



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

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## **DECISION AND ORDER**

**EB-2019-0089**

### **METALORE RESOURCES LIMITED**

**Application for certificate of public convenience and necessity to  
construct facilities and supply natural gas to the New Leaf Canada  
Inc. Walsh Facility located in Norfolk County, Ontario**

**BEFORE:**           **Emad Elsayed**  
                          Presiding Member

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**August 26, 2019**

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## 1 INTRODUCTION AND SUMMARY

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

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 cubic meters per year (m<sup>3</sup>/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 gas. The NLC 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, 2019. Metalore has no intention of serving any customers other than NLC at this time.

A map of the proposed facilities is attached as Schedule A to this Decision and Order.

For the reasons set out below, the OEB is granting certificates for the facilities required to serve the NLC Facility subject to certain conditions.

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## 2 THE PROCESS

The OEB issued a Notice of Hearing on February 28, 2019. The last date for intervention was March 18, 2019. Pursuant to the Notice of Hearing, Enbridge Gas and ON-Energy Corp. (ON-Energy) applied for intervenor status. No objection was received from Metalore. Enbridge Gas and ON-Energy were granted intervenor status.

On April 11, 2019, Metalore submitted a request in writing to delay the proceeding. On April 30, 2019, Metalore submitted a request in writing to continue the proceeding.

The OEB proceeded by way of a written hearing. In accordance with Procedural Order 1, issued on May 13, 2019, the interrogatory phase was completed on June 3, 2019, and the submission phase was completed on June 24, 2019. Enbridge Gas and OEB staff filed interrogatories and submissions; ON-Energy did not file interrogatories or submissions.

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### 3 CONSIDERATIONS

Matalore's application has raised several questions beyond the narrow request for a geographically limited certificate. This decision considers the purpose of the assets being constructed and the expectations within the *Ontario Energy Board Act, 1998* (OEB Act) for assets of this description.

#### 3.1 Certificate of Public Convenience and Necessity

Section 8 of 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 that such approval shall not be given unless public convenience and necessity appear to require that such approval be given. The OEB grants such approval in the form of a certificate.

Metalore's application is for approval of a certificate authorizing it to construct a tie-in station located on property owned by NLC, which will provide inlet separation, dehydration, odourization, pressure regulation and volumetric metering. Enbridge Gas currently holds a certificate that encompasses the property on which the tie-in station would be constructed.

Metalore also plans to install approximately 1.7 km of nominal pipe size (NPS) 3-inch plastic pipeline on four private properties (Pipeline). Enbridge Gas' certificate also encompasses the properties on which the Pipeline would be constructed. Metalore has not requested a certificate for the Pipeline.

Metalore has characterized the Pipeline as a production and gathering system pipeline, not a distribution pipeline, as it will be used to move raw untreated natural gas to the tie-in station as opposed to pipeline quality natural gas to an end user<sup>1</sup>. In their submissions, both Enbridge Gas and OEB staff argued that raw untreated natural gas is still natural gas. Metalore contends that, as it believes the Pipeline will not be a distribution line, it is therefore not under the jurisdiction of the OEB<sup>2</sup>. Metalore has confirmed, however, that if there were no need to move gas from its existing gathering lines to the NLC Facility, it would not construct the Pipeline<sup>3</sup>.

In their submissions, both Enbridge Gas and OEB staff noted that the current case is analogous to an application filed with the OEB by OM Limited Partnership (OMLP), in

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<sup>1</sup> Application, page 5 and responses to OEB staff interrogatories 1 b) and c)

<sup>2</sup> Production and gathering system pipelines are under the jurisdiction of the Ministry of Natural Resources and Forestry.

<sup>3</sup> Response to OEB staff interrogatory 3 a)

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which the OEB deemed a pipeline carrying raw untreated natural gas to a tie-in station located on the customer's property to be a distribution pipeline<sup>4</sup>.

In its submission, OEB staff provided draft certificates for the Pipeline and tie-in station (Facilities). In its reply submission, Metalore had no objections to the certificates as drafted.

