

April 26, 2019

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

Dear Ms. Walli:

**Re: Certificates of Public Convenience and Necessity  
Norfolk County, the County of Elgin and the County of Middlesex  
Ontario Energy Board File Number: EB-2017-0108**

Following are the reply submissions of Enbridge Gas Inc. on the April 12, 2019 submissions by OEB Staff and EPCOR Natural Gas Limited Partnership (EPCOR) on the draft Certificates of Public Convenience and Necessity (CPCNs) and service area maps submitted by Enbridge and EPCOR.

**Reply to OEB Staff Submissions**

Enbridge Gas agrees with OEB Staff's submission that the customer density maps submitted by EPCOR do not provide sufficient detail regarding where exactly EPCOR's customers / infrastructure are located within its proposed CPCN service areas.<sup>1</sup>

The customer density maps EPCOR provided for Norfolk County, the Municipality of Bayham, the Municipality of Central Elgin, the Township of Malahide and the Municipality of Thames Centre in its March 29, 2019 submission fall short of the requirement to show the location and density of EPCOR's customers and infrastructure within these municipalities. The maps provided by EPCOR do not allow for any specific metes and bounds determination to be made of where EPCOR's facilities are specifically located within these municipalities nor does it allow the OEB to determine the specific metes and bounds limitations of EPCOR's CPCNs for these municipalities.

OEB Staff state in their submission that their understanding is that EPCOR has less sophisticated mapping resources at its disposal than Enbridge Gas.<sup>2</sup> In Schedule A to its April 12, 2019 submission, EPCOR has provided partial maps of various parts of its service area showing lots and concessions. In December 2017, EPCOR submitted maps as part of this proceeding showing where their infrastructure and customers are located. This appears to indicate that a more precise mapping in lots and concessions of the location of EPCOR's customers and infrastructure is achievable.

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<sup>1</sup> OEB Staff submission, page 6

<sup>2</sup> OEB Staff submission, page 5

Based on maps that were submitted by EPCOR in this proceeding in December 2017, Enbridge Gas submits that the OEB cannot assume that EPCOR's infrastructure is in place throughout the entirety of its proposed CPCN service areas. The maps previously submitted by EPCOR showing the specific location of its facilities should be used to better isolate areas to which EPCOR's CPCNs should apply.

#### County of Elgin – Municipality of Bayham

In response to OEB Staff's observations:

- Enbridge Gas can confirm that it has infrastructure in place in the northern halves of Lots 16 through 25 in Concession 8, the south halves of Lots 19 through 19 in Concession 9 and Lots 26 through 28 in Concession 8 so these areas should remain within Enbridge's CPCN service area.
- Enbridge Gas can confirm that it does not currently have infrastructure in place in Lot 16 in Concession 9 nor in Lot 19 in Concession 10.
- Enbridge Gas can confirm that it does not have infrastructure within Lots 15 through 18 in Concession 11.

An updated proposed CPCN and CPCN map for the Municipality of Bayham is attached to this reply submission.

Based on an email exchange with EPCOR's Bruce Brandell on March 27, 2019, Enbridge Gas understands that the service location previously identified as "the property of Mr. John Siemens Jr., R.R. 1, Eden, Ontario (part of Lot 23, Concession 8)" can be specifically identified as 11319 Ridge Road and that the property has changed hands a few times since the original service was provided to Mr. Siemens in 1981. As a result, the description contained with EPCOR's CPCN EBC 111/119 is no longer accurate.

#### County of Elgin – Municipality of Central Elgin

Enbridge Gas submits that the area identified in EPCOR's proposed CPCN for the Municipality of Central Elgin as "All those parts of Lots 69, 70, 71, 72 and 73 in Concession 8 lying east of Catfish Creek which runs in a general north-easterly direction through such lots" can also be described as "Lots 69, 70, 71, 72 and 73 South of Talbot Road East".

Enbridge Gas can confirm that it does have infrastructure within Lots 69, 70 and 71 South of Talbot Road East located west of Catfish Creek but does not have infrastructure in place within Lots 72 and 73 South of Talbot Road East.

