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BY EMAIL

June 13, 2019

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Metalore Resources Limited
Application for Certificate of Public Convenience and Necessity
OEB Staff Submission
OEB File No. EB-2019-0089**

In accordance with Procedural Order No. 1, please find attached the OEB staff submission for the above proceeding. This document has been sent to Metalore Resources Limited and to all other registered parties to this proceeding.

Metalore Resources Limited is reminded that its Reply Submission is due by June 24, 2019, should it choose to file one.

Yours truly,

Original Signed By

Ritchie Murray
Project Advisor, Supply & Infrastructure

Encl.

c. All registered parties to this proceeding



Application for Certificate of Public Convenience and Necessity

Metalore Resources Limited

EB-2019-0089

OEB Staff Submission

June 13, 2019

1 INTRODUCTION

On February 7, 2019, Metalore Resources Limited (Metalore) applied to the Ontario Energy Board (OEB) under section 8 of the *Municipal Franchises Act, 1990* (Franchises Act) for an order granting it a certificate of public convenience and necessity (certificate) to construct facilities and supply natural gas to a New Leaf Canada Inc. (NLC) facility located on the south half of Lot 16, Concession 5, Norfolk County.

Metalore has been producing natural gas in Ontario since 1965. It owns and operates over 80 gas wells that produce on average 520 gigajoules per day (approximately 5,000,000 m³/yr) in Charlotteville Township. Metalore is party to a Gas Purchase Agreement and a Field Line Agreement with Enbridge Gas Inc. (Enbridge Gas). Through these agreements, Metalore uses its production and gathering system to supply gas to Enbridge Gas who uses the gas to serve approximately 150 customers called Field Line Customers (FLCs). The balance of Metalore's gas is purchased by Enbridge Gas' and received into its transmission system.

NLC has been a cannabis producer since 2013. It is currently expanding its cultivation, extraction, analytics and production facility to prepare for growth in the adult-use cannabis market in Canada. NLC's current 4,000 square foot facility will be expanded into a 31,000 square foot facility. The existing facility is not currently served with natural gas¹. The new facility will be located on the same property as the existing facility, which is owned by NLC. NLC has requested gas service by August 31, 2019; construction of the expanded facility is scheduled to be complete by October 31, 2019². Metalore has no intention of serving any customers other than NLC at this time³.

Specifically, the application is for approval of a certificate authorizing Metalore to construct a "tie-in station" located on the property owned by NLC, which will provide inlet separation, dehydration, odourization, pressure regulation and volumetric metering. The tie-in station will have an inlet pressure of approximately 930 kilopascals (kPa) or approximately 135 pounds per square inch (psi) and provide a delivery pressure of between 11 and 20 psi⁴ or approximately 76 and 138 kPa. The estimated capital cost of the tie-in station is \$43,500⁵. NLC will pay the capital cost of the tie-in station⁶ but Metalore will own and operate it⁷.

¹ Response to OEB staff interrogatory 1 a)

² Response to OEB staff interrogatory 7

³ Response to Enbridge Gas interrogatory 1

⁴ Application, page 8

⁵ Response to Enbridge Gas interrogatory 8 c)

⁶ Application, page 5

⁷ Response to OEB staff interrogatory 3 c)

In order to serve NLC with its locally-produced natural gas, Metalore will need to construct 1.7 kilometers (km) of nominal pipe size (NPS) 3-inch plastic pipeline on four private properties (Pipeline). Metalore asserts that the Pipeline is an extension of its production and gathering pipeline system because it transports raw un-odorized natural gas⁸. As explained below, OEB staff disputes whether the Pipeline is in fact a production and gathering pipeline. However, if it is a production and gathering pipeline, then it falls under the jurisdiction of the Ministry of Natural Resources and Forestry (MNR), not the OEB, and a certificate is not required.

Metalore currently has royalty agreements in place with the four private landowners as a result of its current gas production activities. Metalore says that it met with the four landowners, explained the proposed Pipeline project, sought input about where the Pipeline should be located, and that the landowners have consented to the construction of the Pipeline without any objections⁹. To date, one landowner has provided Metalore with a letter supporting the Pipeline project, and Metalore says that it anticipates that the three other landowners will soon provide similar letters supporting the Pipeline project¹⁰.

