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**Enbridge Gas Inc.**  
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Canada

## **VIA EMAIL and RESS**

January 26, 2024

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, Ontario, M4P 1E4

Dear Nancy Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas)  
Ontario Energy Board (OEB) File No. EB-2022-0285  
Panhandle Regional Expansion Project – Early Access  
Interrogatory Responses**


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In accordance with the OEB's Procedural Order No. 2, dated January 8, 2024, enclosed please find the interrogatory responses of Enbridge Gas.

If you have any questions, please contact the undersigned.

Sincerely,

**Haris Ginis**

 Digitally signed by Haris Ginis  
Date: 2024.01.26 10:17:13 -05'00'

Haris Ginis  
Technical Manager, Leave to Construct Applications

c.c. Jonathan Myers (Torys LLP)  
Charles Keizer (Torys LLP)  
Zora Crnojacki (OEB Staff)  
Intervenors (EB-2022-0285)

ENBRIDGE GAS INC.

Answer to Interrogatory from  
Ontario Energy Board Staff (STAFF)

Interrogatory

Reference:

Exhibit A, Tab 2, Schedule 1, pages 2-3, paragraph 4-5  
Exhibit B, Tab 1, Schedule 1, pages 6-7, paragraph 17

Preamble:

Enbridge Gas requires early access rights to enter three properties to conduct environmental and engineering surveys and examinations. The purpose of these activities is to gather information needed for fixing the Project site and acquiring the approvals and permits associated with fixing the site. Enbridge Gas requested an OEB order to allow early access to these properties by April 1, 2024.

Enbridge Gas determined that the landowner of the three properties is a single individual (Landowner). This individual is a president of two companies owning two of three properties and is directly the owner of the third property.

Question(s):

- a) Please discuss the consequences on permitting and approvals, construction schedule and in-service date of the Panhandle Project if the early access to the three properties is not available by April 1, 2024.
- b) What is the Enbridge Gas's plan to address potential delays in obtaining early access to these three properties?

Response:

- a) As described in Exhibit B, Tab 1, Schedule 1, paragraphs 7 to 9 and 21, Enbridge Gas requires access to the three properties by April 1, 2024 to complete the required Archeological Assessment and to secure the clearance letter from the Ministry of Citizenship and Multiculturalism ("MCM") by July 2024, which is required for the Company to begin construction on the properties. Construction on the properties

must commence by August 2024 for Enbridge Gas to meet its required in-service date of November 1, 2024. Please see response at Exhibit I.STAFF-3 for a description of the timing and nature of the early access site fixing activities.

If the construction start date for the properties is delayed beyond August 2024 (as a result of Enbridge Gas not being able to obtain the MCM clearance letter on account of not being able to access the properties by April 1, 2024) and Enbridge Gas is not able to complete construction on the properties in advance of the Project's required in-service date, a temporary tie-in would need to be installed east of the properties at an increased cost to the Project, to ensure 2024/2025 system demands can be met.<sup>1</sup> The temporary tie-in would remain throughout Winter 2024/2025 and would be removed in 2025 after all approvals, permitting and land rights are secured and construction on the properties is complete. Please also see EB-2022-0157, Exhibit G, Tab 1, Schedule 1, paragraph 13.

- b) Enbridge Gas's contingency plan for addressing the delays in obtaining early access to the properties consists of (i) installing a temporary tie-in to the east of the properties in question to ensure Winter 2024/2025 demands are met, and (ii) filing this application for early access rights.

To further mitigate the risk of potential delays in accessing the properties, Enbridge Gas is continuing to make efforts to secure early access rights on a negotiated basis from the relevant landowners. In addition, Enbridge Gas plans to request an expedited review from the MCM, though there is no guarantee that this request will be accommodated.

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<sup>1</sup> Increased costs would include, but are not limited to, a lease for the temporary tie-in property, and installation and maintenance of additional facilities.

ENBRIDGE GAS INC.

Answer to Interrogatory from  
Ontario Energy Board Staff (STAFF)

Interrogatory

Reference:

Exhibit B, Tab 1, Schedule 1, pages 5-6, paragraphs 14 and 15

Preamble:

Enbridge Gas has acquired the land rights for 53 properties along the proposed pipeline route representing 95% of the total land rights required for the Panhandle Project. Enbridge Gas secured early access to 53 properties, through the execution of Permission, Consent and Access Agreements (Early Access Agreement), with all landowners along the proposed pipeline route with exception of the Landowner of the three properties that are the subject of this application.

Question(s):

Please confirm that Enbridge Gas has offered to the Landowner of the three affected properties the same form of the Early Access Agreement it has offered to all other landowners along the proposed route of the Project.

Response:

Confirmed.

ENBRIDGE GAS INC.

Answer to Interrogatory from  
Ontario Energy Board Staff (STAFF)

Interrogatory

Reference:

Exhibit B, Tab 1, Schedule 1, Attachment 3, pages 1-3

Preamble:

The Property Sketch submitted with the application shows the locations of temporary land use requirements, the existing pipelines and proposed tie-in station.