For the Municipality of Central Elgin, Enbridge Gas submits that its CPCN should exclude Lots 72 and 73 South of Talbot Road East and EPCOR's CPCN should only include those parts of Lots 69, 70, 71, 72 and 73 South of Talbot Road East in which it can identify having infrastructure in place. If EPCOR does not provide evidence that it has infrastructure in these lots, they should be excluded from EPCOR's CPCN for Central Elgin.

#### County of Elgin – Township of Malahide

Enbridge Gas can confirm that it does not serve any customers within Lot 24, Concession 12. The customer density map submitted for the Township of Malahide shows a green area in the corner of this lot because Enbridge Gas has 4 customers in Lot 24, Concession 11 Southern Division and one that is on the west side of Belmont Road adjacent to Concession 12. The customer density area appears to overlap Lot 24, Concession 12 due to the 205 meter radial buffers depicted around our pipelines by the mapping system that does not “cut” them straight at the end of the pipe. The specific wording within the proposed CPCN should be sufficient to identify service areas.

#### County of Middlesex – Municipality of Thames Centre

Enbridge Gas can confirm that it does not have infrastructure in place within:

- 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
- The west half of the southerly quarter of Lot 20 in Concession 5 South Division
- The west side of Lot 24 in Concession A
- The southwest corner of Lot 10 in Concession 1 South Division, lying south of Highway 401
- The northwest corner of Lot 10 in Concession 2 South Division
- The south half of Lot A in Concession 4 South Division
- Lot 20, Concession 2 South Division
- Lot 20, Concession 3 South Division
- Lot B, Concession 3 South Division

Enbridge Gas can confirm that it does have infrastructure in place within:

- The north half of Lot A in Concession 5 South Division
- Lots 3, 4, 12, 13 in Concession 6 South Division

Given the lack of detail provided in maps submitted by EPCOR, Enbridge Gas cannot confirm the existence of EPCOR infrastructure within these specific lots and concessions.

An updated proposed CPCN for the Municipality of Thames Centre is attached to this reply submission.

#### Norfolk County

Customer density mapping is an interpolation function that uses kernel density estimation to generate density maps. Estimation probability of concentration of high and low incidents is used to identify clusters in a geographic space. In the customer density maps created by Enbridge, the density areas are calculated from customer locations within a 250 meter radius from our pipelines. There may be anomalies due to the radial buffers depicted around our pipelines because the mapping system does not ‘cut’ them straight at end of pipe. The 250 meter buffer is selected in order to capture all customers in proximity to the pipeline.

The customer density map submitted by Enbridge Gas for Norfolk County shows a green area on both the south and north sides of the 10<sup>th</sup> Concession Road (and within Lot 1 in Concessions 9 and 10) because the customer density calculation is based on a 250 meter buffer regardless of location of the customer. Enbridge Gas can confirm that it has customers in Lot 1, Concession 9 but no services within Lot 1, Concession 10.

The customer density map submitted by Enbridge Gas for Norfolk County mistakenly showed a green area on both the south and north sides of Norfolk County Road 21 within Lot 1 in Concessions 13 and 14 because of a service location incorrectly labeled in the mapping system. This error has been corrected.

The customer density map originally submitted by Enbridge Gas for Norfolk County showed a green area on both the south and north sides of the 8<sup>th</sup> Concession Road (and within Lots 2 and 4 in Concession 7) because the customer density calculation is based on a 250 meter radial buffer regardless of location of customer. Enbridge Gas can confirm that it does not have any customers in Lot 4, Concession 7.

An updated customer density map for Norfolk County has been attached to this reply submission.

### **Identified Overlap Areas**

OEB Staff's submission identifies a number of overlap areas within the CPCNs proposed by Enbridge Gas and EPCOR.