The Pipeline will have a maximum operating pressure of between 100 and 120 psi¹¹ or approximately 690 and 827 kPa. Metalore estimates the capital cost of the Pipeline together with the tie-in station (Facilities) to be \$150,000¹². Consistent with the treatment of the tie-in station, NLC will pay the capital cost of the pipeline¹³ but Metalore will own and operate it¹⁴.

The expanded NLC facility will require between 75,000 and 90,000 gigajoules per year (GJ/yr) of natural gas¹⁵ or approximately 2,000,000 to 2,400,000 cubic metres annually (m³/yr). No other future expansion phases of the facility are planned at this time¹⁶.

Metalore plans to begin construction of the Facilities on July 15, 2019. Metalore has requested that the OEB dispose of its application in an expedited basis.

The proposed expanded NLC facility is located in an area for which Enbridge Gas holds a certificate. NLC investigated obtaining service from Enbridge Gas and was informed by Enbridge Gas in November 2018 that a capital contribution of \$260,000 was required

⁸ Application, page 5 and responses to OEB staff interrogatories 1 b) and c)

⁹ Response to OEB staff interrogatory 5 d), e) and f)

¹⁰ In its response to OEB staff interrogatory 5 e), Metalore provided a copy of a letter of support from Mr. Mark DeVos of Earthworks Contractors. Metalore indicated that the other three landowners have committed to providing similar letters and that Metalore will file the letters as soon as they are available.

¹¹ Response to OEB staff interrogatory 6 a)

¹² Responses to OEB staff interrogatory 6 b) and Enbridge Gas interrogatory 8 a)

¹³ Application, page 5

¹⁴ Response to OEB staff interrogatory 3 b)

¹⁵ Responses to OEB staff interrogatories 1 b) and c)

¹⁶ Response to OEB staff interrogatory 1 c)

to connect NLC's facility to Enbridge Gas' system¹⁷. In April 2019, Enbridge Gas provided NLC with an updated capital contribution estimate in the amount of approximately \$2.32 million, which includes approximately \$1.04 million for an upstream system reinforcement¹⁸. Metalore states that as a result of this difference in cost, NLC has chosen to obtain service from Metalore rather than Enbridge Gas¹⁹.

As an alternative to the Pipeline, Metalore and Enbridge Gas considered the option of serving NLC as a FLC. The option was ruled out when Enbridge Gas raised concerns that Metalore's production and gathering system may require a certificate and Municipal Franchise Agreement (MFA) issued or approved by the OEB²⁰. OEB staff comments on this concern later in this submission.

In OEB staff's view, this application raises the following issues:

1. Does Metalore need to be rate regulated pursuant to section 36 of the OEB Act?
2. Does Metalore require leave to construct (LTC) the Facilities pursuant to section 90 of the OEB Act?
3. In addition to its request for a certificate for the tie-in station, does Metalore also require a certificate and MFA for the Pipeline pursuant to section 8 of the Franchises Act?
4. Is Metalore's application a request to permit a bypass of Enbridge Gas' system?

For the reasons set out below, OEB staff submits that Metalore does not need to be rate regulated and that leave of the OEB is not required to construct the Facilities. OEB staff submits that the Pipeline is a distribution pipeline and therefore requires a certificate from the OEB (in addition to a certificate for the tie-in station), which should be granted. OEB staff submits that Metalore's application is a request for system bypass that should be granted.

2 SUBMISSIONS

2.1 Does Metalore need to be rate regulated?

Pursuant to section 36 of the OEB Act, "no gas transmitter, gas distributor or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board, which is not bound by the terms of any contract." A "gas distributor" is defined in the OEB Act as "a person who delivers gas to

¹⁷ Application, page 3 and responses to OEB staff interrogatory 4 e) and EGI interrogatory 3

¹⁸ Responses to EGI interrogatory 3

¹⁹ Ibid.

²⁰ Responses to OEB staff interrogatory 2 a)

a consumer”. Pursuant to section 3 of Ontario Regulation 161/99, “[s]ection 36 of the OEB Act does not apply to the sale, transmission, distribution or storage of gas by a distributor who distributes less than 3,000,000 cubic metres of gas annually.”

