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**Enbridge Gas Inc.**
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August 21, 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. Reply Submissions**
**Ontario Energy Board File: EB-2025-0323**
**Merrickville-Wolford Community Expansion Project (Project)**

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

As noted in the evidence and reiterated in the Reply Submission, construction for the Project is currently scheduled to begin in October 2026, with a planned in-service date of December 2026. We kindly request, if the application is approved, that the OEB grant the exemption from the requirement to obtain leave to construct by no later than the end of September 2026, so that Enbridge Gas may meet its scheduled construction start date and avoid deferring construction to 2027, which would likely result in increased Project costs (due to inflation, market conditions, and other uncontrollable factors). As also noted in the Reply Submission, most of the required permits for the Project are already in place, based on the expectation that construction will commence this year.

If you have any questions, please contact the undersigned.

Yours truly,

*Patricia Squires*

Patricia Squires
Manager, Regulatory Applications – Leave to Construct

Cc: Richard Lanni (Enbridge Gas Counsel)
Stephanie Pope (OEB Counsel)
Arturo Lau (OEB staff)

Filed: 2025-08-21
EB-2025-0323
Enbridge Gas
Reply Submission

**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 Village of Merrickville-Wolford in the United Counties of Leeds and Grenville.

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# ENBRIDGE GAS INC.

# REPLY SUBMISSION

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## 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 Village of Merrickville-Wolford in the United Counties of Leeds and Grenville (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 Village of Merrickville-Wolford has expressed support for the Project on behalf of the Village in a letter received November 25, 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), prescribes the circumstances in which a person may be exempt from having to obtain leave to construct 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 $2.98 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 sufficiently discharged through the consultation process undertaken for the Project.[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 (now called the Ministry of Energy and Mines (MEM)),[3] 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.[4] One Indigenous community was identified by MEM in its April 14, 2023 delegation letter for consultation in respect of the Project, Algonquins of Ontario (AOO). MEM determined that consultation was owed at the moderate range of the consultation spectrum for AOO. In their covering email for the delegation letter, MEM also suggested that Enbridge Gas engage Mohawk Council of Akwesasne (MCA) for interest-based engagement given the location of the Project. On November 26, 2025, the MEM advised Enbridge Gas by email that an additional Indigenous community – Algonquins of Pikwakanagan First Nation (AOPFN) wished to be informed about the Project as well. 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:[5]

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[2] OEB staff Submission, pp. 6 - 7.

[3] For simplicity, the Ministry of Energy is referred to as MEM for the balance of this submission.

[4] Exhibit H, Tab 1, Schedule 1, Attachment 2.

[5] Exhibit H, Tab 1, Schedule 1, Attachment 11 (Updated March 10, 2026).

- providing Project notification early on in Project development;
- offering capacity funding to each First Nation and Indigenous group;
- sharing information including the Environmental Report (ER);
- inviting each First Nation and Indigenous group to share comments and information, including information about any Indigenous rights practiced in the Project area; and
- 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 in a variety of ways, including written communications, in-person meetings with representatives and participation in fieldwork.

9. In addition to the consultation undertaken by Enbridge Gas, the OEB process for Enbridge Gas's Application, as fully described in OEB staff's submission, provided AOO a further opportunity to share its comments and concerns about the Project and gain an understanding of how those concerns would be addressed. A notice of hearing was served by the OEB on AOO, providing the opportunity to become an intervenor, provide comments or ask to follow the hearing as a monitor. While AOO did not seek intervenor status, it did file a letter of comment in the proceeding on March 5, 2026, which Enbridge Gas responded to, as further described below.

10. Enbridge Gas retained Stantec Consulting Ltd. (Stantec) 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). Enbridge Gas is committed to undertaking the mitigation and protection measures identified in Table 5.1 of the ER.[6]

11. The First Nations and Indigenous group Enbridge Gas consulted with were given the opportunity to review and comment on the draft ER and ask questions about the Project. Correspondence relating to the review of the draft ER is included in the Indigenous Consultation Report.[7]

12. Of the three Indigenous parties engaged by Enbridge Gas on the Project, only AOO submitted comments or questions regarding the ER, which are addressed below. No concerns were raised by the First Nations consulted by Enbridge Gas in relation to the Project.

Algonquins of Ontario (AOO)

13. On March 5, 2026, AOO filed a letter of comment with the OEB raising concerns related to fisheries and aquatic habitat, including the adequacy of fisheries assessment work, potential effects of horizontal directional drilling (HDD) activities on fisheries and fish habitat, contingency planning in the event of inadvertent drilling fluid releases, cumulative effects, and potential impacts to benthic communities.

14. Enbridge Gas responded to AOO's concerns by letter filed on March 31, 2026. In summary, Enbridge Gas explained that:

    - the Project will use HDD for the watercourse crossing, eliminating the need for in-water work;

[6] Exhibit F, Tab 1, Schedule 1, Attachment 1, pp. 5.5 to 5.29.
[7] Exhibit H, Tab 1, Schedule 1, Attachment 12 (updated March 10, 2026).

- HDD activities will occur in the fall of 2026, outside sensitive spawning and early life stage periods and in compliance with applicable Parks Canada requirements;

- a Project-specific Inadvertent Contingency Plan and applicable mitigation measures will be implemented to protect fish and fish habitat during construction;

- the construction methods and mitigation measures identified in the ER are expected to avoid direct and indirect impacts on fish and fish habitat; and

- no other projects in the study area were identified to have the potential to affect aquatic resources, negating the need for a cumulative effects assessment for aquatic ecosystems.

15. Following the provision of these responses to AOO, AOO advised Enbridge Gas that Enbridge Gas's answers addressed AOO's concerns and that AOO had no further questions or concerns in relation to the Project at that time.

**D. Capacity Funding: 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 if so, to describe the activities being supported.**

16. In response to an interrogatory[8], Enbridge Gas provided information regarding which communities accepted and were provided with capacity funding. In that interrogatory response, Enbridge Gas confirmed that as of March 31, 2026, capacity funding had been offered to all three Indigenous groups, but none had indicated at that material time that they would require capacity funding to be provided by Enbridge Gas.

[8] Exhibit I.STAFF-2.

17. Since the filing of that interrogatory response, Enbridge Gas has provided capacity funding to AOO, which AOO has used to review reports and support its participation in the archaeological field work associated with the Project.

18. As described in Exhibit I.STAFF-2, 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 ER 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 in this proceeding.

## E. Conditions of Approval

19. 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.[9] Enbridge Gas is prepared to adhere to these conditions.

## B. Conclusion

20. Based on the foregoing, and Enbridge Gas's commitment to continued engagement throughout the life of the Project[10], Enbridge Gas respectfully requests that the OEB issue an order exempting the Company from the requirement to obtain LTC for the Merrickville-Wolford Community Expansion Project pursuant to section 95(2) of the

[9] For example, EB-2024-0303 Tweed Community Expansion, EB-2024-0325 Glendale Community Expansion Project, and EB-2025-0084 Cherry Valley Community Expansion.

[10] Exhibit H, Tab 1, Schedule 1, p. 4.

OEB Act. If exempted, Enbridge Gas is targeting to commence construction for the Project in October 2026 and place the Project into service by December 2026. As such, Enbridge Gas respectfully requests that the OEB issue its decision expeditiously, preferably before the end of September 2026, to enable Enbridge Gas to meet the construction schedule for the Project. Enbridge Gas has filed this reply submission well in advance of September 1, 2026, due date ordered by the OEB in Procedural Order No. 2 to help expedite decision timing.

## 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-2025-0323 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.