#### **County of Elgin – Municipality of Bayham** (OEB Staff Submission – Schedule A)

Enbridge can confirm that it has infrastructure in place along Eden Line which allows for service to be provided on the north and south sides of Eden Line within the north half of Lots 16 through 26 in Concession 8 and the south half of Lots 16 through 26 in Concession 9.

#### **County of Elgin – Municipality of Central Elgin** (OEB Staff Submission – Schedule B)

As noted above, Enbridge Gas can confirm that it does have infrastructure within Lots 69, 70 and 71 South of Talbot Road East located west of Catfish Creek.

#### **County of Middlesex – Municipality of Thames Centre** (OEB Staff Submission – Schedules C-1 through C-6)

Enbridge Gas can confirm that it has infrastructure in place within:

- Lot B, Concession B along the south side of Robinson Road
- Lot 21, Concession 1 South Division between Donnybrook Drive and Highway 401
- Lots 22 and 23, Concession 1 South Division along south side of Donnybrook Drive
- Lot 24, Concession 1 South Division along the south side of Donnybrook Drive and the west side of Westchester Bourne
- Lot 20, Concession 5 South Division on the south side of Gladstone Drive
- Lots 18 and 19, Concession 6 South Division on the south side of Harrietsville Drive
- Lot 12, Concession 6 South Division on the south side of Harrietsville Drive and the east side of Elgin Road

- Lot 13, Concession 6 South Division on the south side of Harrietsville Drive and the west side of Elgin Road
- Lot A, Concession 5 South Division on the south side of Gladstone Drive
- Lot 2, Concession 6 South Division on the south side of Doan Drive
- Lot 3, Concession 6 South Division on the south side of Doan Drive and the east side of Putnam Road
- Lot 4, Concession 6 South Division on the south side of Doan Drive and the west side of Putnam Road

Enbridge Gas can confirm that it does not have infrastructure in place within:

- Lot 24, Concession A along both sides of Hamilton Road
- Lot 10, Concession 1 South Division on the north side of Cromarty Drive
- Lot 10, Concession 2 South Division on the south side of Cromarty Drive
- Lot 11, Concession 6 South Division on the south side of Harrietsville Drive
- Lot 1, Concession 6 South Division on the south side of Doan Drive
- Lot A, Concession 4 South Division on the north side of Gladstone Drive

Given the lack of detail provided in maps submitted by EPCOR, Enbridge Gas cannot confirm the existence of EPCOR infrastructure within these specific lots and concessions.

### **Reply to EPCOR Submissions**

EPCOR's concern with an inconsistency between proposed service area maps and existing CPCNs for the municipalities that are subject of this proceeding misses the intent of the Decision and Order.

According to the Decision and Order<sup>3</sup>:

*"This Decision and Order also cancels each of Union Gas' and EPCOR's upper-tier certificates for the County of Elgin and the County of Middlesex. Where only one distributor currently serves an entire lower-tier municipality, that distributor is granted (or retains) the lower-tier certificate. For areas where both distributors have gas infrastructure present, each distributor is granted a lower-tier certificate limited to the areas where each distributor currently serves."*

This direction from the OEB clearly means that CPCNs for each of the lower-tier municipalities in which both Enbridge Gas and EPCOR have infrastructure should only reference metes and bounds information in lots and concessions of where infrastructure is located.

This interpretation was confirmed in OEB Staff's April 12, 2019 submission:

*"OEB staff notes that EPCOR's proposed certificate boundaries in their March 29, 2019 submission are drawn according to the boundary areas of their current certificates. OEB staff understands that EPCOR has less sophisticated mapping resources at its disposal than Enbridge Gas. However, OEB staff submits that the intent of the October 11, 2018*

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<sup>3</sup> EB-2017-0108 – Decision and Order dated October 11, 2018, page 3

*Decision and Order was for both utilities to identify the areas where each utility has infrastructure in the lower-tier municipalities located in the County of Elgin and the County of Middlesex, and to draw their boundaries only around their respective infrastructure. It is unclear to OEB staff whether EPCOR's infrastructure is situated throughout the areas contained within its proposed certificate boundaries. OEB staff submits that EPCOR should confirm that this is the case in its reply; otherwise, OEB staff submits that EPCOR has not fulfilled the intent of the October 11, 2018 Decision and Order and should file revised maps that only delineate areas where it has infrastructure.”<sup>4</sup>*

The concerns raised in Schedule A to EPCOR's April 12, 2019 submission regarding descriptions from existing CPCNs not matching updated service area maps are not applicable because the exercise being undertaken in this proceeding is to develop CPCNs that match where infrastructure is currently in place.