Metalore states that the total annual demand of the expanded NLC facility will be between 75,000 and 90,000 GJ/yr of natural gas²¹ or approximately 2,000,000 to 2,400,000 m³/yr. Given that this quantity is less than the 3,000,000 m³/yr threshold, OEB staff submits that Metalore should not be rate regulated by the OEB. Should the NLC facility increase its gas consumption to more than 3,000,000 m³/yr of gas in the future, Metalore would require a rate order from the OEB.

OEB staff notes that if, for any reason, Metalore will begin distributing more than 3,000,000 m³/yr of natural gas (e.g., NLC’s consumption increases due to another facility expansion), Metalore will need to apply to the OEB for approval of a distribution rate pursuant to section 36 of the Ontario Energy Board Act, 1998.

2.2 Do the Facilities require LTC approval?

Pursuant to section 90 of the OEB Act and Ontario Regulation 328/03, no person shall construct a hydrocarbon line without first obtaining from the OEB an order granting leave to construct the hydrocarbon line if:

- a) The proposed hydrocarbon line is more than 20 kilometres in length
- b) The proposed hydrocarbon line is projected to cost more than the amount prescribed by the regulation (currently \$2,000,000)
- c) Any part of the proposed hydrocarbon line
 - i. Uses pipe that has a nominal pipe size of 12 inches or more, and
 - ii. Has an operating pressure of 2,000 kPa (approx. 290 psig) or more

OEB staff submits that leave to construct approval from the OEB for the Facilities is not required because the Pipeline is 1.7 km in length, the estimated capital cost of the Facilities is \$150,000, the diameter of the Pipeline is NPS 3, and the pipeline operates at a maximum pressure of 120 psi²² or approximately 827 kPa.

2.3 Is a certificate and MFA required for the Pipeline?

The Franchises Act requires that no person shall construct any works to supply, natural gas in any municipality without the approval of the OEB, and such approval shall not be

²¹ Responses to OEB staff interrogatories 1 b) and c)

²² Response to OEB staff interrogatory 6 a)

given unless public convenience and necessity appear to require that such approval be given. The OEB grants its approval in the form of a certificate. A certificate provides authorization to construct works anywhere within a specified geographic area, and is generally as well as historically granted within the boundaries of a municipality for ease of administration. More rarely, it can also be granted for a specific purpose or area, without mention of municipal boundaries.

Metalore has not applied for a certificate for the Pipeline. Metalore asserts that the Pipeline is part of its production and gathering system because the gas in the Pipeline system does not meet the definition of “natural gas” as defined by Enbridge Gas in its “standard contracts” because it is saturated with water vapour and other objectionable matter, and because the pipeline meets the definition of a “gathering line” in accordance with CSA Z662: Oil and Gas Pipeline Systems. Metalore has not filed any documentation from Enbridge Gas demonstrating Enbridge Gas’ definition of natural gas or the definition of a gathering line from the CSA Z662.

Metalore has indicated that, if constructed, it would tie the Pipeline into its existing production and gathering system²³.

In OEB staff’s view, the gas that would be moved through the Pipeline is natural gas²⁴, and therefore a certificate from the OEB is required if the pipeline serves a distribution function.

The CSA Z662 definition of a gathering line is a pipeline that conveys gas from a wellhead assembly to a treatment plant (in this case, a tie-in station), transmission line, distribution line, or service line²⁵. Although Metalore’s Pipeline originates at its gathering pipeline system and terminates at the tie-in station (which is essentially a treatment plant), Metalore has confirmed that if there was no need to move gas from its existing gathering lines to the NLC facility, it would not construct the Pipeline²⁶. OEB staff notes that this situation is identical to an application filed with the OEB by OM Limited Partnership (OMLP), in which the OEB deemed the pipeline to be a distribution pipeline²⁷.