## Findings

The OEB finds that the Pipeline provides natural gas distribution services, and that its purpose is to supply natural gas in a municipality. Based on the evidence in this case, it is clear that the sole purpose of the Pipeline is to move gas from the existing gathering lines to the NLC facility. Therefore, the OEB finds that Metalore requires a certificate from the OEB for the Pipeline.

Although Metalore did not apply for a certificate for the Pipeline portion of the project, the OEB will grant Metalore certificates specifically for the Pipeline and tie-in station. These certificates may be found in schedules C and D of this decision. According to these certificates, Metalore is not permitted to serve any customers in Enbridge Gas' territory aside from NLC.

## 3.2 Municipal Franchise Agreement

Under the Franchises Act, the OEB may approve municipal by-laws granting one or more gas utilities the right to distribute gas in a municipality. The OEB's 2000 Model Municipal Franchise Agreement (MFA) outlines the specific terms and conditions of the agreement between the municipality and the utility and requires OEB approval. Metalore did not apply for the approval of a MFA for the Pipeline and tie-in station.

In its submission, Enbridge Gas noted that the Franchises Act does not appear to exempt facilities such as the Pipeline and tie-in station from the need for a MFA.

In its submission, OEB staff noted 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 submitted that, in this case, given that no works will be constructed on municipal highways or any other municipal lands, a MFA has no practical application and should therefore not be required for the Pipeline.

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<sup>4</sup> EB-2017-0289

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## Findings

The OEB agrees with OEB staff that a MFA is not applicable in this case and therefore is not required for the Pipeline and tie-in station.

### 3.3 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.

In its submission, OEB staff noted that, the incumbent utility, Enbridge Gas, holds a certificate for the area in question and has existing gas pipelines in the general vicinity of the NLC Facility. Therefore, in OEB staff's view, Metalore's application is a request for system bypass. Enbridge Gas was silent in its submission on whether Metalore's application is a request for a bypass of its system.

In its submission, Enbridge Gas noted that, in order to provide service to the NLC Facility, it would need to construct approximately 2.7 km of pipeline to the NLC Facility at a cost of approximately \$2.3 million (which includes approximately \$1.04 million for an upstream system reinforcement)<sup>5</sup>, and would require "a significant capital contribution" from NLC. Metalore would need to build 1.7 km of pipeline in order to serve NLC at a cost of approximately \$150,000, which would be paid for by NLC. Metalore indicated that, as a result of this capital cost difference, NLC's preference is to obtain service from Metalore rather than Enbridge Gas<sup>6</sup>.

Enbridge Gas' submission noted that, if it provided service to the NLC Facility, it would invoice NLC an annual all-in gas bill of approximately \$514,000 as a Rate M2 customer (this is in addition to the up-front capital contribution). Metalore plans to invoice NLC an annual all-in gas bill of approximately \$504,000.

In its submission, OEB staff noted that, in this case, there are no lost revenues for Enbridge Gas because, if Enbridge Gas were to provide service to the NLC Facility, the load would be incremental.

In its submission, OEB staff noted that 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 Gas<sup>7</sup>. Notionally, the reduction in supply from

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<sup>5</sup> Responses to EGI interrogatory 3

<sup>6</sup> Ibid.

<sup>7</sup> Application, page 4

Metalore to Enbridge Gas would increase gas procurement costs for Enbridge Gas, which costs would be passed through to ratepayers. However, OEB staff suggested that the procurement cost associated with supply from Metalore - in the order of 100,000 gigajoules per year<sup>8</sup> (GJ/yr) - is immaterial relative to the cost of Enbridge Gas' procurement from other sources - in the order of hundreds of millions of GJ/yr<sup>9</sup>. OEB staff submitted that the reduction in supply to Enbridge Gas will not result in a material negative impact to Enbridge Gas' existing ratepayers in terms of gas procurement costs.

## Findings

The OEB finds that Metalore's application is a request for system bypass as the incumbent utility, Enbridge Gas, holds a certificate for the area in question. However, the OEB approves the system bypass because of the significantly higher cost if Enbridge Gas were to provide the service to NLC versus Metalore. Also, given that NLC's load is incremental, there is no revenue loss to Enbridge Gas. In addition, the impact on Enbridge Gas' ratepayers of the small reduction in supply from Metalore is immaterial.