#### Norfolk County

As is indicated in EPCOR's submission, the Decision and Order in this proceeding dated October 11, 2018 grants a new CPCN to each of Enbridge Gas and EPCOR for Norfolk County, limited to the areas covered by their previous CPCNs in Norfolk County, excluding areas where no gas distribution service is provided and making provisions for CPCN service rights in specific areas referenced in the Decision and Order.

EPCOR's preference to have Enbridge Gas' CPCN for Norfolk County reference all included and excluded service areas is not practical. Enbridge Gas' proposed CPCN for Norfolk County includes a listing of "excluded" service areas, so it is assumed that all other areas in Norfolk County are included within Enbridge Gas' service area so there is no need to include an "included areas" section in the CPCN since this would have to include an extensive metes and bounds description of all areas served by Enbridge Gas which would end up being several pages in length and take considerable time to compile.

#### Municipality of Central Elgin

EPCOR's preference to have Enbridge Gas' CPCN for Central Elgin reference all included and excluded areas is not practical. Enbridge Gas' proposed CPCN for Central Elgin includes a listing of "excluded" service areas, so it is assumed that all other areas in the Municipality of Central Elgin are included within Enbridge Gas' service area so there is no need to include an "included areas" section in the CPCN since this would have to include an extensive metes and bounds description of all areas served by Enbridge Gas which would end up being several pages in length and take considerable time to compile.

EPCOR's preference to have the updated CPCN for Central Elgin contain the same descriptions of service areas from CPCNs issued over 37 years ago (EBC 111/119) and over 23 years ago (EBC 242) misses the point of taking this opportunity to update the CPCNs to refer to current names of municipalities and lots / concessions within these municipalities.

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<sup>4</sup> EB-2017-0108 – OEB Staff Submission, April 12, 2019, pages 5 - 6

In Schedule A of its April 12, 2019 submission (page 5 of 14), EPCOR states that the areas south and east of Catfish Creek, South of Talbot Road East Concession, Lots 69, 70 and 71 are shown in the map submitted by Enbridge Gas as part of Enbridge Gas' service territory in a manner that is not consistent with the description in EPCOR's CPCN EBC 242.

The descriptions of service areas contained in CPCNs that are being cancelled in this proceeding are meaningless at this point. EPCOR's position that the language in older CPCNs should be maintained is counter-productive to the OEB's intent to update the CPCNs to correspond to actual locations of current infrastructure.

Regarding EPCOR's concern with an inconsistency between service area maps for Central Elgin, Enbridge Gas can confirm that it does have infrastructure within Lots 69, 70 and 71 South of Talbot Road East located west of Catfish Creek but does not have infrastructure in place within Lots 72 and 73 South of Talbot Road East. Given the lack of detail provided in maps submitted by EPCOR, Enbridge Gas cannot confirm whether EPCOR has any infrastructure within these specific lots and concessions.

#### Municipality of Bayham

EPCOR's preference to have Enbridge Gas' CPCN for Bayham reference all included and excluded areas is not practical. Enbridge Gas' proposed CPCN for Bayham includes a listing of "included" service areas, so it is assumed that all other areas in the Municipality of Bayham are excluded from Enbridge Gas' service area so there is no need to include an "excluded areas" section in the CPCN since this would have to include an extensive metes and bounds description of all areas served by EPCOR as well as all areas not currently serviced by any gas distributor.

