



EB-2022-0248

Enbridge Gas Inc.

**Application for leave to construct natural gas pipeline
and associated facilities in the Tyendinaga Mohawk
Territory and the Township of Tyendinaga, Hastings
County.**

PROCEDURAL ORDER NO. 2

March 28, 2023

Enbridge Gas Inc. (Enbridge Gas) has filed an application with the Ontario Energy Board (OEB) under sections 90 and 97 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 17.3 kilometres of natural gas pipeline and associated facilities in the Tyendinaga Mohawk Territory and the Township of Tyendinaga, Hastings County. The proposed natural gas pipeline consists of approximately 2.8 kilometres of Nominal Pipe Size (NPS) 4-inch polyethylene (PE) distribution pipeline, and approximately 14.5 kilometres of NPS 2-inch PE distribution pipeline. According to Enbridge Gas the project is needed to supply natural gas to approximately 151 customers in the community of Mohawks of the Bay of Quinte and approximately 28 customers in the community of Shannonville in the Township of Tyendinaga. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements it offers to landowners for the routing and construction of the project.

In Procedural Order No. 1, dated March 14, 2023, the OEB granted Environmental Defence, Federation of Rental-housing Providers (FRPO), Mohawks of the Bay of Quinte First Nation (MBQ) and Pollution Probe (Pollution Probe) intervenor status and cost eligibility. Procedural Order No. 1 established March 21, 2023 as the deadline for intervenors to file a description of the scope, nature and cost of any intervenor evidence proposed to be filed and established March 28, 2023 for any party to file submissions on the relevance of the proposed evidence. Procedural Order No. 1 also set the timeline for filing the interrogatories by intervenors and OEB staff and for responses to the interrogatories by Enbridge Gas.

In advance of issuing Procedural Order No. 1, on March 9, 2023 Environmental Defence proactively filed information on the nature and cost of preparing its proposed intervenor evidence. No other party filed a letter of intent to file intervenor evidence.

On March 27, 2023, MBQ requested a one-week extension to the deadline to file submissions on the evidence proposed by Environmental Defence. MBQ indicated that additional time is needed as it is not a frequent participant in OEB's proceedings.

The OEB approves MBQ's extension request. Submissions on the relevance of the evidence proposed by Environmental Defence are now due on **April 4, 2023**.

The deadlines for interrogatory and interrogatory responses established in Procedural Order No. 1 are also changed.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Any party wishing to file a submission on the relevance of the evidence proposed by any intervenor, shall file its written submission with the OEB by **April 4, 2023**.
2. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by, **April 11, 2023**.
3. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by, **April 25, 2023**.

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](#).

Please quote file number, **EB-2022-0248** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.

- Please 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 for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 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, Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **March 28, 2023**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar