

Osler, Hoskin & Harcourt LLP
Box 50, 1 First Canadian Place
Toronto, Ontario, Canada M5X 1B8
416.362.2111 MAIN
416.862.6666 FACSIMILE

OSLER

Toronto

Montréal

Calgary

Ottawa

Vancouver

New York

April 26, 2019

Patrick Welsh
Direct Dial: 416.862.5951
pwelsh@osler.com

Sent By Electronic Mail, Courier and RESS Electronic Filing

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

Dear Ms. Walli:

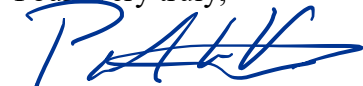
EB-2017-0108: Application for certificates of public convenience and necessity for Norfolk County, the County of Elgin, and the County of Middlesex

Re: Reply Submissions of EPCOR Natural Gas Limited Partnership

In accordance with Procedural Order No. 8, please find enclosed the reply submissions of EPCOR Natural Gas Limited Partnership.

Please do not hesitate to contact me if you have any questions.

Yours very truly,



Patrick G. Welsh

PW:vs

c (email only): Patrick McMahon, *Enbridge Gas Inc.*
Myriam Seers, *Torys LLP*
Susannah Robinson, *EPCOR Natural Gas Limited Partnership*
Dana Bissoondatt, *EPCOR Utilities Inc.*
Azalyn Manzano/Ritch Murray/Richard Lanni, *Ontario Energy Board*
Scott Lewis, *OM Limited Partnership*
Richard King, *Osler, Hoskin & Harcourt LLP*

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Municipal Franchises Act*, R.S.O. 1990,
c. M.55, as amended (the “**Act**”);

AND IN THE MATTER OF an Application by Union Gas Limited
(now Enbridge Gas Inc.) for certificates of public convenience and
necessity for Norfolk County, the County of Elgin and the County of
Middlesex.

**REPLY SUBMISSIONS OF
EPCOR NATURAL GAS LIMITED PARTNERSHIP**

April 26, 2019

OSLER, HOSKIN & HARCOURT LLP
Box 50, 1 First Canadian Place
Toronto, ON M5X 1B8

Patrick G. Welsh
Tel: 416.862.5951
Fax: 416.862.6666
pwelsh@osler.com

Counsel for EPCOR Natural Gas
Limited Partnership

Background

1. On March 29, 2019, EPCOR Natural Gas Limited Partnership (“**ENGLP**”) and Enbridge Gas Inc. (“**EGI**”)(formerly Union Gas Limited) each filed draft orders for Certificates of Public Convenience and Necessity (a “**Certificate**”) for Norfolk County, the Municipality of Central Elgin (“**Central Elgin**”), the Township of Malahide (“**Malahide**”), the Municipality of Bayham (“**Bayham**”) and the Municipality of Thames Centre (“**Thames Centre**”) with the Ontario Energy Board (the “**OEB**”). ENGLP and EGI also filed draft maps for each municipality delineating the areas for which it currently had authorization pursuant to a Certificate (each a “**Map**”).
2. On April 12, 2019, ENGLP, EGI and OEB Staff filed comments regarding the Certificates and Maps filed by the parties. Pursuant to Procedural Order No. 8, the OEB provided the parties with an opportunity for reply. ENGLP provides the following comments in reply to the comments of EGI and OEB Staff.

ENGLP’s Maps and Mapping Capabilities

3. In their submissions, both OEB Staff and EGI commented on the amount of information provided in ENGLP’s Maps. OEB Staff commented that it understood “that EPCOR has less sophisticated mapping resources at its disposal than Enbridge Gas.”¹ This is correct. The OEB and the parties may be aware that ENGLP is in the process of upgrading its mapping technology to include full GIS mapping, however this upgrade is part of a proposed capital plan that is not anticipated to be fully implemented until 2021.² Until this project is complete, EPCOR has prepared its Maps using the technology that is currently available and that are consistent with similar maps previously approved by the OEB.³
4. OEB Staff requested that ENGLP confirm whether ENGLP’s infrastructure is situated throughout the areas contained within its proposed Certificate boundaries. ENGLP can confirm that this is generally the case, and therefore the areas depicted in ENGLP’s Maps depict both ENGLP’s Certificate area (consistent with Certificates previously issued by the OEB) and its infrastructure.
5. Importantly, to the best of ENGLP’s knowledge, it does not serve any customers outside of its Certificated areas. ENGLP’s infrastructure is located in its Certificated areas, however, ENGLP also has infrastructure outside of its Certificated areas necessary to obtain gas supply from EGI. This is why a strict “presence of infrastructure” approach to determining the appropriate Certificate boundaries is not necessarily the best approach. ENGLP submits that historic Certificate boundaries should generally be maintained except

¹ OEB Staff Submissions dated April 12, 2019 (“**OEB Staff Submissions**”) at p. 5.

² See ENGLP’s Cost of Service Application in EB-2018-0336, particularly regarding proposed GIS mapping upgrades.

³ See EB-2017-0232. ENGLP’s Maps are consistent with the map provided with its franchise agreement renewal with Oxford County.

in areas of true overlap. As far as ENGLP is aware, there are no areas where both ENGLP and EGI are serving overlapping customers. Rather, the instances of overlap appear to be a matter of documentation.

6. As noted above, ENGLP has not strayed from its historical Certificate boundaries. ENGLP submits that it would be unfair and unreasonable to remove areas from ENGLP's Certificate that were previously granted to ENGLP except in areas where the documentary overlap needs to be resolved. From what ENGLP can tell, most of the issues of overlap raised by OEB Staff appear to relate to areas where EGI is serving customers outside of its historic Certificate areas. ENGLP respectfully requests that the OEB take a very narrow approach in removing areas from ENGLP and granting them to EGI in the circumstances.
7. In an effort to respond to comments of OEB Staff, ENGLP has prepared excerpts of its Maps indicating the specific location of ENGLP infrastructure within its service areas where there appears to be a documentary overlap. While ENGLP believes that these Maps present an accurate depiction of the location of its infrastructure, they were not prepared using GIS software and are essentially hand-drawn. As the OEB and the parties can appreciate, this is a painstaking process. In response to EGI and OEB Staff's comments and if necessary to further resolve any outstanding issues, ENGLP would be in a position to provide additional Maps containing a (hand-drawn) layer depicting its infrastructure, at the OEB's direction, on or about **May 15, 2019**.

Municipality of Bayham

8. OEB Staff identified certain areas of overlap between ENGLP and EGI's Certificates for Bayham.
9. OEB Staff observed that EGI's draft Certificate for Bayham described EGI's areas as including the north half and south half of certain Lots within Concessions 8 and 9, noting that "half a lot in Concessions 8 and 9 in this area appears to be approximately half a kilometre long (or over 3,000 feet), which would grant [EGI] a much larger area than the 200 foot exclusion in [ENGLP's] certificate and result in an overlap."⁴ As ENGLP explained in its submissions of April 12, the "Omnibus CPCN" (E.B.C. 111 and 119 dated October 15, 1981) clearly granted the rights to these Lots, other than a 200 foot exclusion zone, to ENGLP. OEB Staff observed that EGI's customers appear to be clustered within the 200 foot exclusion zones for Lots 17 through 19, which is the area specifically excluded in ENGLP's Certificate.⁵

⁴ OEB Staff Submission p. 7

⁵ See Figure 3 of OEB Staff Submission, p. 8.

Concession 9

10. Consistent with its draft Certificate and Map for Bayham, and the Omnibus CPCN, ENGLP has infrastructure that runs along the north edge of Lots 17 through 19 on Carson Line in Concession 9 (see Figure 1). ENGLP does not have any underground infrastructure that runs along the southerly 200-foot portion of Lots 17 through 19 on Eden Line in Concession 9, consistent with the Omnibus CPCN.
11. ENGLP confirms that there is no overlap in service to customers and does not oppose granting the areas identified by OEB Staff⁶ to EGI where EGI serves customers because this is consistent with ENGLP's draft Certificate and the Omnibus CPCN. ENGLP otherwise objects to EGI's use of half Lots for the reasons outlined in ENGLP's April 12 submission and as identified by OEB Staff (i.e., it would result in an intrusion of 2800 feet into ENGLP's Certificate area as opposed to a narrower 200-foot exclusion zone).

