2025-0323)

submissions and for further procedural steps to resume after the Ministry's Letter of Opinion has been filed.

### **Enbridge Gas' Correspondence**

On May 1, 2026, Enbridge Gas filed a letter<sup>3</sup> with the OEB where it commented on Six Nations' responses to OEB staff interrogatories, and on OEB staff's abeyance request.

In response to Six Nations' statements that there had been effectively no substantive consultation following their November 25, 2025, meeting, and that Six Nations' concerns have not been addressed or resolved, Enbridge Gas described the meeting between the parties on April 21, 2026. Enbridge Gas stated that its representatives who attended the meeting understood the discussion to be constructive, focused and productive. Enbridge Gas stated that it maintains that consultation undertaken to date, including through this regulatory process itself, has been adequate to discharge the duty to consult.

Regarding the abeyance request, Enbridge Gas stated that abeyance is neither appropriate nor necessary. As support for its position, Enbridge Gas referred to the recent decision in the Port Colborne Reinforcement Project where OEB staff's request to place the proceeding in abeyance was denied and the OEB stated that the absence of the Ministry's Letter of Opinion would not impede or negatively affect the completion of steps in the procedural schedule.<sup>4</sup>

Enbridge Gas also submitted that the OEB is well-suited to make a determination in this proceeding even in the absence of a Letter of Opinion, and that the Environmental Guidelines imply that the MEM must work within the OEB's procedural timelines. In addition, Enbridge Gas submitted that abeyance would prejudice Enbridge Gas and potential customers. Enbridge Gas submitted that for these reasons, the OEB should not only continue the proceeding, but should also "work with its government partner, the [Ministry], to ensure timely issuance of letters of opinion in this and similar cases and in any event, maintain current performance standards for issuing decisions."

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<sup>3</sup> [EB-2025-0313 – Enbridge Gas Letter, May 1, 2026.](#)

<sup>4</sup> EB-2025-0301 – Procedural Order No. 5, April 28, 2026.

## **Decision on Abeyance Request and Further Procedural Steps**

The OEB denies the OEB staff request to place this proceeding in abeyance. The OEB has decided to continue with further procedural steps and to hear oral argument in this proceeding.

This application includes direct intervenor participation by Six Nations. The OEB observes that Six Nations and Enbridge Gas continue to have very different perspectives on the sufficiency of consultation, and the record is contentious. In light of this, while the OEB originally intended to hold a written hearing for this proceeding, the OEB is now of the view that an oral argument day will be beneficial. It will provide the opportunity for the parties to directly engage with each other and the OEB; and it will allow OEB panel of commissioners to ask questions with respect to any arguments made.

The OEB is of the view that providing for oral argument in advance of receiving the Letter of Opinion is the optimal approach in light of the current record. Not only does this approach contribute to procedural efficiency by moving the matter forward pending the receipt of the Letter of Opinion, but it may also allow the Letter of Opinion to be informed by the submissions, which will supplement the written record in this case.

The oral argument day will include the opportunity for an argument-in-chief from Enbridge Gas, oral submissions from OEB staff and Six Nations, and reply argument from Enbridge Gas. The oral argument day will be in person and held over one day, will be transcribed, and will replace written submissions in this proceeding.

The OEB is making provision for the following procedural steps.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. Each of Six Nations, OEB Staff, and Enbridge Gas shall file a letter with the OEB by **May 27, 2026**, that ranks the following dates in order of preference for an oral argument day. The OEB is planning for one day only of oral hearing. If any of the dates below are unworkable, please also include this in the letter.
  - June 24, 2026
  - July 8, 2026
  - July 9, 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](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, Natalya Plummer at [Natalya.Plummer@oeb.ca](mailto:Natalya.Plummer@oeb.ca) and OEB Counsel, Stephanie Pope at [Stephanie.Pope@oeb.ca](mailto:Stephanie.Pope@oeb.ca).

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

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

**DATED** at Toronto, **May 22, 2026**

**ONTARIO ENERGY BOARD**

Ritchie Murray  
Registrar