²³ Response to OEB staff interrogatory 3 e)

²⁴ OEB staff notes that the Canadian Association of Petroleum Producers define natural gas as, “a naturally occurring hydrocarbon consisting primarily of methane. As natural gas flows out of the ground, it may also contain sulphur compounds, nitrogen, carbon dioxide, and other substances. These compounds are removed from the natural gas at processing plants.” In OEB staff’s view, this is likely the closest thing to an industry accepted definition, and it would appear to include Metalore’s untreated natural gas.
Reference: <https://www.capp.ca/canadian-oil-and-natural-gas/natural-gas>

²⁵ EB-2015-0206, Decision and Order, issued May 5, 2016, page 5

²⁶ Response to OEB staff interrogatory 3 a)

²⁷ EB-2017-0289

In the OMLP case, OMLP applied for a certificate authorizing it to construct a tie-in station located on property owned by its customer, Maricann Group Incorporated (Maricann). In order to provide gas service to Maricann, OMLP had to construct approximately 3.7 km of new pipeline from its gathering pipeline system to the tie-in station located on Maricann's property. In OMLP's opinion, the new pipeline was part of its production and gathering system, and, as such, OMLP did not request a certificate for the pipeline. However, the OEB found that the pipeline functioned as a distribution pipeline and therefore required a certificate²⁸. In its decision, the OEB awarded OMLP two certificates: one for the pipeline and one for the tie-in station.

As previously stated, Metalore confirmed that if there was no need to move gas from its existing gathering lines to the NLC facility, it would not construct the Pipeline²⁹. Therefore, OEB staff submits that the intended purpose of the Pipeline is to supply natural gas to the expanded NLC facility (i.e. a customer) and therefore the Pipeline serves a distribution function. Whether or not Metalore ties the Pipeline directly into its production and gathering system does not change this fact. OEB staff submits that the Pipeline is therefore under the jurisdiction of the OEB, and requires a certificate from the OEB before it can be constructed.

Metalore did not apply for a certificate for the Pipeline. However, OEB staff is not opposed to the OEB issuing the necessary certificate of its own accord as it did in the OMLP certificate application³⁰. OEB staff submits that the Pipeline's certificate should not permit Metalore to serve any customers in Enbridge Gas' territory aside from NLC. OEB staff provide draft certificates for the Pipeline and tie-in station for the OEB's consideration in Appendix B-1 and Appendix B-2, respectively.

Metalore did not apply for a MFA for the Pipeline. OEB staff notes that many of the provisions of the 2000 Model Franchise Agreement do not appear to have any relevance in this case – the provisions mainly deal with interactions between the utility and municipality for works constructed on municipal highways. OEB Staff submits that, in this case, given that no works will be constructed on municipal highways or any other municipal lands, an MFA has no practical application and should therefore not be required for the Pipeline.

²⁸ EB-2017-0289, Decision and Order, issued June 14, 2018, pages 3-4

²⁹ Response to OEB staff interrogatory 3 a)

³⁰ EB-2017-0289

2.4 Is this a case of system bypass?

A system bypass occurs when a party other than the incumbent gas utility is permitted to construct a pipeline to serve one or more customers, despite the fact that the incumbent has a certificate for that area (and usually nearby pipeline facilities).

The OEB's consideration of bypass applications is different from its consideration of ordinary certificate applications. The OEB has issued a number of decisions on the matter of bypass. The OEB does not have a general policy against bypass; rather, the OEB evaluates each case on its merits. Two questions the OEB has considered in the past are:

- Can the incumbent gas distributor meet the operating needs of the applicant?
- Would allowing a bypass materially harm existing ratepayers and/or the public interest?

Furthermore, through previous cases, the OEB has established the following principles regarding system bypass:

- a) Economic benefit to the applicant alone is not sufficient grounds to permit bypass³¹
- b) Even though a bypass is in the interest of the applicant, that does not negate the possibility that it could also be in the public interest³²
- c) If the incumbent gas distributor cannot meet the needs of the applicant and there is no material harm to existing rate-payers, then a bypass may be granted³³
- d) While there may be a lost opportunity in terms of foregone revenues for the incumbent gas distributor and its ratepayers, there are no lost revenues for the incumbent gas distributor if the load is incremental³⁴

In one application, the OEB permitted system bypass after it determined that the incumbent's existing pipeline system and rate-payers would not be harmed by the bypass, while also noting that the applicant would apparently save significant amounts of money as a result of the bypass³⁵.

