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July 3, 2026

VIA RESS AND EMAIL

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

Dear Ritchie Murray:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Ontario Energy Board (OEB) File: EB-2025-0270
Humber Station Road Community Expansion Project
Reply Submissions**

In accordance with Procedural Order No.3, please find attached Enbridge Gas's Reply Submissions in the above-noted proceeding.

If you have any questions, please contact the undersigned.

Yours truly,

Patricia Squires

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Manager, Regulatory Applications – Leave to Construct

Cc: Henry Ren (Enbridge Gas Counsel)
Michael Millar (OEB Counsel)
Arturo Lau (OEB staff)

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B; and in particular subsection
95(2) thereof;

AND IN THE MATTER OF an application by Enbridge Gas
Inc. for an order granting exemption from the requirement to
obtain leave to construct natural gas distribution pipelines and
ancillary facilities that make up a Community Expansion
Project to serve a community in the Town of Caledon near the
intersection of Humber Station Road and Old Church Road.

ENBRIDGE GAS INC.

REPLY SUBMISSION

A. Introduction

1. These are the reply submissions of Enbridge Gas Inc. (Enbridge Gas or the Company) in respect of its application to the Ontario Energy Board (OEB) under section 95(2) of the *Ontario Energy Board Act, 1998* (OEB Act) for an order exempting the Company from the requirement to obtain leave to construct (LTC) for natural gas pipelines and facilities in the Town of Caledon near the intersection of Humber Station Road and Old Church Road, Ontario (the Application or Project).
2. The Project is required to support the Government of Ontario's Natural Gas Expansion Program (NGEP) and is designed to expand access to natural gas to areas of Ontario that do not currently have access to natural gas. The need for the Project is directly supported by the community's municipal government through their request for natural gas for their constituents. The Mayor of the Town of Caledon has expressed support for the Project on behalf of the Town via letter dated May 13, 2025.¹

B. Exemption from Leave to Construct Requirement

3. Section 95(2) of the OEB Act, together with Ontario Regulation 328/03 (Regulation) subsection 3.0.1 (1) set out certain circumstances in which a person is exempt from having to obtain leave under section 90(1) of the OEB Act.
4. As the proposed hydrocarbon line is less than 20 km in length, uses pipe sizes less than 12 inches and will have an operating pressure less than 2,000 kilopascals, leave is only required by virtue of clause 90(1)(b) of the OEB Act. At a cost of \$5.3 million excluding ancillary facilities, the cost of the hydrocarbon line is less than the \$10 million exemption cap prescribed by the Regulation. Therefore, Enbridge Gas agrees with OEB staff that, in accordance with section 3.0.1 of the Regulation, the

¹ Exhibit A-2-1, Attachment 2.

central issue for the OEB to consider is whether the Crown's duty to consult has been adequately discharged.

5. Consistent with OEB staff's submissions, Enbridge Gas is of the view that the Crown's duty to consult in relation to the Project has been adequately discharged through the consultation undertaken by Enbridge Gas.² Therefore, the OEB should grant an order under section 95(2) exempting Enbridge Gas from the requirement to obtain leave to construct for the Project.

C. Indigenous Consultation

6. The Ministry of Energy and Mines (MEM) delegated the procedural aspects of the duty to consult to Enbridge Gas and specifically outlined its expectations in relation to the consultation to be undertaken.³ Enbridge Gas accordingly implemented its consultation in a manner that met or exceeded the requirements MEM identified.
7. Consistent with the direction provided by MEM, Enbridge Gas implemented an expansive consultation program that involved:⁴
 - providing Project notification to the ten Indigenous communities identified by MEM as being potentially impacted by the Project early on in Project development;
 - offering capacity funding to each Nation;
 - sharing information including the Environmental Report (ER);
 - inviting each Nation to share comments and information, including information about any Indigenous rights practiced in the Project area; and

² OEB staff Submission, p. 9.

³ Exhibit H, Tab 1, Schedule 1, Attachment 2.

⁴ Exhibit H, Tab 1, Schedule 1, Attachment 7 (Updated January 16, 2026).