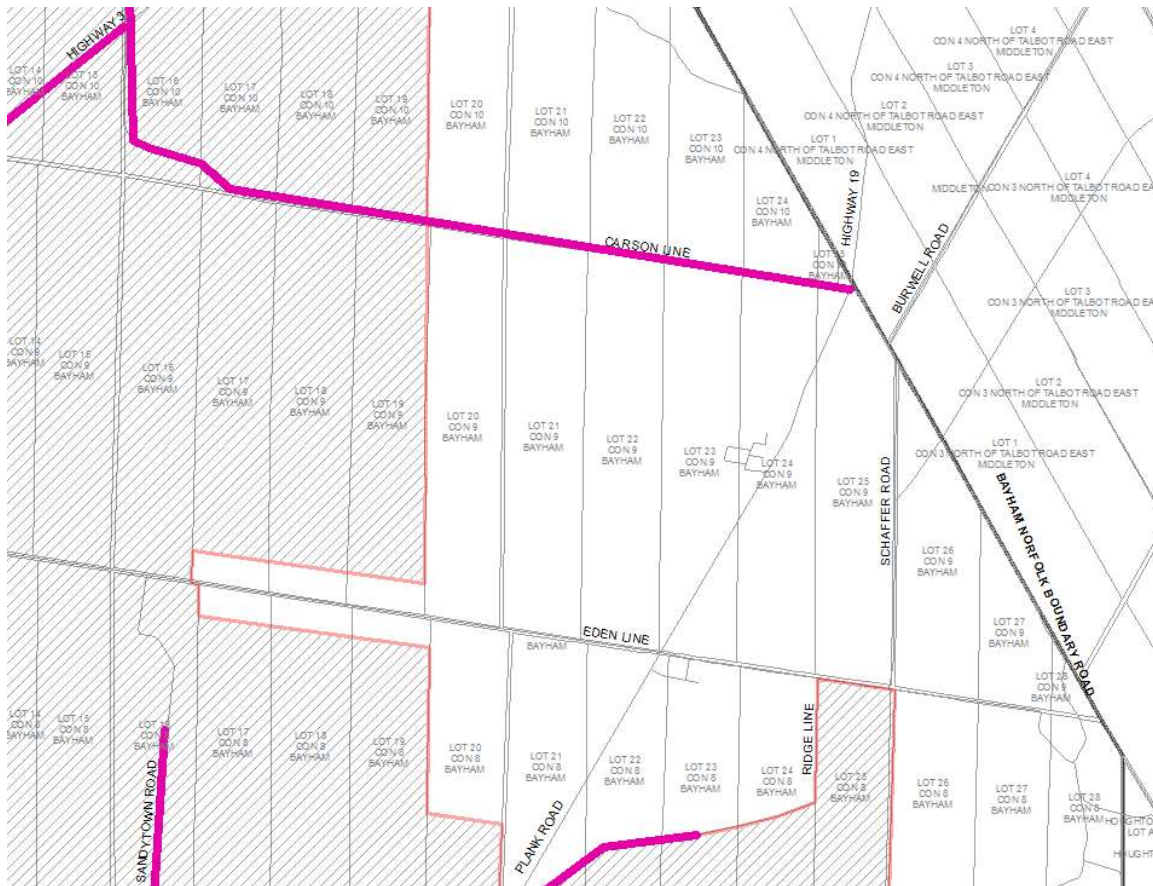


Figure 1 - Concession 9 showing ENGLP infrastructure (pink), including Lots 17 through 19 on Carson Line

⁶ Specifically, the southerly 200 feet of Lot 16 in Concession 9, the northerly 200 feet of Lot 16 in Concession 8, the southerly 200 feet in Lot 19 in Concession 10, the northerly 200 feet in Lot 19 Concession 9, and the north half of Lot 25 in Concession 8.

Concession 8

12. As outlined below in Figure 2, ENGLP has infrastructure in Lot 16 on Sandytown Road (along with three customers) and on Ridge Road in the south half of Lot 20 through 23 (along with nine customers) in Concession 8. ENGLP does not have infrastructure in the north 200 feet of Lots 17 through 19, the north half of Lot 20, and the entirety of Lots 24 through 28, all consistent with the Omnibus CPCN. ENGLP acknowledges that it has no infrastructure in the part of Lot 24 lying north of Ridge Road and all of Lot 25, both of which were granted to ENGLP in the Omnibus CPCN. However ENGLP submits that these Lots (or the portions thereof granted by the Omnibus CPCN) should remain within ENGLP's Certificate area or at most EGI's Certificate should be limited strictly to the metes and bounds in Lots 24 and 25 Concession 8 where it constructed infrastructure and serves customers (without a valid Certificate)(see Figure 3).

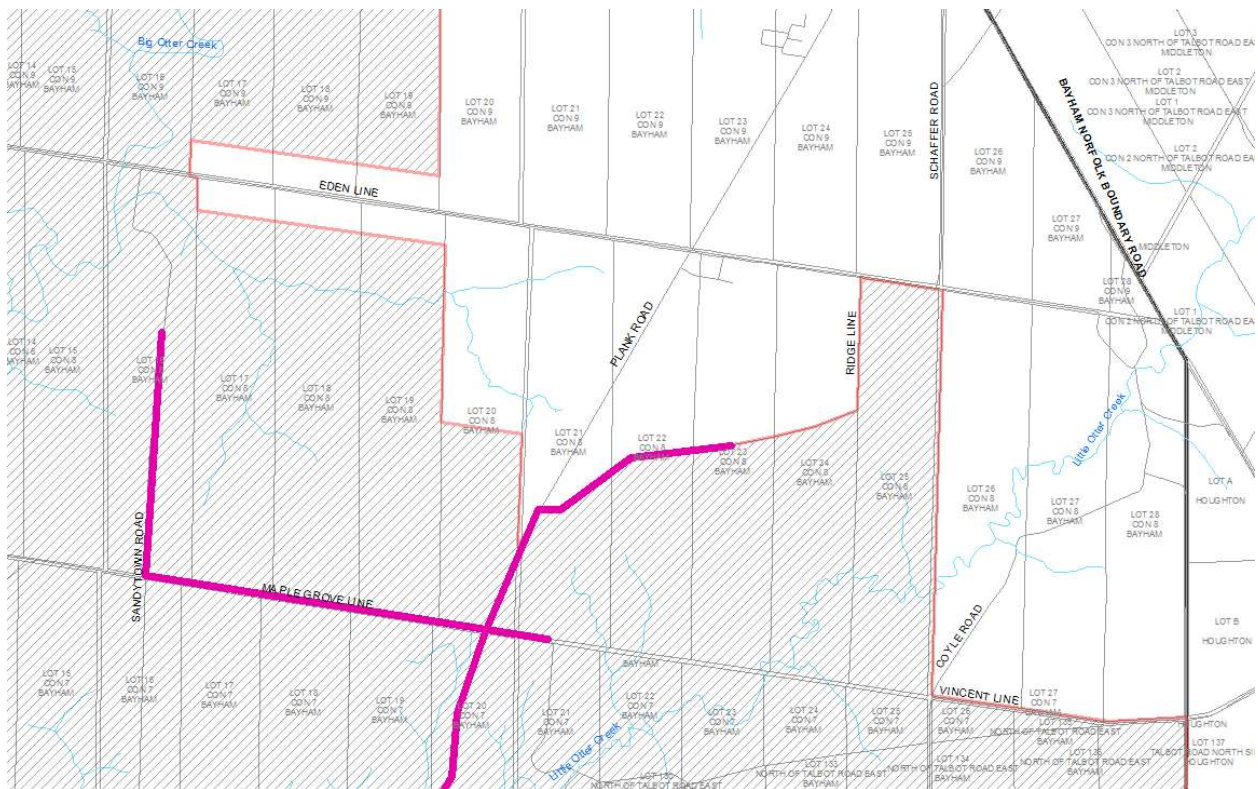


Figure 2 - Certain ENGLP infrastructure (pink) within Concession 8, including Lot 16 and the south half of Lots 20 through 23

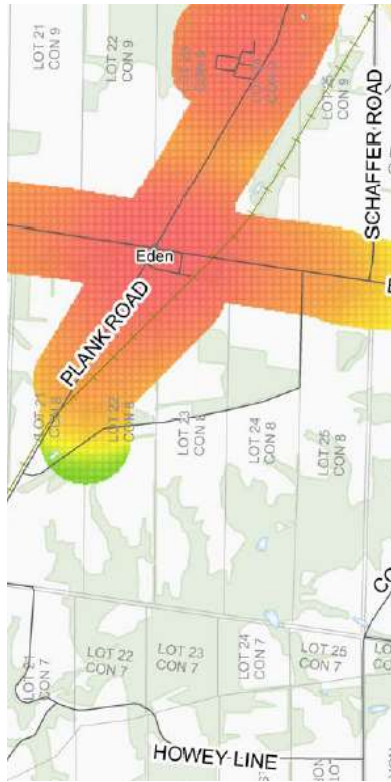


Figure 3 - EGI Map showing customers in the northern portion of Lots 24 and 25, Concession 8.

13. Finally, ENGLP confirms that “the property of Mr. John Siemens Jr., R.R. 1, Eden, Ontario (part of Lot 23, Concession 8)”, which was the language used in the Omnibus CPCN, is the same as 11319 Ridge Road. ENGLP further confirms that it has no objection to referring to that property for the purposes of the Certificates as “11319 Ridge Road”.

Municipality of Central Elgin

14. OEB Staff identified areas in Central Elgin included in ENGLP’s Certificate that were not excluded from EGI’s Certificate, specifically “all those parts of Lots 69, 70, 71, 72 [and 73] lying east of Catfish Creek which runs in a general northeasterly direction through such lots.” As ENGLP outlined in its April 12 submission, these included areas (in ENGLP’s Certificate) were explicitly granted to ENGLP in E.B.C. 242 but were also included in EGI’s draft Certificate and Map.⁷
15. ENGLP confirms that it has infrastructure in Lots 72 and 73 (serving five customers), as outlined in Figure 4. However, ENGLP also acknowledges that it does not have infrastructure in Lots 69, 70 or 71 lying east of Catfish Creek. ENGLP submits that the portions of these Lots should nonetheless remain within ENGLP’s Certificate area

⁷ ENGLP Submissions at p. 5. Note that the omission of Lot 73 from OEB Staff’s commentary appears to be a typographical error, as E.B.C. 242 clearly includes Lot 73 in the description otherwise correctly cited by OEB Staff.

consistent with the explicit grant in E.B.C. 242. Furthermore, it would not be appropriate to include these areas in EGI's Certificate area because it was explicitly excluded from EGI in E.B.C. 242. Finally, as pointed out by OEB Staff, there does not appear to be any EGI infrastructure in these areas, therefore there is no customer or infrastructure overlap requiring resolution (see Figure 5).

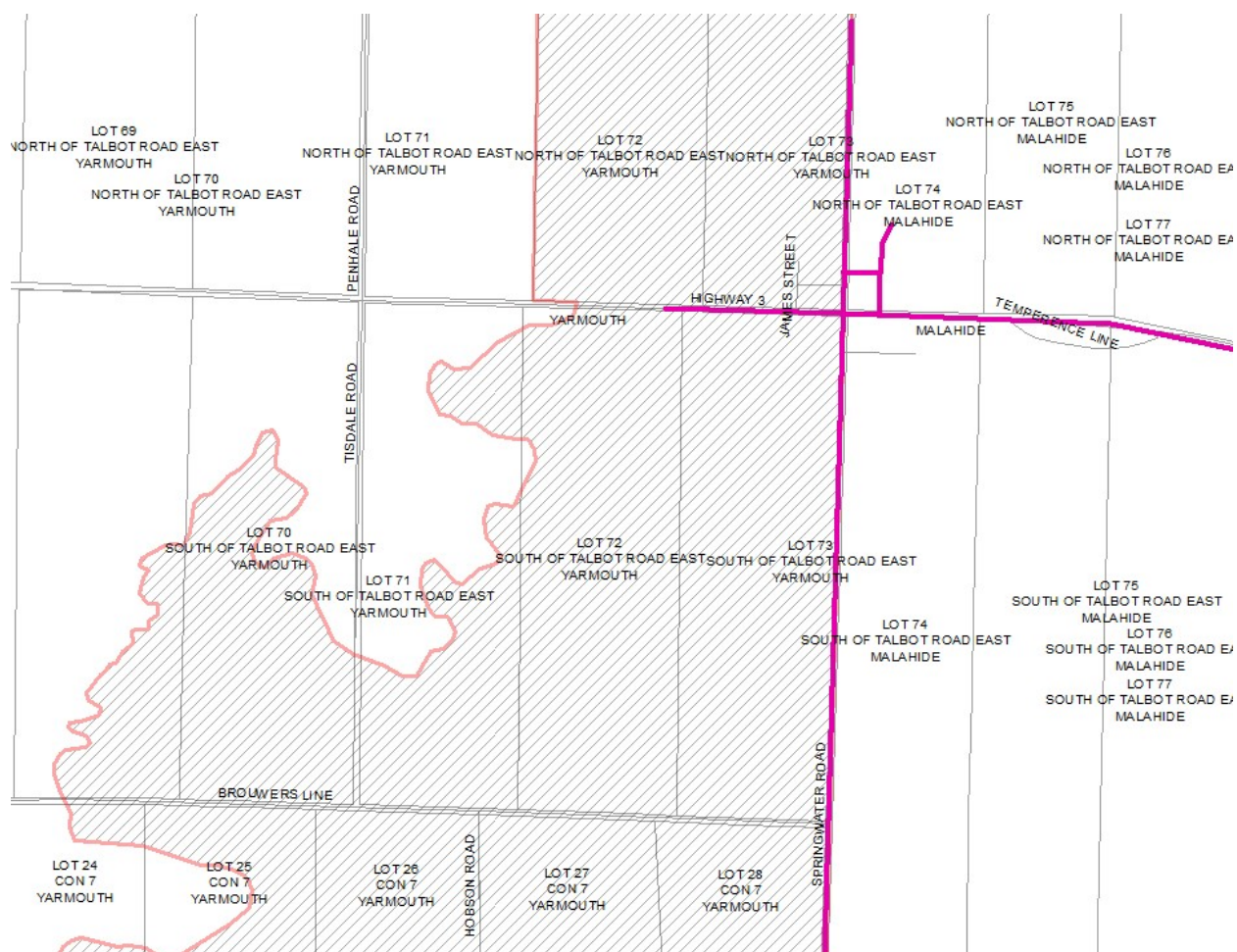


Figure 4 - Certain ENGLP infrastructure (pink) lying east of Catfish Creek

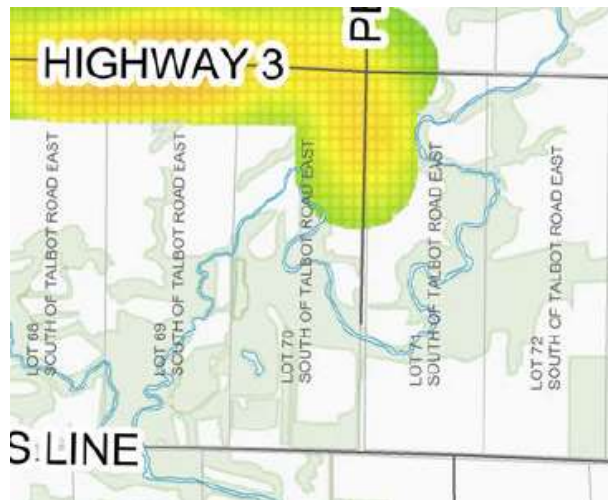


Figure 5 – Excerpt of EGI Map of Central Elgin showing no infrastructure or customers in Lots 69, 70 and 71 east of Catfish Creek.

16. OEB Staff also asked ENGLP to clarify the purpose of the “Excluded Areas” in its Certificate for Central Elgin, commenting that “it would be clearer to simply have [ENGLP’s] certificate be limited to certain areas...”. ENGLP provided the “Excluded Areas” description by referencing EGI’s former Certificates F.B.C. 259 and EB-2017-0810, where the OEB explicitly granted certain areas to EGI, so as to clearly identify areas within Central Elgin not granted to ENGLP. ENGLP does not object to OEB Staff’s suggestion of only specifying the “Included Areas”, subject to further direction from the OEB.

Municipality of Thames Centre

17. OEB Staff identified a typographical error in ENGLP’s Certificate for Thames Centre, namely the duplication of 1(d) and 1(e). ENGLP agrees that it is appropriate to remove one of the duplicates (i.e., 1(e)).
18. OEB Staff also identified certain areas in ENGLP’s draft Certificate that were not excluded from EGI’s draft Certificate for Thames Centre, specifically:
- The north half of Lot 24 in Concession B;
 - Those parts of Lots 21, 22, 23, and 24 in Concession 1 South Division, lying south of Highway 401;
 - The south halves of Lots 1, 2, 11, 18, 19 in Concession 6 South Division; and
 - The west half of the southerly quarter of Lot 20 in Concession 5 South Division (the “**Included Areas**”).

ENGLP notes that these Included Areas were explicitly granted to ENGLP in the Omnibus CPCN and therefore should be explicitly excluded from EGI's Certificate for Thames Centre, as discussed further below.

19. Additionally, OEB Staff identified areas where there appear to be EGI customers within ENGLP's Certificate area (i.e., within the area granted to ENGLP in the Omnibus CPCN), specifically:
- The whole of Lot 24 in Concession A;
 - Part of Lot 10 in Concession 1 South Division, lying south of Highway 401;
 - The whole of Lot 10 in Concession 2 South Division;
 - The whole of Lot A in Concession 4 South Division;
 - The whole of Lot A in Concession 5 South Division; and
 - The south halves of Lots 3, 4, 12, 13 in Concession 6 South Division (the "**Customer Areas**").

Included Areas

20. OEB Staff recommended that the Included Areas be granted to ENGLP and excluded from EGI's Certificate. As shown in Figure 6, ENGLP has infrastructure in the north half of Lot 24 in Concession B (serving 33 customers). ENGLP also has infrastructure in Lots 21, 22 and 24 in Concession 1 South Division, lying south of Highway 401. ENGLP does not have any infrastructure in this portion of Lot 23, however ENGLP submits that this portion of Lot 23 should remain within its Certificate area because EGI does not have any infrastructure or serve any customers here, and therefore there is no overlap issue to address (see Figure 7).