EPCOR's preference to have the updated CPCN for Bayham contain the same descriptions of service areas from CPCNs issued 37 years ago (EBC 111/119) and 22 years ago (EBC 255) misses the point of taking this opportunity to update the CPCNs to refer to current names of municipalities and lots / concessions within these municipalities.

EPCOR's submission that Enbridge Gas' proposed CPCN for Bayham does not use the exact language in EBC 255 makes it difficult to validate the source of the entitlement to that territory ignores the existence of a properly developed customer density map that was included within Enbridge Gas' March 29, 2019 submission. The customer density map clearly shows where Enbridge Gas has infrastructure in place whereas the maps submitted by EPCOR fall short of the requirement to show the location and density of EPCOR's customers within these municipalities. The maps provided by EPCOR do not allow for any determination to be made of where EPCOR's facilities are located within these municipalities nor the metes and bounds limitations of EPCOR's CPCNs for these municipalities.

#### Municipality of Thames Centre

EPCOR's preference to have Enbridge Gas' CPCN for Thames Centre reference all included and excluded areas is not practical. Enbridge Gas' proposed CPCN for Thames Centre includes a listing of "excluded" service areas, so it is assumed that all other areas in the Municipality of Thames Centre are included within Enbridge Gas' service area so there is no need to include an "included areas" section in the CPCN since this would have to include an extensive metes and

bounds description of all areas served by Enbridge Gas which would end up being several pages in length and take considerable time to compile.

Enbridge Gas notes that EPCOR updated its map for Thames Centre to account for an inadvertent omission of certain portions of its service territory originally granted under EBC 111/119. As noted previously, the Decision and Order driving the proposed CPCNs for Thames Centre only makes provision for areas in which Enbridge Gas and EPCOR currently have infrastructure. Whether an area was originally in a previous CPCN has no relevance for the development of the CPCNs that will be used going forward.

**EBC 111 / 119**

In its April 12, 2019 submission, EPCOR repeats its request for direction from the OEB regarding the review and replacement of EBC 111/119.

Since this current proceeding is related to an application by Enbridge Gas to address CPCN overlap in Norfolk County, the County of Elgin and the County of Middlesex, it may be better to address EPCOR's request to review and replace the EBC 111 / 119 CPCN in a separate proceeding addressing either a stand-alone CPCN application submitted by EPCOR or at the time when EPCOR submits applications to renew its franchise agreements within these municipalities.

Should you have any questions on this submission, please do not hesitate to contact me.