### 3.4 Leave to Construct

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 km 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 kilopascals (kPa) (approximately 290 pounds per square inch (psi)) or more

The tie-in station will have an inlet pressure of approximately 930 kPa or approximately 135 psi and provide a delivery pressure of between 11 and 20 psi<sup>10</sup> or approximately 76

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<sup>8</sup> 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.

<sup>9</sup> <https://www.enbridge.com/media-center/enbridge-quick-facts>

<sup>10</sup> Application, page 8

and 138 kPa. The estimated capital cost of the tie-in station is \$43,500<sup>11</sup>. NLC will pay the capital cost of the tie-in station<sup>12</sup>, but Metalore will own and operate it<sup>13</sup>.

The Pipeline will have a maximum operating pressure of between 100 and 120 psi<sup>14</sup> or approximately 690 and 827 kPa. Metalore estimates the capital cost of the Pipeline together with the tie-in station to be \$150,000<sup>15</sup>. Consistent with the treatment of the tie-in station, NLC will pay the capital cost of the Pipeline<sup>16</sup>, but Metalore will own and operate it<sup>17</sup>.

OEB staff submitted 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 psi<sup>18</sup> or approximately 827 kPa.

## Findings

The OEB finds that Metalore does not require a leave to construct approval from the OEB for the proposed Facilities because all of the applicable parameters (Pipeline length and diameter, Facilities' estimated cost, and Pipeline operating pressure) are below the legislated thresholds.

## 3.5 Rate Regulation

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 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 gas<sup>19</sup> or approximately 2,000,000 to

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<sup>11</sup> Response to Enbridge Gas interrogatory 8 c)

<sup>12</sup> Application, page 5

<sup>13</sup> Response to OEB staff interrogatory 3 c)

<sup>14</sup> Response to OEB staff interrogatory 6 a)

<sup>15</sup> Responses to OEB staff interrogatory 6 b) and Enbridge Gas interrogatory 8 a)

<sup>16</sup> Application, page 5

<sup>17</sup> Response to OEB staff interrogatory 3 b)

<sup>18</sup> Response to OEB staff interrogatory 6 a)

<sup>19</sup> Responses to OEB staff interrogatories 1 b) and c)

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2,400,000 m<sup>3</sup>/yr. No other future expansion phases of the facility are planned at this time<sup>20</sup>.

Given that the NLC Facility demand is forecasted to be less than 3,000,000 m<sup>3</sup>/yr, OEB staff submitted that Metalore should not be rate regulated by the OEB. However, in their submissions, Enbridge Gas and OEB staff each noted that even a slight increase in actual consumption from forecast may require Metalore's rates to be regulated by the OEB. In its submission, Enbridge suggested that NLC's actual consumption should be monitored through a reporting process.

In its reply submission, Metalore committed to respecting the 3,000,000 m<sup>3</sup>/yr threshold and the OEB's regulatory process.

### Findings

The OEB finds that Metalore does not need to be rate regulated as it does not meet the annual threshold of 3,000,000 m<sup>3</sup>/yr. Should gas supply to the NLC Facility increase to more than 3,000,000 m<sup>3</sup>/yr in the future, Metalore will have to apply to the OEB for approval of a distribution rate under section 36 of the OEB Act.

### 3.6 Security of Supply for Existing FLCs

In its submission, OEB staff noted that the existing FLCs currently consume between 10-50% of Metalore's production depending on the season<sup>21</sup> with the balance being sold to Enbridge Gas. Metalore estimates that NLC will consume up to 50% of Metalore's annual production<sup>22</sup>. OEB staff expressed concern that the addition of the NLC Facility could impact gas availability to the existing FLCs. In its submission, Enbridge Gas expressed the same concern, especially given that it says it does not currently have any other sources of gas or infrastructure with which to supply the existing FLCs.