Question(s):

- a) Please describe the timing and the nature of the early access site fixing activities related to the pipeline facilities to be located on the affected properties.
- b) Please describe the timing and the nature of the early access site fixing activities related to the proposed tie-in station to be located on the affected properties.
- c) What is the status of Enbridge Gas permanent land rights required for the proposed tie-in station?

Response:

a-b) Regarding the nature of the early access site fixing activities, please see Exhibit B, Tab 1, Schedule 1, paragraphs 21 to 22. The need for access by April 1, 2024, is specifically related to the activities associated with the Archaeological Assessment. Enbridge Gas will conduct an Archaeological Assessment for the entire footprint of disturbance on all three affected properties, including both for the planned pipeline facilities and for the planned tie-in station. Once ground conditions become favourable in Spring 2024 (i.e., dry enough), the land will need to be ploughed, disced and the soil weathered by the end of April 2024. Once this is complete, a pedestrian survey of the weathered soil will be completed by a licensed archaeologist by the end of May 2024. At that time, the need for Stage 3 and 4

Assessments will be determined, along with potential timelines to complete these additional stages, if necessary, to secure the clearance letter from the Ministry of Citizenship and Multiculturalism by July 2024, to enable Enbridge Gas to commence construction on the properties. Please see Table 1 for the schedule of Archeological Assessment work.

Table 1

Activity	April	May	June	July	August	September	October
Field Preparation							
Complete Pedestrian Survey							
Stage 2, 3 & 4 Archeological Assessments							
Clearance from MCM							
Construction							

- c) Enbridge Gas has met with the landowner and engaged in discussions to secure a mutually agreeable station location and to obtain the required land rights, however the Company currently has no permanent land rights on the proposed tie-in station property.

ENBRIDGE GAS INC.

Answer to Interrogatory from  
Ontario Energy Board Staff (STAFF)

Interrogatory

Reference:

Exhibit B, Tab 1, Schedule 1, page 6, paragraph 16 and page 7, paragraph 18

Preamble:

Enbridge Gas had two meetings with the Landowner of the three properties on April 12, 2022 and on July 29, 2022. On November 18, 2022, Enbridge Gas presented to the Landowner an offer of financial compensation for the early access activities as well as compensation for land rights for the purposes of the Project. There was no response from the Landowner to the date of application filing (June 16, 2023).

Question(s):

Since filing of the application on June 16, 2023, was there any initiative by either Enbridge Gas or the Landowner to further negotiate the agreement for early access rights on the three properties? Please provide any update on the outcomes of communication.

Response:

After ongoing engagement with the landowner in the period leading up to the filing of the early access application, the landowner expressed a preference that he not be contacted further by Enbridge Gas.

Notwithstanding the landowner's request, Enbridge Gas sent a letter to the landowner on June 7, 2023 to provide an update on the Project, express a continued preference to secure the various land rights on a negotiated basis, and to indicate its intention to file the early access application. Enbridge Gas did not receive an acknowledgement or response to this letter until December 27, 2023, which was after the Company requested to restart the early access application on December 8, 2023.

On January 11, 2024, Enbridge Gas and the landowner met in an attempt to negotiate an agreement for early access for the properties. The landowner presented an alternative option regarding the location of the Project facilities on the three properties for Enbridge Gas's consideration and indicated that he had a further alternative in mind but has not shared that with Enbridge Gas to date. Enbridge Gas is currently reviewing the alternative presented by the landowner to determine if it is an acceptable solution, having regard to considerations that include safety, applicable technical standards and requirements, constructability, cost, permitting and approvals, schedule, and regulatory implications. While Enbridge Gas will continue in its efforts to attain an agreement with the landowner regarding the subject properties, and will notify the OEB immediately if and when any agreements are finalized, it continues to be important to obtain the OEB's approval for the current early access application in the event the discussions are not ultimately successful.



ENBRIDGE GAS INC.

Answer to Interrogatory from  
Ontario Energy Board Staff (STAFF)

Interrogatory

Reference:

Exhibit B, Tab 1, Schedule 1, page 10, paragraph 23  
Attachment 4, pages 1-4 Panhandle Regional Expansion Project, Section 98 Order  
Granting Early Access to Land, Conditions of Approval

Preamble:

Enbridge Gas proposed, as part of the evidence, the conditions of approval of the early access application. The proposed conditions set out the boundaries and size of the areas of land to be affected, describe the permitted activities, set a one-year term for the OEB order permitting access to land, specify the timing and the means of notification to the landowners, set the conditions of conduct for the permitted activities and the protocol for Enbridge Gas's communication with the OEB.

Question(s):

Was there any discussion or communication with the Landowner on the proposed conditions of approval? If so, please discuss and describe the issues raised by the Landowner and the outcomes of the discussions.

Response:

Enbridge Gas has not specifically discussed the proposed Conditions of Approval with the landowner, nor has the landowner raised any specific issues or concerns regarding the proposed Conditions of Approval for the early access application to date.