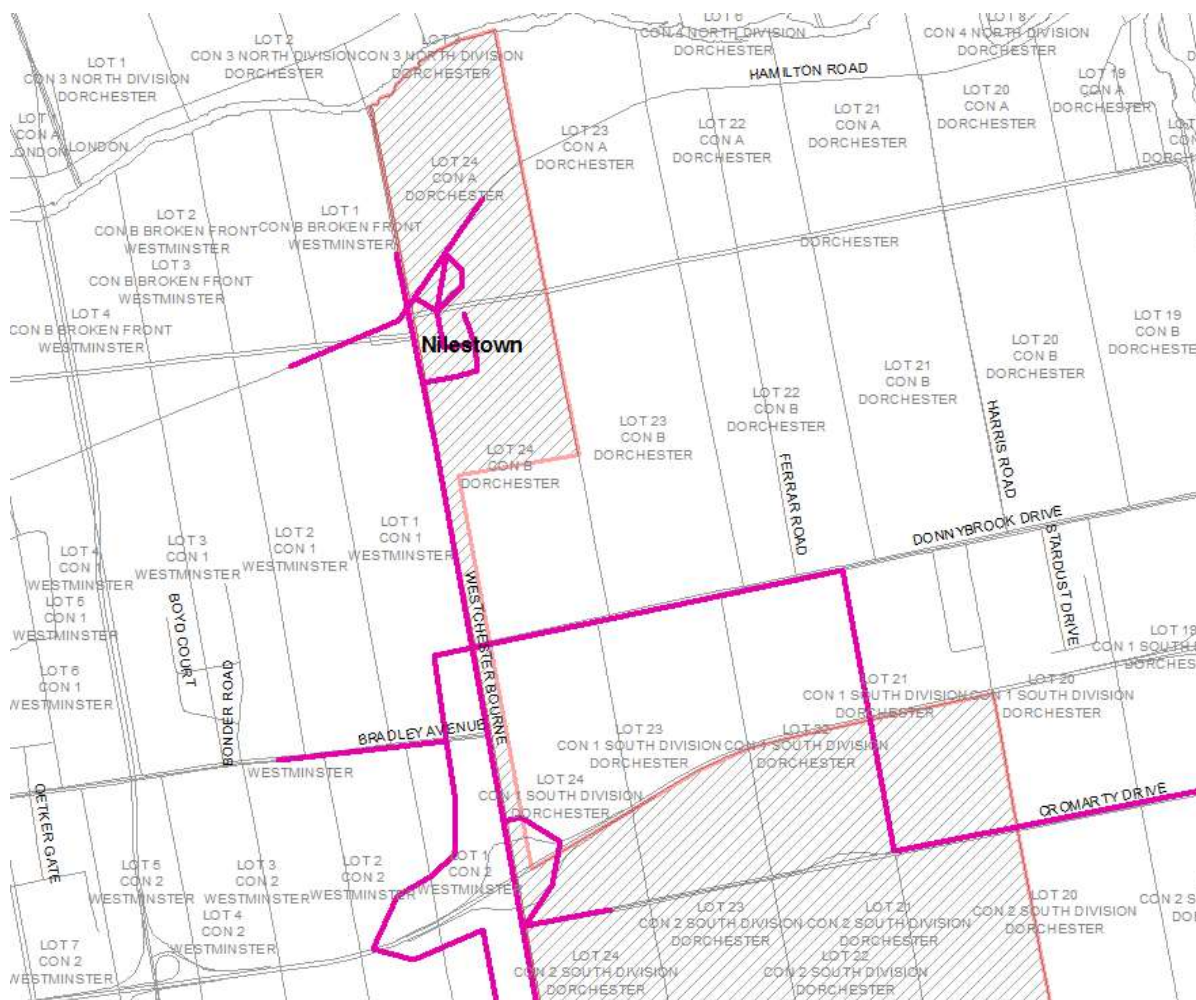


Figure 6 – [redacted] Certain ENGLP infrastructure (pink) within Thames Centre, including the north half of Lot 24 in Concession B, and those parts of Lots 21, 22, and 24 in Concession 1 South Division lying south of Highway 401.



Figure 7 - Excerpt of EGI Map of Thames Centre showing no infrastructure or customers in the parts of Lots 21, 22, 23, or 24 of Concession 1 South Division lying south of Highway 401.

21. ENGLP has infrastructure in the south halves of Lots 1 and 2 (see Figure 8), Lot 11 (see Figure 9), Lots 18 and 19 (see Figure 10), serving 12 customers. ENGLP does not have any infrastructure in Lot 20 in Concession 5 but submits that this area should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, because EGI does not appear to have any infrastructure or serve any customers in this area (see Figure 11) .



Figure 8 – Certain ENGLP infrastructure (pink) within Thames Centre, including the south halves of Lots 1 and 2 in Concession 6, South Division.



Figure 9 – Certain ENGLP infrastructure (pink) within Thames Centre, including the south half of Lot 11 in Concession 6 South Division.



Figure 10 – Certain ENGLP infrastructure (pink) within Thames Centre, including the south halves of Lots 18 and 19 in Concession 6 South Division .



Figure 11 - Excerpt of EGI Map of Thames Centre showing no customers or infrastructure in the west half of the southerly quarter of Lot 20 Concession 5 South Division.

Customer Areas

22. As noted above, OEB Staff identified certain areas included in ENGLP's Certificate and not excluded from EGI's Certificate where EGI appears to serve customers. Also as noted, all of these Customer Areas are explicitly within the areas granted to ENGLP in the Omnibus CPCN.
23. As shown above in Figure 6, ENGLP has infrastructure in Lot 24 Concession A and serves 61 customers. It would appear that ENGLP's infrastructure stops where EGI's infrastructure starts in Lot 24 Concession A, suggesting that there is no overlap in infrastructure or customers (see Figure 12). However, ENGLP again notes that ENGLP was granted "the whole of Lot 24 Concession A" in the Omnibus CPCN. ENGLP disagrees with OEB Staff's suggestion to grant the whole of Lot 24 Concession A to EGI. Rather, the whole of Lot 24 Concession A should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, or at most, EGI's Certificate should be limited strictly to the metes and bounds in Lot 24 Concession A where it constructed infrastructure and serves customers (without a valid Certificate).



Figure 12 - Excerpts of EGI and ENGLP Maps of Thames Centre showing non-overlapping infrastructure in Lot 24 Concession A.

24. As shown below in Figure 13, ENGLP has infrastructure in the part of Lot 10 in Concession 1 South Division, lying south of Highway 401, serving four customers. Also as shown in Figure 13, ENGLP has infrastructure in the whole of Lot 10 in Concession 2 South Division, serving eight customers. It appears that EGI serves customers at the southwest corner of Lot 10 in Concession 1 South Division (see Figure 14). ENGLP disagrees with OEB Staff's suggestion to grant part of Lot 10 in Concession 1 South Division lying south of Highway 401 to EGI. Rather, this area should remain in ENGLP's Certificate area,

consistent with the Omnibus CPCN, or at most EGI's Certificate should be limited strictly to the metes and bounds in part of Lot 10 in Concession 1 South Division lying south of Highway 401 where it constructed infrastructure and serves customers (without a valid Certificate).

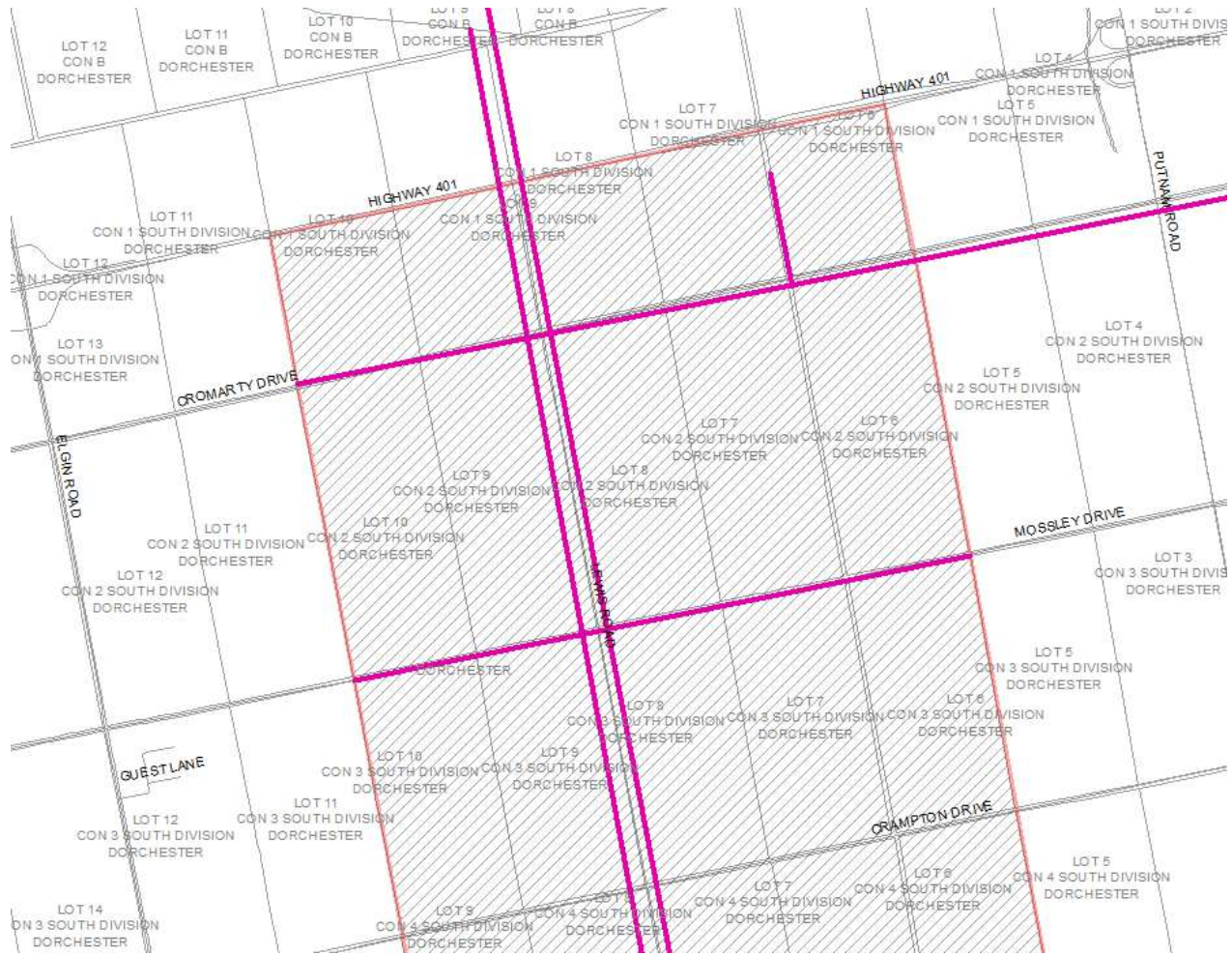


Figure 13 - Certain ENGLP infrastructure (pink) within Thames Centre, including part of Lot 10 in Concession 1 South Division, lying south of Highway 401 and the whole of Lot 10 in Concession 2 South Division.

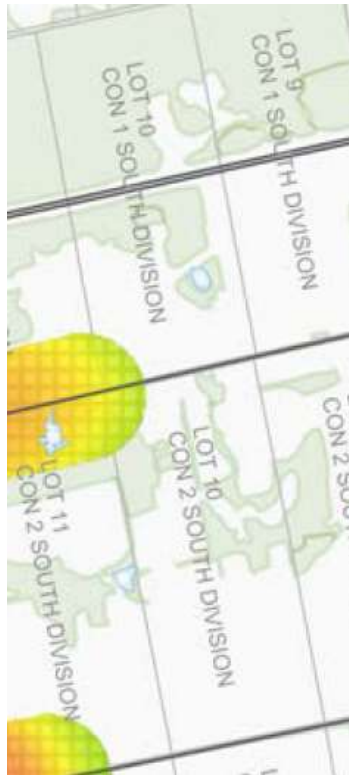


Figure 14 - Excerpt of EGI Map of Thames Centre showing EGI customers in southwest portion of Lot 10, Concession 1 South Division and the northwest portion of Lot 10, Concession 2 South Division.