Metalore's evidence regarding the security of supply for existing FLCs contains contradictory statements. In response to an interrogatory from OEB staff, Metalore stated the addition of the NLC Facility load would reduce the number of remaining service years to the existing FLCs<sup>23</sup>, but that if and when more gas is required, NLC will pay for the drilling and treatment stimulation of additional gas wells to sustain the

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<sup>20</sup> Response to OEB staff interrogatory 1 c)

<sup>21</sup> Application, page 6

<sup>22</sup> Response to OEB staff interrogatory 4 a)

<sup>23</sup> Per Metalore's response to OEB staff interrogatory 4 c), the number of years of remaining service life are estimated to be approximately 23.6 years based on 2018 actual sales volumes.

system requirements<sup>24</sup>. However, Metalore also stated that the addition of the NLC load does not cause a requirement to increase production by Metalore; rather, it reallocates existing production to the NLC Facility that would otherwise have been sold to Enbridge Gas<sup>25</sup>. For this reason, the addition of the NLC Facility load would reduce the amount of gas sold into Enbridge Gas' system, but not reduce gas availability or the number of years of service that would otherwise be available to the FLCs<sup>26</sup>.

The service provided to the FLCs by Metalore and Enbridge Gas is governed by a Field Line Customer Agreement between Metalore and Enbridge Gas. The most recent version of this agreement was filed by Enbridge Gas as part of its submission. Regarding the supply of gas to the FLCs, the Field Line Customer Agreement states that:

- Metalore and Enbridge Gas mutually agree that the constant supply of natural gas is necessary to the FLCs<sup>27</sup>
- Metalore agrees to continue to supply gas to the FLCs as long as there is sufficient gas in its pool to meet their needs, or until such time as Enbridge Gas and Metalore agree to discontinue the supply<sup>28</sup>
- Except in the case of an emergency, Metalore shall not interrupt the supply of gas to the FLCs<sup>29</sup>
- Metalore and Enbridge Gas agree that no additional FLCs will be added unless both parties agree otherwise<sup>30</sup>

OEB staff noted that NLC intends to install a propane back-up system to mitigate the risk of a natural gas service disruption<sup>31</sup>. However, as alternative fuel backup systems are not likely practical for the existing FLCs, OEB staff recommended that Metalore clarify in its reply submission any strategy that it has, or will have, in place that will address supply risks to existing FLCs. OEB staff also suggested that Metalore should 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.

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<sup>24</sup> Response to OEB staff interrogatory 4 c)

<sup>25</sup> Response to OEB staff interrogatory 1 d)

<sup>26</sup> Response to OEB staff interrogatory 4 c) (approximately 24 years of remaining service life)

<sup>27</sup> Field Line Customer Agreement, introductory statements, page 1

<sup>28</sup> Ibid., Article II – Sale of Gas, paragraph 2.02, page 2

<sup>29</sup> Ibid., Article VIII – Field Line Customers, paragraph 8.01, page 3

<sup>30</sup> Ibid., paragraph 8.02, page 3

<sup>31</sup> Response to OEB staff interrogatory 1 d)

In response to an OEB staff interrogatory, Metalore indicated that it believes that, if for any reason it were required, the gas flow into Enbridge Gas' transmission system could be reversed such that gas flowed from the transmission system to the existing field line customers<sup>32</sup>. In its submission, Enbridge Gas noted that it had not been consulted regarding such a reversal nor is its system set up for bi-directional flow. Enbridge Gas indicated that such a delivery system would require system upgrades in order to be accommodated.

Enbridge Gas suggested in its submission that Metalore should be required to provide proof that it will be able to provide ongoing service to existing and future FLCs and to the NLC Facility – including future expansion plans related to the facility, if any.

In response to the comments from OEB staff and Enbridge Gas about security of gas supply to existing FLCs, Metalore filed a document as part of its reply submission titled *Supply Risk Discussion & Strategy for Existing Field Line Customers* (Supply Strategy). Among other things, the Supply Strategy explains the nature of the existing FLC's and forecast NLC Facility's gas demands on Metalore's system, and concludes that there is sufficient gas for the existing FLCs and the NLC Facility.