- responding to any questions and expressed concerns and explaining how those concerns would be addressed, through mitigation or otherwise, moving forward.
8. During the course of this consultation, Enbridge Gas offered to engage with the Nations in a variety of ways, including written communications, in-person meetings with a Nation's representatives and participation of the Nations in fieldwork.
 9. In addition to the consultation undertaken by Enbridge Gas with the ten Nations identified by MEM, the OEB process for Enbridge Gas's Application, as fully described in OEB staff's submission, provided the Nations a further opportunity to share their comments and concerns about the Project and gain an understanding of how those concerns would be addressed. A notice of hearing was served on all potentially impacted Indigenous communities, providing the opportunity to become an intervenor, provide comments or ask to follow the hearing as a monitor. No Indigenous community sought intervenor status. Wendat Nation filed a letter of comment in the proceeding on Dec 15, 2025, as further described below.
 10. Enbridge Gas retained Dillon Consulting Ltd. to undertake a route evaluation and environmental and socio-economic impact study, which included a cumulative effects assessment and a Stage 1 Archaeological Assessment (AA), to select the preferred route for the Project. Mitigation measures designed to minimize environmental and community impacts resulting from construction and operation of the Project were also developed as part of the study. The assessment was reflected in the ER, which was completed in accordance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Projects and Facilities in Ontario, 8th Edition (2023)* (the OEB's Environmental Guidelines). Enbridge Gas is committed to undertaking the mitigation and protection measures identified in Tables 8-1, 9-1 and 10-1 of the ER.⁵

⁵ Exhibit F, Tab 1, Schedule 1, Attachment 1, pp. 164-175.

11. All ten Indigenous communities identified by MEM in its Delegation Letter were given the opportunity to review and comment on the draft ER and ask questions about the Project. Correspondence related to the review of the draft ER is included in the Indigenous Consultation Report⁶.
12. Three of the ten Indigenous communities engaged by Enbridge Gas on the Project provided comments or questions in relation to the ER (including the AA), addressed below.

Curve Lake First Nation (CLFN)

13. On December 4, 2025, CLFN submitted several comments and recommendations to Enbridge Gas upon review of the ER.⁷ Enbridge Gas representatives met with CLFN representatives on December 12, 2025⁸ to discuss the Project and CLFN's comments, which Enbridge Gas advised were being reviewed in preparation for response. In the weeks following the December 12, 2025 meeting, additional follow-up questions were submitted by CLFN, which were duly responded to by Enbridge Gas.⁹
14. On February 6, 2026, Enbridge Gas formally responded to CLFN's December 4, 2025 comments on the ER, agreeing to several requests made by CLFN and offering additional details to clarify planned mitigation measures.¹⁰ Enbridge Gas has continued to engage with CLFN since that response and has responded to all of the Project-related concerns identified.

⁶ Exhibit H, Tab 1, Schedule 1, Attachment 8 (updated January 16, 2026).

⁷ Ibid, line-item attachment 4.22.

⁸ Ibid, line-item 4.24.

⁹ Ibid, line-items 4.25 to 4.30.

¹⁰ Exhibit I.OEB STAFF-5, Attachment 1.

Mississaugas of the Credit First Nation (MCFN)

15. On August 5, 2025, MCFN submitted comments and questions on the ER related to tree compensation, habitat restoration, crossing of tributaries and wetlands, alteration of wetlands or waterbodies, environmental training for contractors and crossing methods.¹¹ Enbridge Gas provided written responses to MCFN's comments and questions by email on Sept 4, 2025,¹² which by implication were deemed satisfactory to MCFN, as they had no further questions or comments.¹³

16. MCFN was subsequently invited to attend Stage 2 Archaeology fieldwork, which MCFN attended.

Wendat Nation (WN)

17. On December 15, 2025, WN filed a letter of comment on the record of this proceeding with the OEB. The letter communicated the following requests from WN:¹⁴

- that Stage 2, 3 and 4 archaeological assessments (AA) are carried out if they are recommended;
- that WN be promptly informed of project developments so that they can assess potential adverse impacts on rights and deploy field monitors as needed; and
- that WN retains the right to request accommodations or modifications in the event that archaeological discoveries are made.

¹¹ Exhibit H, Tab 1, Schedule 1, Attachment 8 (updated January 16, 2026), line-item attachment 10.19.

¹² Ibid, line-item attachment 10.20.