25. As shown above in Figure 13, ENGLP has infrastructure in the whole of Lot 10 in Concession 2 South Division, serving eight customers. It appears that EGI serves customers in the northwest corner of Lot 10 in Concession 2 South Division (see Figure 14). ENGLP disagrees with OEB Staff's suggestion to grant the whole of Lot 10 in Concession 2 South Division to EGI. Rather, this area should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, or at most, EGI's Certificate should be limited strictly to the metes and bounds in Lot 10 in Concession 2 South Division where it constructed infrastructure and serves customers (without a valid Certificate).
26. As shown in Figure 15, ENGLP does not have infrastructure in Lot A in Concession 4 South Division or in Lot A in Concession 5 South Division, however these areas were granted to ENGLP in the Omnibus CPCN. It appears that EGI serves customers in the southwest corner of Lot A in Concession 4 South Division and in the northwest corner of Lot A in Concession 5 South Division (see Figure 16). ENGLP disagrees with OEB Staff's suggestion to grant the whole of Lot A in Concession 4 South Division and the whole of Lot A in Concession 5 South Division to EGI. Rather, these areas should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, or at most EGI's Certificate should be limited strictly to the metes and bounds in Lot A in Concession 4 South Division and Lot A in Concession 5 South Division where it constructed infrastructure and serves customers (without a valid Certificate).



Figure 15 - Certain ENGLP infrastructure (pink) within Thames Centre, showing the area near Lot A Concession 4 South Division and Lot A Concession 5 South Division.



Figure 16 - Excerpt of EGI Map of Thames Centre showing EGI customers in the southwest corner of Lot A, Concession 4 South Division and the northwest corner of Lot A Concession 5 South Division.

27. Finally, ENGLP has infrastructure in the south halves of Lots 3 and 4 (see Figure 8) and Lots 12 and 13 (see Figure 9) in Concession 6 South Division, serving 53 customers. It appears that EGI serves customers primarily in the north halves of Lots 3, 4, 12 and 13 in Concession 6 South Division, but may intrude slightly into the northern portion of the south halves of these Lots (see Figure 17). ENGLP disagrees with OEB Staff's suggestion to grant the south halves of Lots 3, 4, 12 and 13 in Concession 6 South Division to EGI. Rather, these areas should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, or at most EGI's Certificate should be limited strictly to the metes and bounds in the south halves of Lots 3, 4, 12 and 13 in Concession 6 South Division where it constructed infrastructure and serves customers (without a valid Certificate).

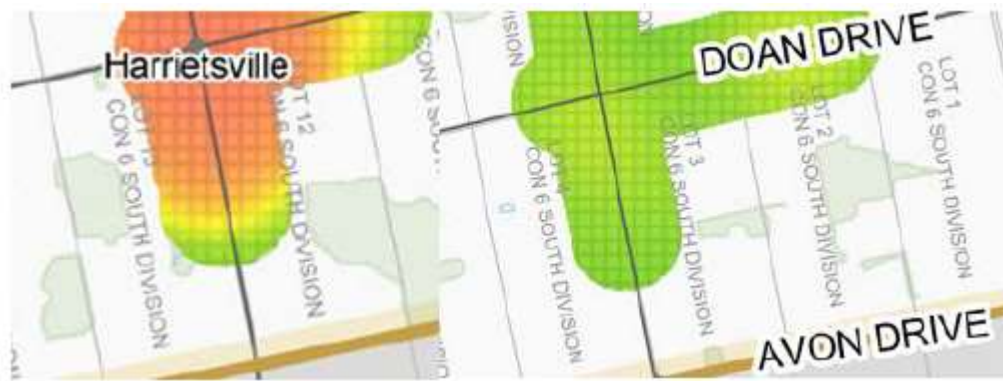


Figure 17 - Excerpts of EGI Map of Thames Centre showing EGI customers primarily in the north halves of Lots 3, 4, 12 and 13 of Concession 6 South Division.

Norfolk County

28. OEB Staff identified areas excluded by EGI in its draft Certificate for Norfolk County where EGI appears to have infrastructure, namely Lot 1 in each of Concessions 9, 10, 13 and 14 in the former Township of North Walsingham and Lots 2 and 4 in Concession 7. OEB Staff suggested that these areas be included in EGI's Certificate and excluded from ENGLP's Certificate unless ENGLP also provides service in the areas.
29. First, the Omnibus CPCN granted, *inter alia*, the whole of Lot 1 in Concessions 13 and 14, the south halves of Lots 2 and 4 in Concession 7, the whole of Lot 1 in Concession 10, save and except all of the southerly 200 feet of the said Lot except the westerly 200 feet of the said southerly 200 feet, and the whole of Lot 1 in Concession 9, save and except all of the northerly 200 feet of the said lot except the westerly 200 feet of the said northerly 200 feet to ENGLP, all of which are reflected in ENGLP's draft Certificate.
30. As shown in Figure 18, ENGLP has infrastructure in the southwest corner of Lot 1 Concession 9 but no infrastructure in Lot 1 Concession 10. EGI appears to have infrastructure and serve customers in the northerly portion of Lot 1 Concession 9 and the southerly portion of Lot 1 Concession 10, which appears to be consistent with the areas excluded from ENGLP's Certificate area and the Omnibus CPCN (see Figure 19). ENGLP disagrees with OEB Staff's suggestion to grant all of Lot 1 Concession 9 and Lot 1 Concession 10 to EGI. Rather, ENGLP proposes that EGI's Certificate include the

northerly 200 feet of Lot 1 Concession 9 (except the westerly 200 feet of the said northerly 200 feet) and the southerly 200 feet of Lot 1 Concession 10 (except the westerly 200 feet of the southerly 200 feet), consistent with the Omnibus CPCN, where EGI has infrastructure and serves customers.

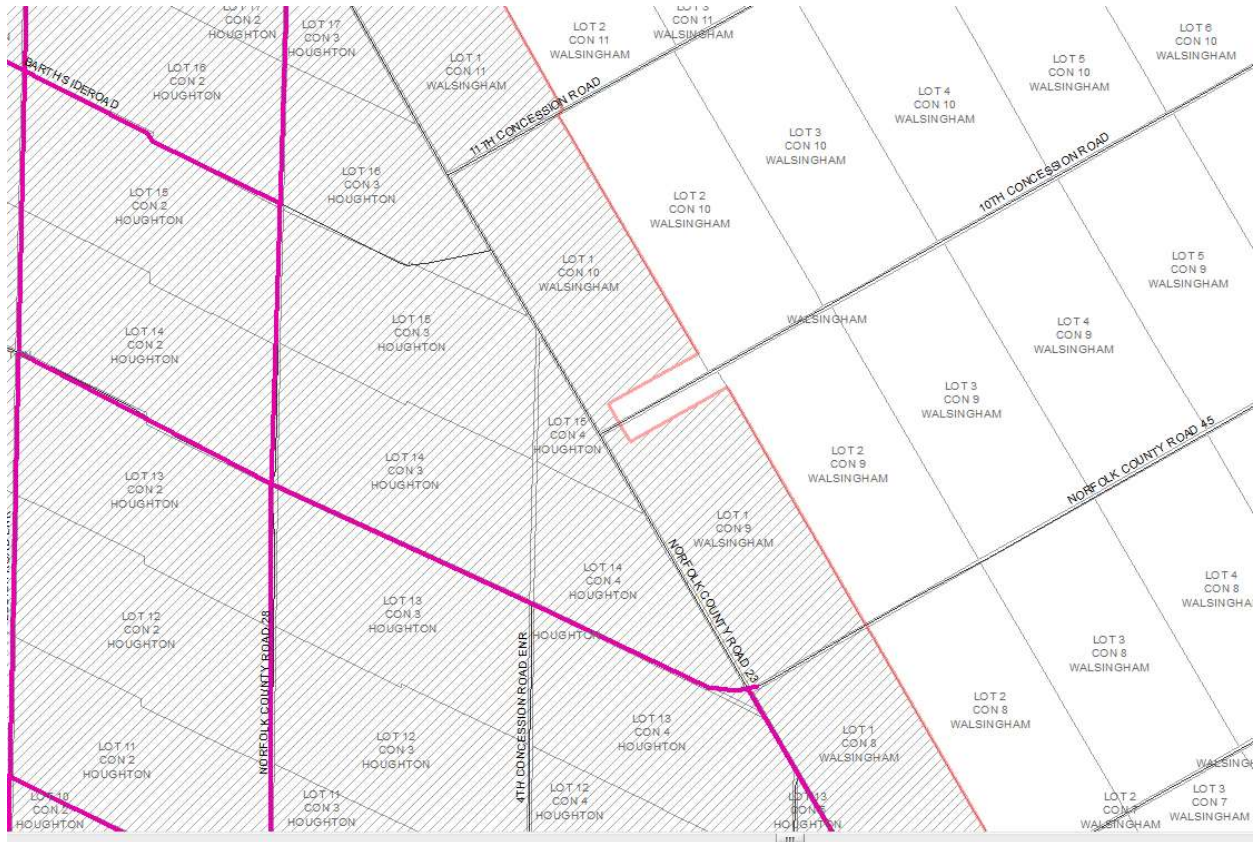


Figure 18 - Certain ENGLP infrastructure (pink) within Norfolk County, including Lot 1 Concession 9.