³¹ EBRO-477 (Cardinal Power, 1993) as referenced in EB-2014-0299 (Greenfield South Power Corporation), Decision and Order, page 7

³² EB-2014-0299 (Greenfield South Power Corporation), Decision and Order, page 9

³³ EB-2014-0299 (Greenfield South Power Corporation), Decision and Order, page 4

³⁴ Ibid. Page 10

³⁵ EB-2014-0299 (Greenfield South Power Corporation), Decision and Order

OEB staff notes that, in the current case, the incumbent utility, Enbridge Gas, holds a certificate for the area in question and has existing gas pipelines in the general vicinity of the customer. Therefore, in OEB Staff's view, Metalore's application is a request for system bypass. However, OEB Staff submits that approval of a system bypass is warranted for the reasons provided below.

Metalore's evidence indicates that Enbridge Gas would need to build approximately 2.7 km of pipeline in order to serve NLC at a capital contribution of approximately \$2.32 million³⁶. Metalore would need to build 1.7 km of pipeline in order to serve NLC at a cost of approximately \$150,000. Metalore states that as a result of this "considerable order-of-magnitude price" difference, NLC has chosen to obtain service from Metalore rather than Enbridge Gas³⁷.

As stated above, in a previous case, the OEB found that there are no lost revenues for the incumbent gas distributor if the load is incremental³⁸. If Enbridge Gas were to provide service to the expanded NLC facility, the load would be incremental demand for Enbridge Gas, and so there is no harm to its existing rate payers from that perspective. Enbridge Gas also needs to re-enforce its upstream system to provide service to NLC.

The FLCs currently consume between 10-50% of Metalore's production depending on the season³⁹ with the balance being sold to Enbridge Gas. Metalore estimates that NLC will consume up to 50% of Metalore's production⁴⁰. OEB staff notes that, depending on the season, the FLCs and NLC will together consume 100% of Metalore's production. OEB staff notes that NLC intends to install a propane back-up system to mitigate the risk of a natural gas service disruption⁴¹. As alternative fuel backup systems are not likely practical for the FLCs, OEB staff recommends that Metalore should clarify in its reply submission any strategy that it has, or will have, in place that will address supply risks to existing FLCs. Metalore should also comment in its reply submission as to whether a condition of approval that requires curtailment of supply to NLC in such circumstances is appropriate and if not, why not.

Metalore explained that the addition of the NLC load does not cause a requirement to increase production by Metalore; rather, it shifts existing production to NLC that would otherwise have been sold to Enbridge Gas⁴². Metalore also explained that the addition of the NLC load would not reduce the number of years of service that would otherwise

³⁶ Response to EGI interrogatory 3

³⁷ Ibid.

³⁸ Ibid.

³⁹ Application, page 6

⁴⁰ Response to OEB staff interrogatory 4 a)

⁴¹ Response to OEB staff interrogatory 1 d)

⁴² Response to OEB staff interrogatory 1 d)

be available to the FLCs⁴³. OEB staff agrees that natural gas pools have a certain life expectancy at any given level of production, and that since there will be no change in Metalore's production level there is no change in the number of years of service available to the FLCs. OEB staff submits that, subject to the concern raised above, the addition of the NLC load should not negatively impact existing FLCs in terms of reliability or remaining years of service.

The supply of gas to NLC will reduce the volumes of Metalore gas sold to Enbridge Gas. Metalore asserts that its production has been an inexpensive source of gas for Enbridge Gas⁴⁴. Notionally, the reduction in supply from Metalore to Enbridge Gas would increase gas procurement costs for Enbridge Gas, which costs would be passed through to rate payers. However, OEB staff suggests that the procurement cost associated with supply from Metalore (on the order of 100,000 GJ/yr⁴⁵) is immaterial relative to the cost of Enbridge Gas' procurement from other sources (on the order of hundreds of millions of GJ/yr⁴⁶). OEB staff submits that the reduction in supply to Enbridge Gas will not result in a material negative impact to Enbridge Gas' existing rate payers in terms of gas procurement costs.

OEB staff submits that approval of a system bypass is warranted because Enbridge Gas is not able to meet the operating needs of NLC at a reasonable cost for NLC, a bypass would not materially impact existing rate payers, and the addition of the NLC load would not reduce the number of years of service that would otherwise be available to the FLCs.