¹³ Ibid, line-item attachment 10.21.

¹⁴ Wendat Nation letter of comment, filed December 15, 2025

18. In particular, WN emphasized the need to receive and review environmental reports, including Stage 1 and 2AA reports during the planning phase of a project, prior to the granting of any exemption from LTC requirements by the OEB. WN requested that they receive the Stage 2 AA report when it is under review and to be granted a minimum of 30 days after its receipt to provide comments; they also requested the right to receive an extension if needed.
19. In its response dated February 13, 2026,¹⁵ Enbridge Gas confirmed its intention to complete additional AA's as required, and to inform and offer opportunities to WN to participate in AA-related field activities. Enbridge Gas further confirmed that an exemption from the requirement to obtain LTC does not diminish Enbridge Gas's obligations in relation to AA's.
20. In its February 13th response, Enbridge Gas explained the rationale for the timing of Stage 1 and 2 AA's in relation to route selection in the LTC context. Once a Stage 1 AA is completed – with the opportunity for participation from Indigenous communities - its results inform preferred route evaluation and determination, which is incorporated into the ER. The draft ER and draft Stage 1 AA report are shared with Indigenous communities for review and comment. Where appropriate, comments received are considered and addressed through updates to the ER and Stage 1 AA. The final reports, along with a complete log of comments received and responses provided, are then included in LTC and LTC exemption applications submitted to the OEB for consideration.
21. As noted in the February 13th response, a Stage 2 AA, if recommended in the Stage 1 AA report, is generally undertaken after the ER is finalized and submitted as part of the application but prior to construction, at a stage when investigations can be accurately focused on areas where ground disturbance is proposed. Conducting a Stage 2 AA prior to finalizing the ER would require testing across the broader Stage 1 AA study area rather than the defined construction footprint. This approach would

¹⁵ Filed on the record on Feb 13, 2026 and also as Attachment 1 to Exhibit I.OEB STAFF-2.

not reliably reflect the locations of actual ground disturbance and could result in unnecessary or premature disturbance of archaeological resources. This approach is aligned with the OEB's Environmental Guidelines.¹⁶ For these reasons, Enbridge Gas does not believe the steps requested by WN to be necessary or preferred.

22. Further reassurance that all required assessments will be completed is typically found in the standard conditions of approval in OEB decisions that require Enbridge Gas to implement all the recommendations of the ER filed in the proceeding.

23. WN was invited to attend and participate in Stage 2 AA field work scheduled for and completed on November 20-21, 2025, however WN responded that they were unable to send a representative at that time, and requested to be kept informed on findings.

24. Additional Stage 2 AA field work was identified and completed on June 8 and June 9, 2026, which WN representatives attended. The Stage 2 AA report is currently under development. In response to OEB staff's submission that Enbridge Gas should provide a timeline for completion of the Stage 2 AA report¹⁷, Enbridge Gas confirms that it will share a copy of the Stage 2 AA report with Indigenous communities for review and comment the week of July 27, 2026. Enbridge Gas will consider any comments received during the field work studies and through the draft report review process, and will continue to engage with Indigenous communities regarding any archaeological findings, mitigation, or further assessment requirements, as applicable.

¹⁶ Enbridge Gas's approach to proceed with Stage 2 AA after the ER is finalized is also consistent with the OEB's finding in its Decision and Order in the Port Colborne Reinforcement Project (EB-2025-0301) that "final accountability for evaluating routing alternatives, balancing environmental, technical, economic and construction considerations and selecting the preferred route rests with the applicant, Enbridge Gas. While input from potentially affected Indigenous communities is an important component of that process, it does not displace the applicant's obligation to determine a route that is feasible, safe, environmentally preferred and consistent with regulatory requirements." (Decision and Order, June 30, 2026, p. 29). The same principle – that applicant accountability for methodological and sequencing decisions is informed by, but not displaced by, Indigenous input, similarly applies to the timing of Stage 2 AA relative to ER finalization, as governed by the OEB's Environmental Guidelines.

¹⁷ OEB Staff submission (June 18, 2026), p. 10.