Figure 19 - Excerpt of EGI Map of Norfolk County showing customers in the northerly portion of Lot 1 Concession 9 and the southerly portion of Lot 1 Concession 10.

31. As shown in Figure 20, ENGLP has infrastructure in Lot 1 Concession 13 and Lot 1 Concession 14, serving 42 customers. As noted above, the Omnibus CPCN granted the whole of Lot 1 in Concessions 13 and 14 to ENGLP. It appears that EGI serves customers in the northerly portion of Lot 1 Concession 13 and the southerly portion of Lot 1 Concession 14 (see Figure 21). ENGLP disagrees with OEB Staff's suggestion to grant the whole of Lot 1 Concession 13 and Lot 1 Concession 14 to EGI. Rather, these areas should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, or at most EGI's Certificate should be limited strictly to the metes and bounds in the northern portion of Lot 1 Concession 13 and the southern portion of Lot 1 Concession 14 where it constructed infrastructure and serves customers (without a valid Certificate).

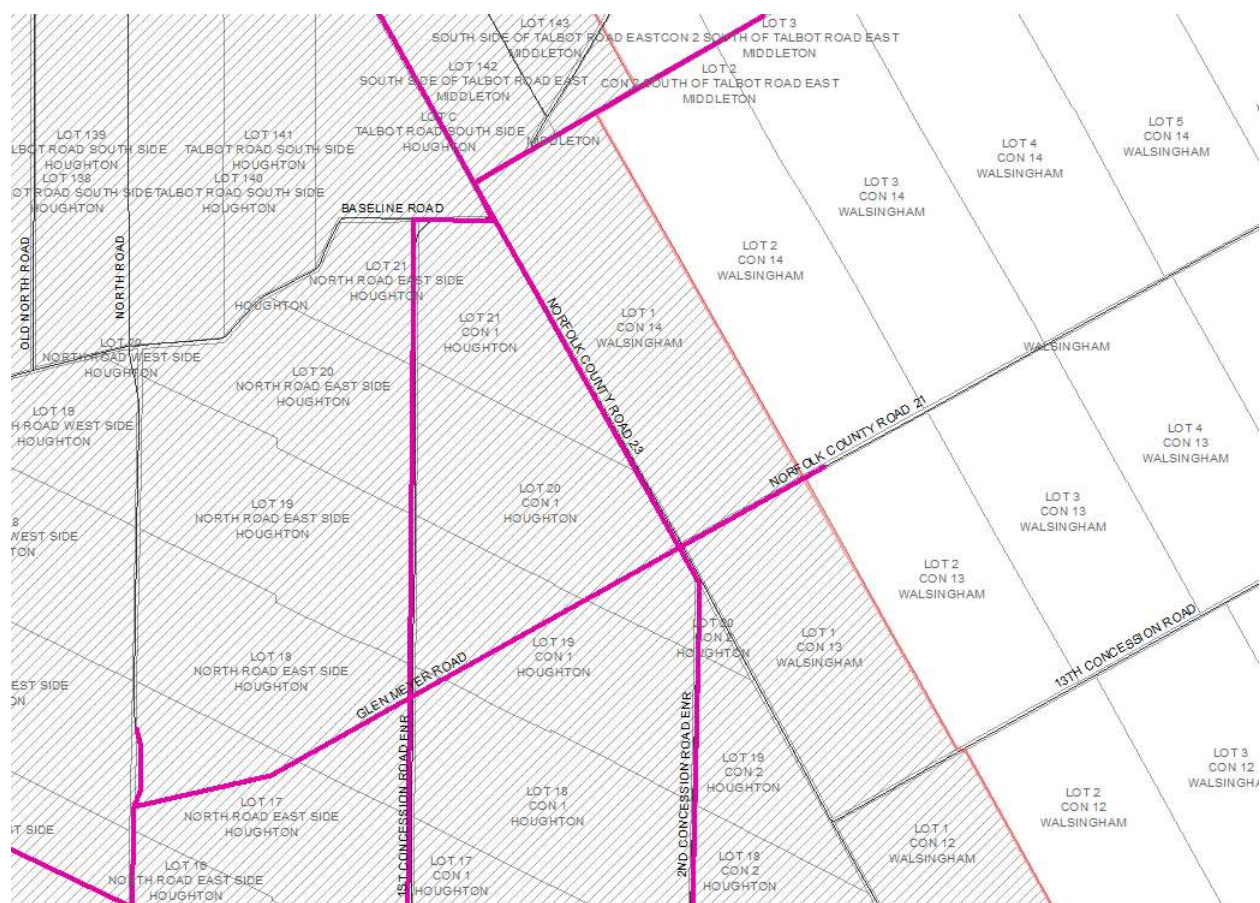


Figure 20 - Certain ENGLP infrastructure (pink) in Norfolk County, including Lot 1 in Concessions 13 and 14.



Figure 21 - Excerpt of EGI Map of Norfolk County showing customers in the northerly portion of Lot 1 Concession 13 and the southerly portion of Lot 1 Concession 14.

32. As shown in Figure 22, ENGLP has infrastructure in Lot 2 Concession 7, serving two customers. ENGLP does not have infrastructure in Lot 4 Concession 7. As noted above, the Omnibus CPCN granted ENGLP the south halves of Lots 2 and 4 in Concession 7. Further, as the OEB has noted, a Certificate for portions of the north half of Lot 2 Concession 7 has been granted to OMLP.⁸ It appears that EGI is serving customers in the very northern portions of Lots 2 and 4 Concession 7 (see Figure 23). As such, ENGLP disagrees with OEB Staff's suggestion to grant the whole of Lots 2 and 4 in Concession 7 to EGI. Rather, the southern portions of Lots 2 and 4 in Concession 7 should remain in ENGLP's Certificate area, consistent with the Omnibus CPCN, or at most EGI's Certificate should be limited strictly to the metes and bounds in the northern portion of Lots 2 and 4 in Concession 7 where it constructed infrastructure and serves customers (without a valid Certificate), and in a manner that does not conflict with OMLP's Certificate.

⁸ See EB-2017-0289 for OMLP's Certificate.

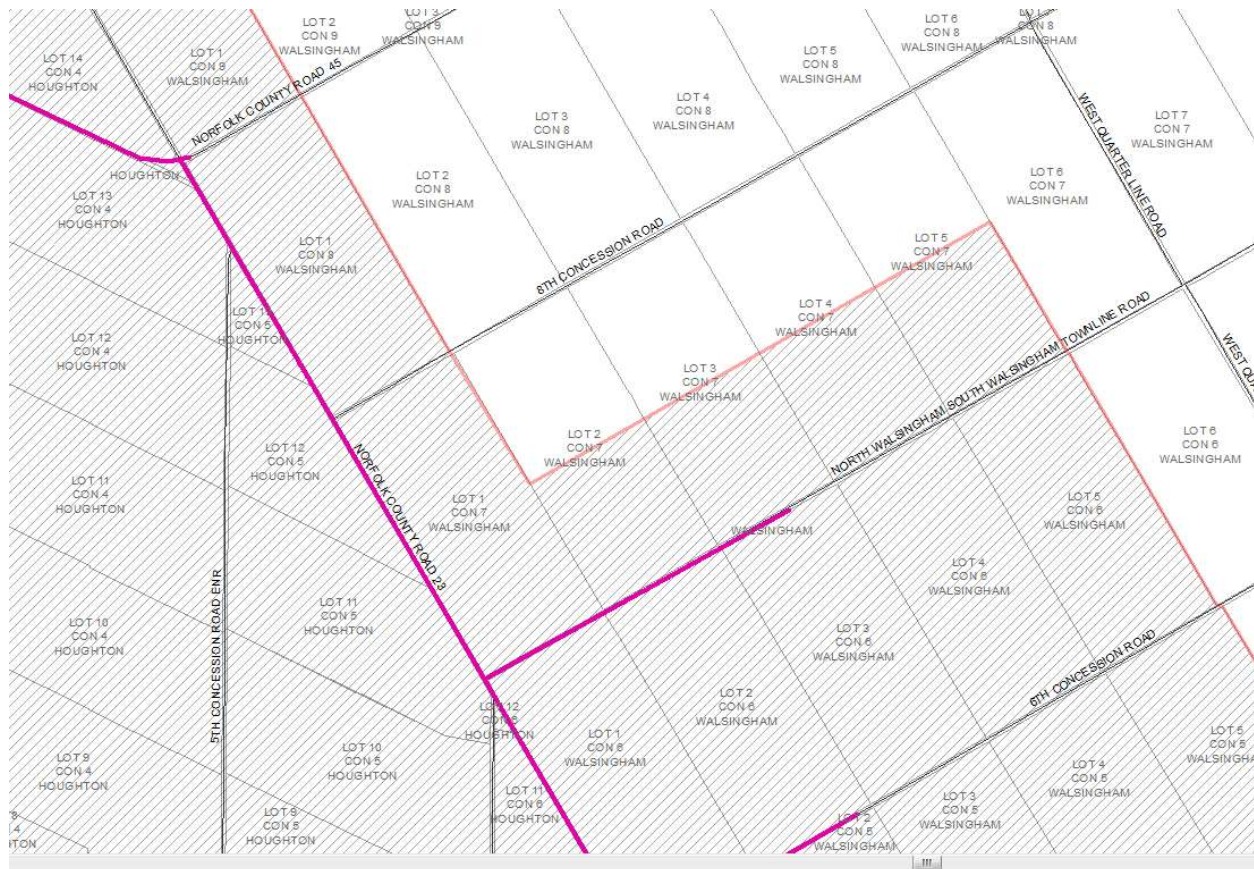


Figure 22 - Certain ENGLP infrastructure (pink) in Norfolk County, including Lot 2 Concession 7.