2.5 Conclusion

Metalore has applied for a certificate that will enable it to construct a tie-in station and supply natural gas to NLC at its expanded cannabis facility. In order to provide gas service to NLC, Metalore will also need to construct a pipeline from its existing production and gathering pipeline system to the tie-in station on NLC's property. OEB staff submits that the Pipeline does not require leave to construct from the OEB. OEB staff submits that both the tie-in station and pipeline require certificates from the OEB. In OEB staff's view, Metalore's application constitutes a request to bypass Enbridge Gas' distribution system. OEB staff submits that certificates for the tie-in station and Pipeline should be granted because the bypass is warranted. The bypass is warranted because Enbridge Gas is not able to meet the operating needs of NLC at a reasonable cost for NLC, a bypass would not materially impact existing rate payers, and the addition of the

⁴³ Response to OEB staff interrogatory 4 c) (approximately 24 years of remaining service life)

⁴⁴ Application, page 4

⁴⁵ Metalore says that NLC will consume up to 90,000 GJ/yr and that represents about 50% of Metalore's production. Therefore, the balance of Metalore's production must be on the order of 100,000 GJ/yr.

⁴⁶ <https://www.enbridge.com/media-center/enbridge-quick-facts>

NLC load would not reduce reliability or the number of years of service that would otherwise be available to the FLCs.

OEB staff submit that certain conditions of approval are required to ensure that the OEB is able to monitor the progress of this project

2.6 Conditions of Approval

The OEB Act section 23 permits the OEB, when making an order, to “impose such conditions as it considers proper”. In response to an interrogatory, Metalore reviewed a draft set of conditions of approval proposed by OEB staff and had no issues or concerns⁴⁷.

OEB staff proposes an additional condition that requires Metalore to advise the OEB of any change to the proposed Facilities as described in its application and evidence, prior to implementing the change.

Metalore can comment on this additional condition, as well as the appropriateness of a potential condition regarding curtailment of supply to NLC as discussed earlier in this submission, in its reply argument.

All of which is respectfully submitted.

⁴⁷ Response to OEB staff interrogatory #11

APPENDIX A

Metalore Resources Limited Application for Certificate of Public Convenience and Necessity

REVISED PROPOSED CONDITIONS OF APPROVAL

1. Metalore shall give the OEB notice in writing of the:
 - a. Commencement of construction, at least ten days prior to the date construction commences;
 - b. Planned in-service date, at least ten days prior to the date the facilities go into service;
 - c. Date on which construction was completed, no later than 10 days following the completion of construction; and
 - d. In-service date, no later than 10 days after the facilities go into service.
2. Metalore shall advise the OEB of any change to the proposed Facilities as described in its application and evidence, prior to implementing the change.
3. Metalore shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions. Metalore shall provide the employee's name and contact information to the OEB, the four landowners, and clearly post the information at the tie-in station site. The project manager will be responsible for the fulfillment of the conditions of approval on the site.

The OEB's designated representative for the purpose of these Conditions of Approval shall be the OEB's Manager of Supply and Infrastructure (or the Manager of any OEB successor department that oversees leave to construct applications).

APPENDIX B-1
OEB STAFF SUBMISSION
METALORE RESOURCES LIMITED
EB-2019-0089
DRAFT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PIPELINE FACILITIES
JUNE 13, 2019

The Ontario Energy Board hereby grants
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

EB-2019-0089-A

to

Metalore Resources Limited

under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended

to construct pipeline facilities

from its existing pipeline on Turkey Point Road

to its proposed tie-in station at 1195 Charlotteville Road, Simcoe, ON M3Y 4K1

for the purpose of supplying natural gas to

the expanded New Leaf Canada Facility located in Norfolk County, Ontario.

DATED at Toronto, _____, 2019

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli

Board Secretary

APPENDIX B-2
OEB STAFF SUBMISSION
METALORE RESOURCES LIMITED
EB-2019-0089
DRAFT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TIE-IN STATION FACILITIES
JUNE 13, 2019

The Ontario Energy Board hereby grants
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

EB-2019-0089-B

to

Metalore Resources Limited

under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended

to construct tie-in station facilities on

the south half of Lot 16, Concession 5, Norfolk County,

for the purpose of supplying natural gas to

the expanded New Leaf Canada Facility located at

1195 Charlotteville Road, Simcoe, ON M3Y 4K1.

DATED at Toronto, _____, 2019

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli

Board Secretary