The Supply Strategy also states that NLC has been informed that gas deliveries to the FLCs would take precedence over deliveries to the NLC Facility, and that regulation equipment will be installed at the tie-in station that will restrict the NLC Facility from drawing gas away from the FLCs during periods of high demand for the FLCs. To be able to heat their facilities during those short periods of maximum FLC gas consumption, NLC is installing propane as backup fuel.

## Findings

The service provided by Enbridge Gas to FLCs using Metalore's system is governed by a Field Line Agreement between Metalore and Enbridge Gas.

Several measures were suggested by the parties in this proceeding to deal with the security of supply to existing FLCs. These measures include curtailment of supply to NLC, reduction of sales to Enbridge Gas, additional gas wells and a propane back-up system. Metalore's Supply Strategy also provides some guidance to deal with the supply security issue.

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<sup>32</sup> Response to OEB staff interrogatory 4 f)

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The OEB will not impose a specific measure to address the issue of supply security for existing FLCs. Determination of the specific measure under particular circumstances, in the OEB's view, is Metalore's responsibility.

Based on the Field Line Customer Agreement and Metalore's Supply Strategy, the OEB is satisfied that service to existing FLCs will not be affected, and is granting this approval on that basis.

### **3.7 Conditions of Approval**

Section 23 of the OEB Act 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 concerns<sup>33</sup>.

In its submission, OEB staff proposed 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. In its submission, Metalore accepted this additional condition.

### **Findings**

The OEB approves the conditions proposed by OEB staff and provided in Schedule B.

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<sup>33</sup> Response to OEB staff interrogatory #11

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## 4 ORDER

### THE ONTARIO ENERGY BOARD ORDERS THAT:

1. A certificate of public convenience and necessity, attached as Schedule C to this Decision and Order, is granted to Metalore Resources Limited to construct pipeline facilities to the New Leaf Canada Walsh facility located on the south half of Lot 16, Concession 5, Norfolk County.
2. A certificate of public convenience and necessity, attached as Schedule D to this Decision and Order, is granted to Metalore Resources Limited to construct tie-in system facilities and supply natural gas to the New Leaf Canada Walsh facility located on the south half of Lot 16, Concession 5, Norfolk County.
3. These certificate approvals are subject to Metalore Resources Limited being in compliance with all related regulatory requirements including the design, operation, maintenance, safety, and integrity requirements under the province's Technical Standards and Safety Authority (TSSA) mandate.
4. Metalore Resources Limited is not permitted to serve additional customers without first applying for and receiving approval of the OEB.
5. Metalore Resources Limited shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at Toronto August 26, 2018

### ONTARIO ENERGY BOARD

*Original Signed By*

Kirsten Walli  
Board Secretary

**SCHEDULE A**  
**DECISION AND ORDER**  
**METALORE RESOURCES LIMITED**  
**EB-2019-0089**  
**PROJECT MAP**  
**AUGUST 26, 2019**



**SCHEDULE B**  
**DECISION AND ORDER**  
**METALORE RESOURCES LIMITED**  
**EB-2019-0089**  
**CONDITIONS OF APPROVAL**  
**AUGUST 26, 2019**

**Metalore Resources Limited**  
**Application for Certificate of Public Convenience and Necessity**

**CONDITIONS OF APPROVAL**

1. Metalore Resources Limited shall give the Ontario Energy Board 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 Resources Limited shall advise the Ontario Energy Board of any change to the proposed facilities as described in its application and evidence, prior to implementing the change.
3. Metalore Resources Limited shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions. Metalore Resources Limited shall provide the employee's name and contact information to the Ontario Energy Board, the four landowners, and clearly post the information at the tie-in station site. The project manager will be responsible for the fulfilment of the conditions of approval on the site.

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

**SCHEDULE C**  
**DECISION AND ORDER**  
**METALORE RESOURCES LIMITED**  
**EB-2019-0089**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**  
**PIPELINE FACILITIES**  
**AUGUST 26, 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, August 26, 2019

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli

Board Secretary

**SCHEDULE D**  
**DECISION AND ORDER**  
**METALORE RESOURCES LIMITED**  
**EB-2019-0089**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**  
**TIE-IN SYSTEM FACILITIES**  
**AUGUST 26, 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, August 26, 2019

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli

Board Secretary