Figure 23 - Excerpt of EGI Map of Norfolk County showing EGI customers in the northern portion of Lots 2 and 4, Concession 7.

33. Finally, ENGLP has observed that, in the former Township of Houghton, it did not include the southern half of Lot B in its Map despite this Lot being included in its draft Certificate (and the Omnibus CPCN). Included as Schedule "A" are revised Maps of Norfolk County including infrastructure therein reflecting this correction. As noted, ENGLP is not able to generate a full Map of Norfolk County except as provided in Schedule "A". It is not clear to ENGLP whether OEB Staff had additional specific comments regarding the previous Norfolk County Maps.

Conclusion

34. ENGLP agrees with OEB Staff that a number of inconsistencies and overlap issues have been resolved with the previous filing of draft Orders. ENGLP provides the above information, including more detailed mapping information, in order to resolve the areas of true documentary overlap. As noted, to the best of ENGLP's knowledge, it is not serving customers outside of the areas designated by its historic Certificates. Therefore, should the OEB decide to "normalize" these issues of overlap, ENGLP respectfully requests that the OEB only remove Certificate territory from ENGLP in a narrow fashion, and if required, only to the extent necessary to account for instances where EGI has strayed beyond its boundaries.
35. Additionally, ENGLP respectfully requests that the OEB provide further opportunity to submit revised Certificates and Maps, and if necessary further submissions, following the OEB's determination on the submissions filed to-date. ENGLP would also appreciate further direction from the OEB regarding the remainder of the Omnibus CPCN, as raised previously by ENGLP in its submissions.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

April 26, 2019



Patrick G. Welsh
Osler, Hoskin & Harcourt LLP
Counsel for EPCOR Natural Gas Limited Partnership

SCHEDULE “A” – NORFOLK COUNTY MAPS

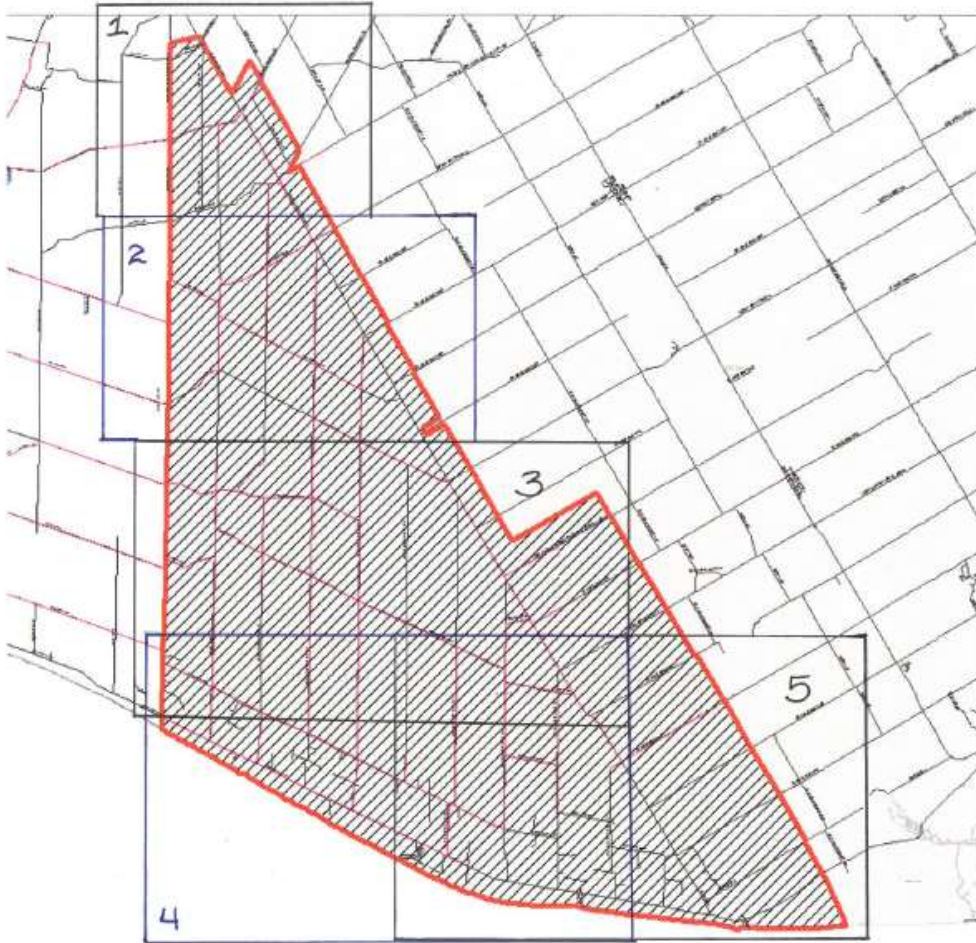


Figure 24 - ENGLP Combined Map of Norfolk County. See Figure 25 to Figure 29 for individual segments.

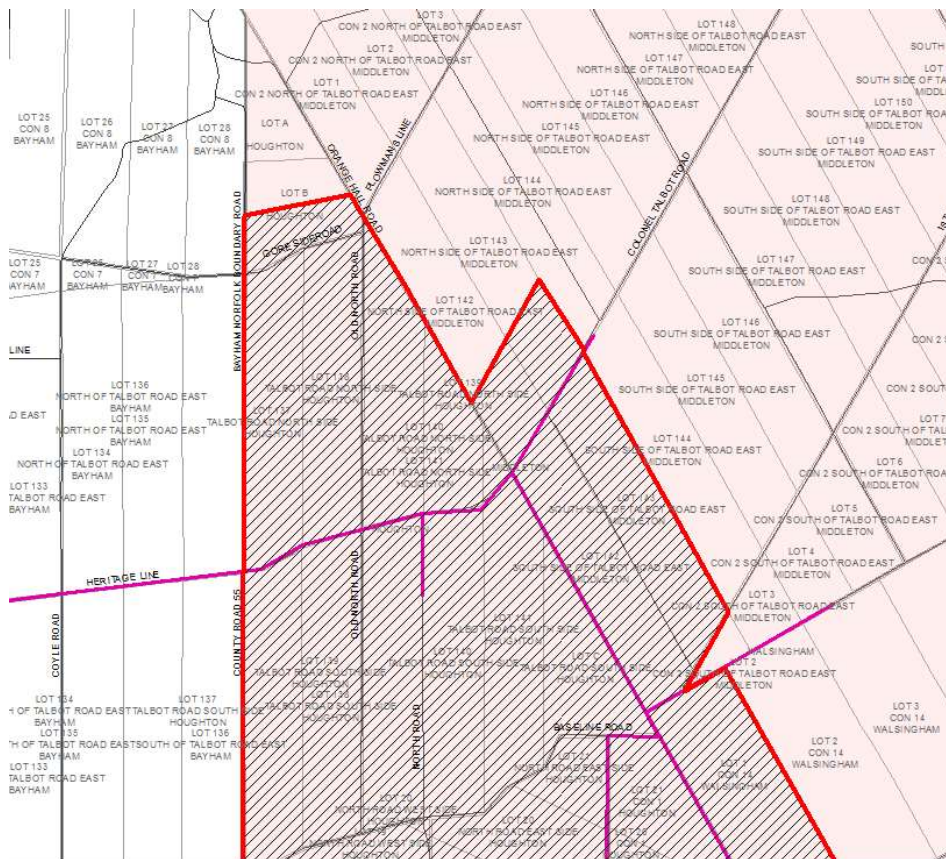


Figure 25 - Norfolk County, Segment 1 (see Figure 24 for segments).

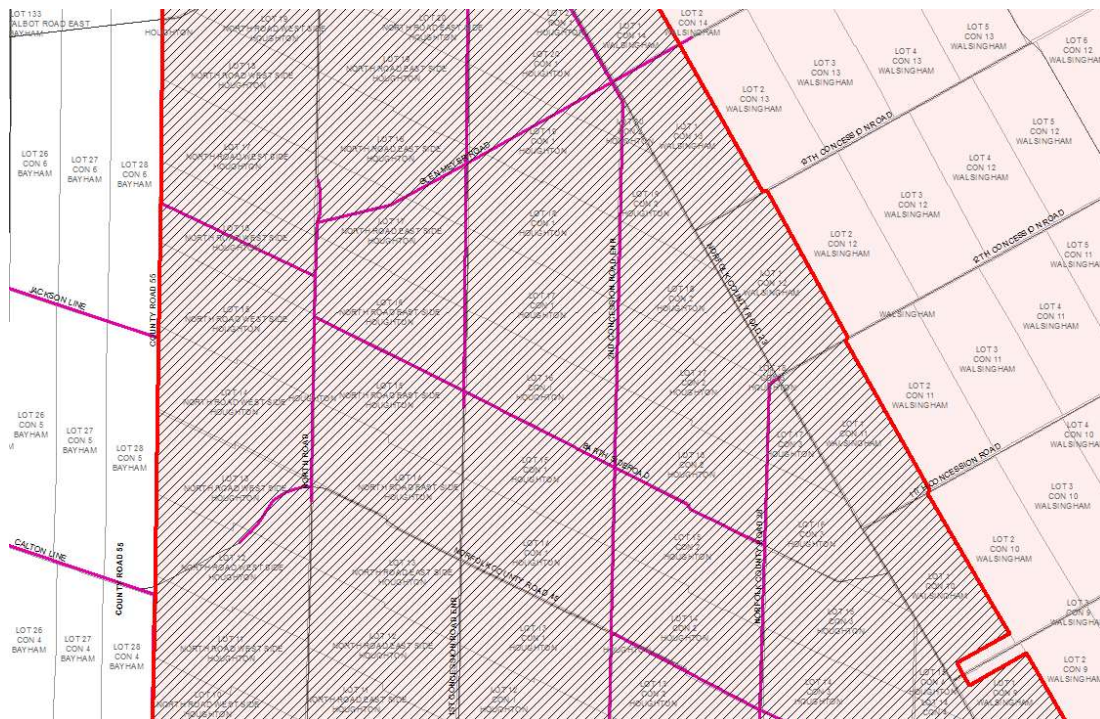


Figure 26 - Norfolk County, Segment 2 (see Figure 24 for segments).