25. No further concerns or comments have been filed on the record or submitted directly to Enbridge Gas from WN on these matters or any other potential impacts of the Project.
26. Other than the comments and concerns described above from CLFN, MCFN and WN, Enbridge Gas is not aware of any other substantive issues raised by any Indigenous community on the ER or on any potential impact on rights resulting from the Project. Enbridge Gas is committed to maintaining ongoing engagement with the Indigenous communities throughout the life of the Project to ensure any potential impacts on Aboriginal and treaty rights are addressed, as appropriate.
27. The MEM's delegation letter specified that all identified Indigenous communities other than MCFN were owed consultation at the low end of the consultation spectrum. MCFN required consultation at the moderate range. Enbridge Gas submits, based on the record and consistent with OEB staff's assessment¹⁸, that Enbridge Gas's consultation met these expectations, and at times exceeded them. The MEM's May 28, 2026 letter of opinion,¹⁹ concluding that the MEM is of the opinion that the procedural aspects of the Crown's duty to consult undertaken by Enbridge Gas are satisfactory, further supports this submission.

D. Capacity Funding

28. This section addresses OEB staff's submission related to capacity funding – that Enbridge Gas may wish to confirm whether additional funding has been accepted or provided to Indigenous communities and to describe the activities being supported.
29. In response to an interrogatory²⁰, Enbridge Gas provided information regarding which communities accepted and were provided capacity funding. In that interrogatory response, Enbridge Gas confirmed that as of January 30, 2026,

¹⁸ Ibid, p. 9.

¹⁹ Exhibit H, Tab 1, Schedule 1, Attachment 5 (updated June 29, 2026).

²⁰ Exhibit I.OEB STAFF-7.

Alderville First Nation, Wendat Nation and Mississaugas of Scugog Island First Nation had all accepted Enbridge Gas's offer for capacity funding for the Project. At that time, capacity funding had been provided to Wendat Nation and Mississaugas of Scugog Island First Nation. Capacity funding had not yet been provided to CFLN as Enbridge Gas was awaiting the related invoice from CLFN.

30. Since the filing of that interrogatory response, Enbridge Gas has now provided capacity funding to Alderville First Nation, and has also received – and is currently processing – the invoice from CLFN for capacity funding.

31. As described in Exhibit I.OEB STAFF-7, Enbridge Gas does not set out specific activities that must be undertaken as it relates to the funding, recognizing that different Indigenous communities may be interested in different aspects of the Project and have varying degrees of overall interest. In Enbridge Gas's experience, capacity funding is typically used by Indigenous communities to support engagement activities related to the Project, including but not limited to the technical review of Project documentation, including the environmental report and AA reports prepared for the Project, participation in Project meetings, reviewing and responding to emails and assisting in assessing any significant sites within the Project area. This description of typical activities is a fair depiction of how capacity funding has been used by the Indigenous communities in this proceeding.

E. Conditions of Approval

32. Enbridge Gas submits that the OEB should grant the requested exemption from the requirement to obtain LTC with the same Conditions of Approval as ordered in recent similar exemption applications, attached as Schedule A to this submission.²¹ Enbridge Gas is prepared to adhere to these conditions.

²¹ For example, EB-2024-0303 Tweed Community Expansion and EB-2025-0325 Glendale Community Expansion.

F. Conclusion

33. Based on the foregoing, Enbridge Gas respectfully requests that the OEB issue an order exempting the Company from the requirement to obtain LTC for the Humber Station Community Expansion Project pursuant to section 95(2) of the OEB Act. If exempted, Enbridge Gas is targeting to commence construction for the Project in April of 2027 and place the Project into service by July 2027. As such, Enbridge Gas respectfully requests that the OEB issue its decision expeditiously to enable Enbridge Gas to meet the construct schedule for the Project and its broader community expansion portfolio.

Schedule A

Proposed CONDITIONS OF APPROVAL

1. Enbridge Gas shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2025-0270 and these Conditions of Approval.
2. Unless otherwise ordered by the OEB, exemption from the requirement to obtain leave to construct shall terminate 12 months from the date of the OEB's approval of the exemption application, unless construction has commenced prior to that date.
3. Enbridge Gas 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 full project in-service date, no later than 10 days after all the facilities go into service.
4. Enbridge Gas shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
5. Enbridge Gas shall implement all the recommendations of the Environmental Report filed in the proceeding.
6. Enbridge Gas 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.