



Ontario  
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**BY EMAIL**

August 23, 2022

Ms. Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4

Dear Ms. Marconi:

**Re: CAEPLA-DCLC  
Dawn to Corunna Replacement Project  
OEB Staff Interrogatories on CAELPA-DCLC Evidence  
Ontario Energy Board File Number: EB-2022-0086**

In accordance with Procedural Order No. 4 please find attached the OEB Staff interrogatories for the above proceeding to the Canadian Association of Energy and Pipeline Landowner Associations and its subcommittee the Dawn Corunna Landowner Committee (CAEPLA-DCLC) on its intervenor evidence. This document has been sent to CAEPLA-DCLC and to all other registered parties to this proceeding.

Yours truly,

Ritchie Murray  
Sr. Advisor, Applications - Natural Gas

Encl.



## **OEB Staff Interrogatories**

**Dawn to Corunna Replacement Project**

**CAEPLA-DCLC**

**EB-2022-0086**

**August 23, 2022**

## 1-Staff-1

**Ref.:** CAEPLA-DCLC evidence, page 5, paragraph 16

### **Preamble**

CAEPLA-DCLC stated that the forms of Easement Agreement and the Temporary Land Use Agreement proposed by Enbridge Gas for the Dawn Corunna Replacement Project are the forms previously approved by the OEB in the Leave to Construct proceeding for the Panhandle Reinforcement Project (EB-2016-0186), which were themselves based on the landowner agreements approved by the OEB for the NPS 48 Strathroy-Lobo Project (EB-2005-0550) and the Dawn Parkway 2016 Expansion Project (EB-2014-0261). CAEPLA-DCLC submitted that, “[t]he important difference is that Enbridge has replaced the term “gross negligence” in the indemnity clause with “negligence”, seeking to reduce the indemnity protection afforded to landowners.”

### **Questions**

- a) What is the difference between negligence and gross negligence?
- b) Is CAEPLA-DCLC aware of any instances in which the difference between negligence and gross negligence made a difference in the indemnity afforded a landowner? If so, please briefly describe the circumstances of each instance.