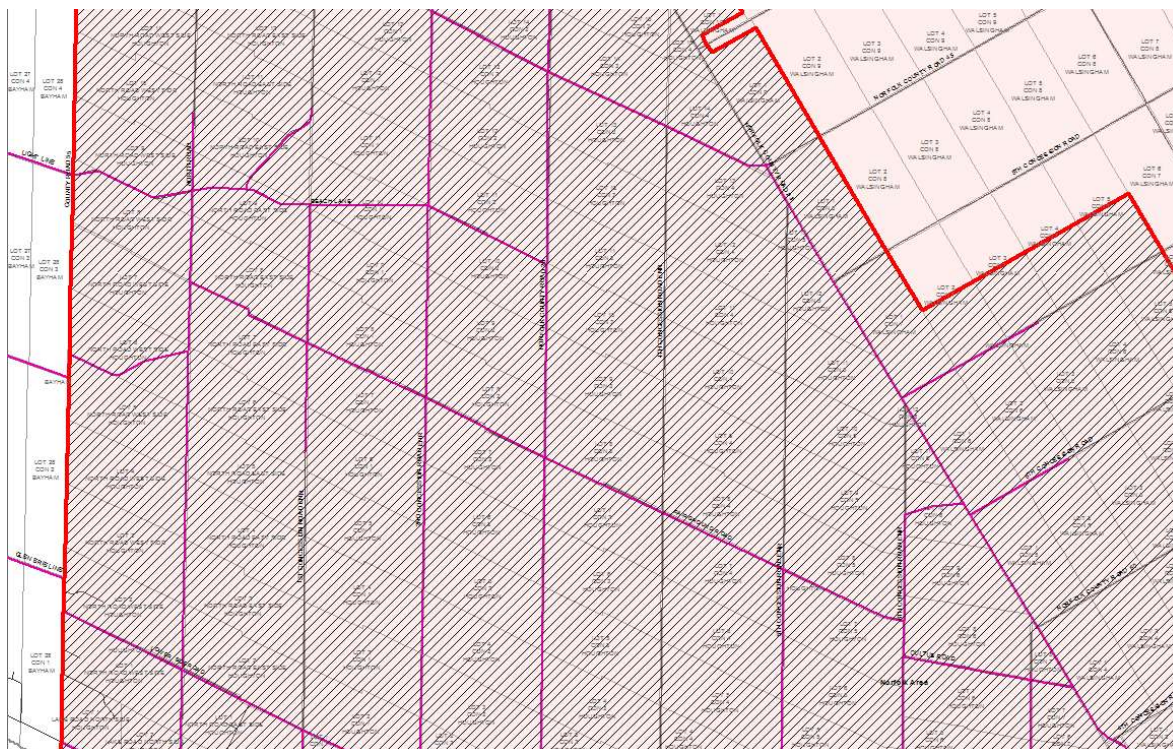


Figure 27 - Norfolk County, Segment 3 (see Figure 24 for segments).

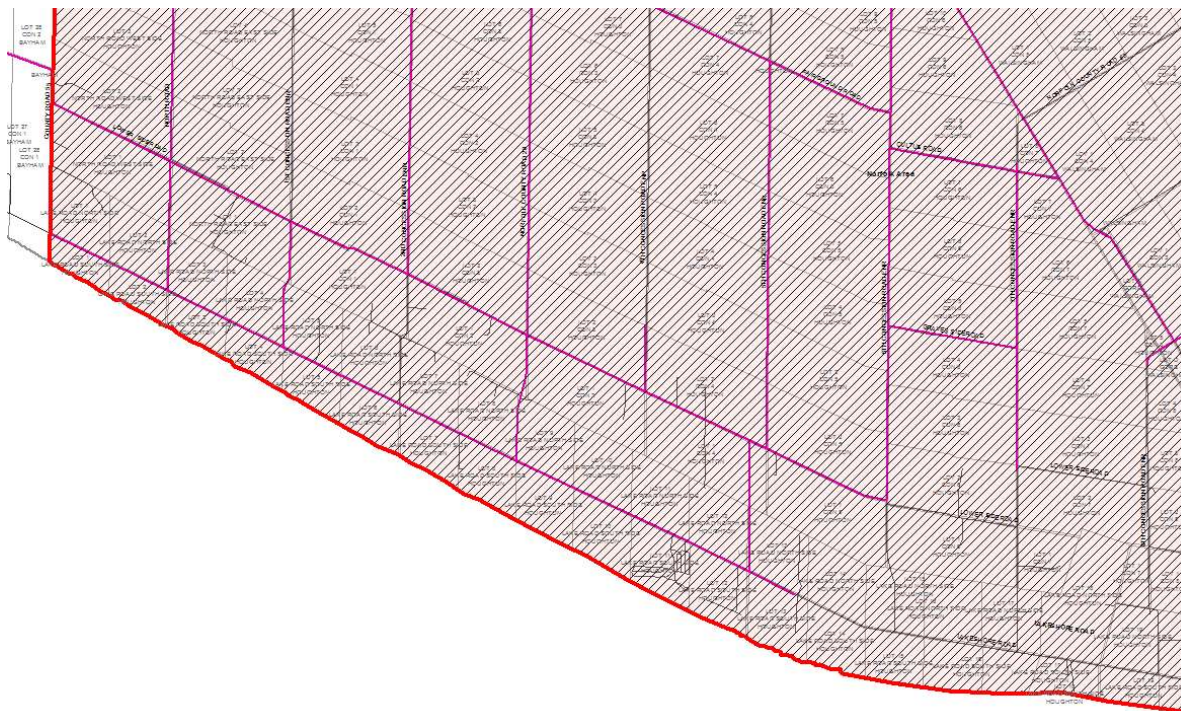


Figure 28 - Norfolk County, Segment 4 (see Figure 24 for segments).

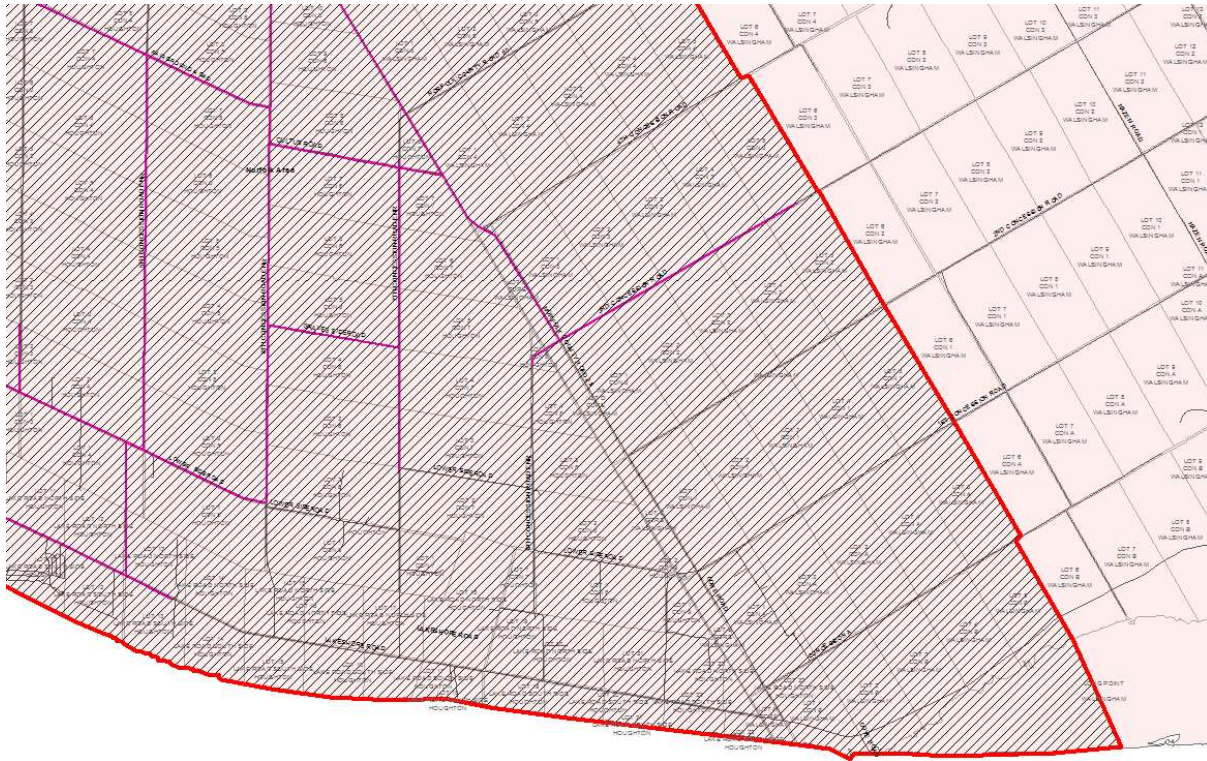


Figure 29 - Norfolk County, Segment 5 (see Figure 24 for segments).