Yours truly,

*[Original Signed By]*

Patrick McMahon  
Specialist, Regulatory Research and Records  
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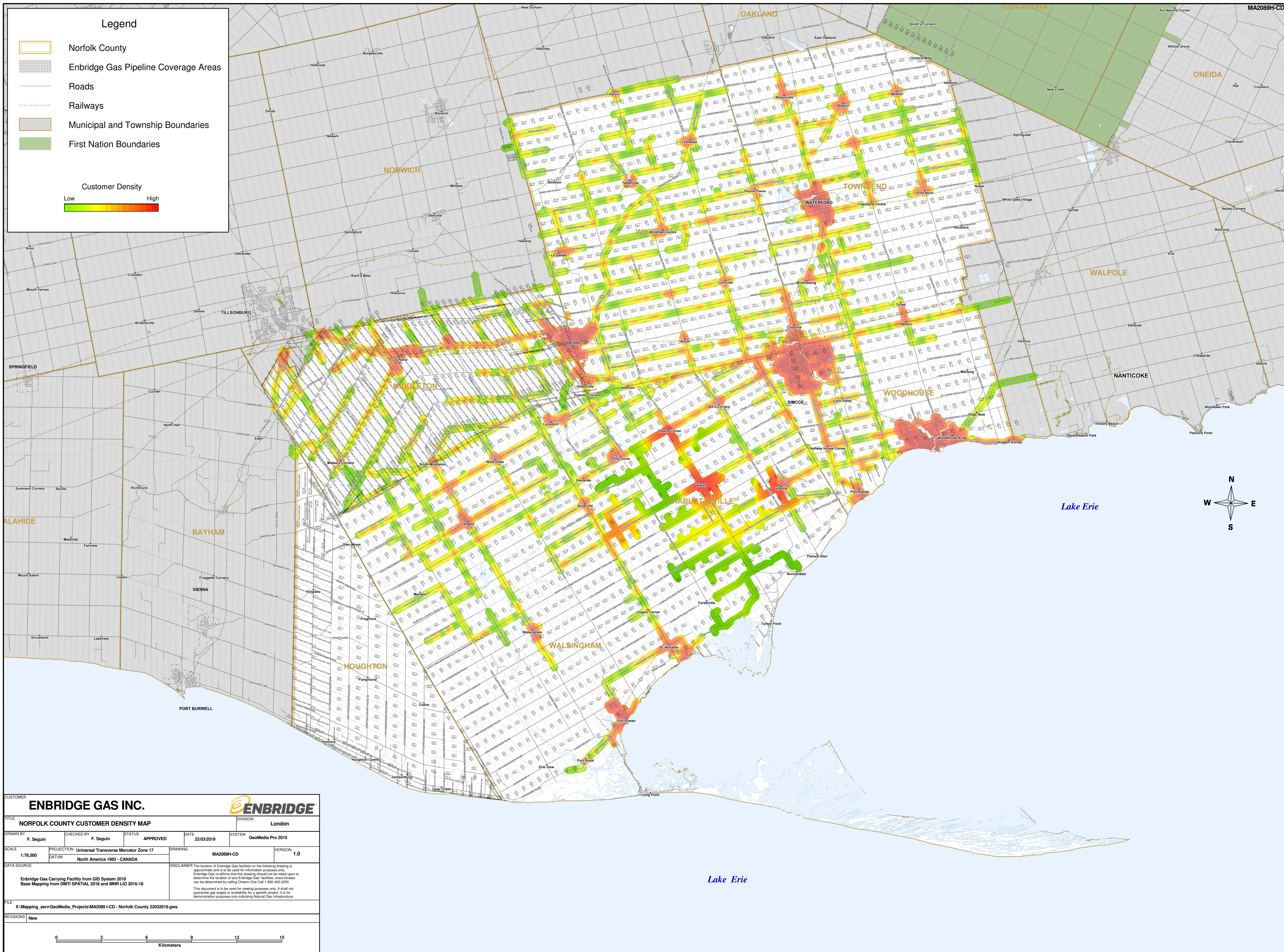
c.c. (email only):

Azalyn Manzano, Ontario Energy Board  
Ritch Murray, Ontario Energy Board  
Richard Lanni, Ontario Energy Board  
Bruce Brandell, EPCOR Utilities Inc.  
Britt Tan, EPCOR Utilities Inc.  
Patrick Welsh, Osler Hoskin & Harcourt LLP (EPCOR)  
Scott Lewis, OM Limited Partnership  
Myriam Seers, Torys



**Schedule A2 (Revised)**  
**Enbridge Gas Customer Density Map – Norfolk County**







**Schedule D1 (Revised)**  
**Proposed Certificate of Public Convenience and Necessity**  
**Municipality of Bayham**

## **Certificate of Public Convenience and Necessity**

The Ontario Energy Board hereby grants

### **Enbridge Gas Inc.**

approval under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to construct works to supply gas to the

### **Municipality of Bayham**

as it is constituted on the date of this Decision and Order and limited to the following areas:

Concession 8 - The north half of Lots 16 through 20, those parts of Lots 21 through 24 (former Township of Bayham) lying north of Ridge Road (excluding 11319 Ridge Road), the north half of Lot 25, and all of Lots 26 through 28.

Concession 9 – The south half of Lots 17 through 19 and all of Lots 20 through 28

Concession 10 – All of Lots 20 through 25

Concession 11 – All of Lots 19 through 21

This certificate supercedes Certificate of Public Convenience and Necessity EBC 255 for the Municipality of Bayham.

**DATED** at Toronto, \_\_\_\_\_

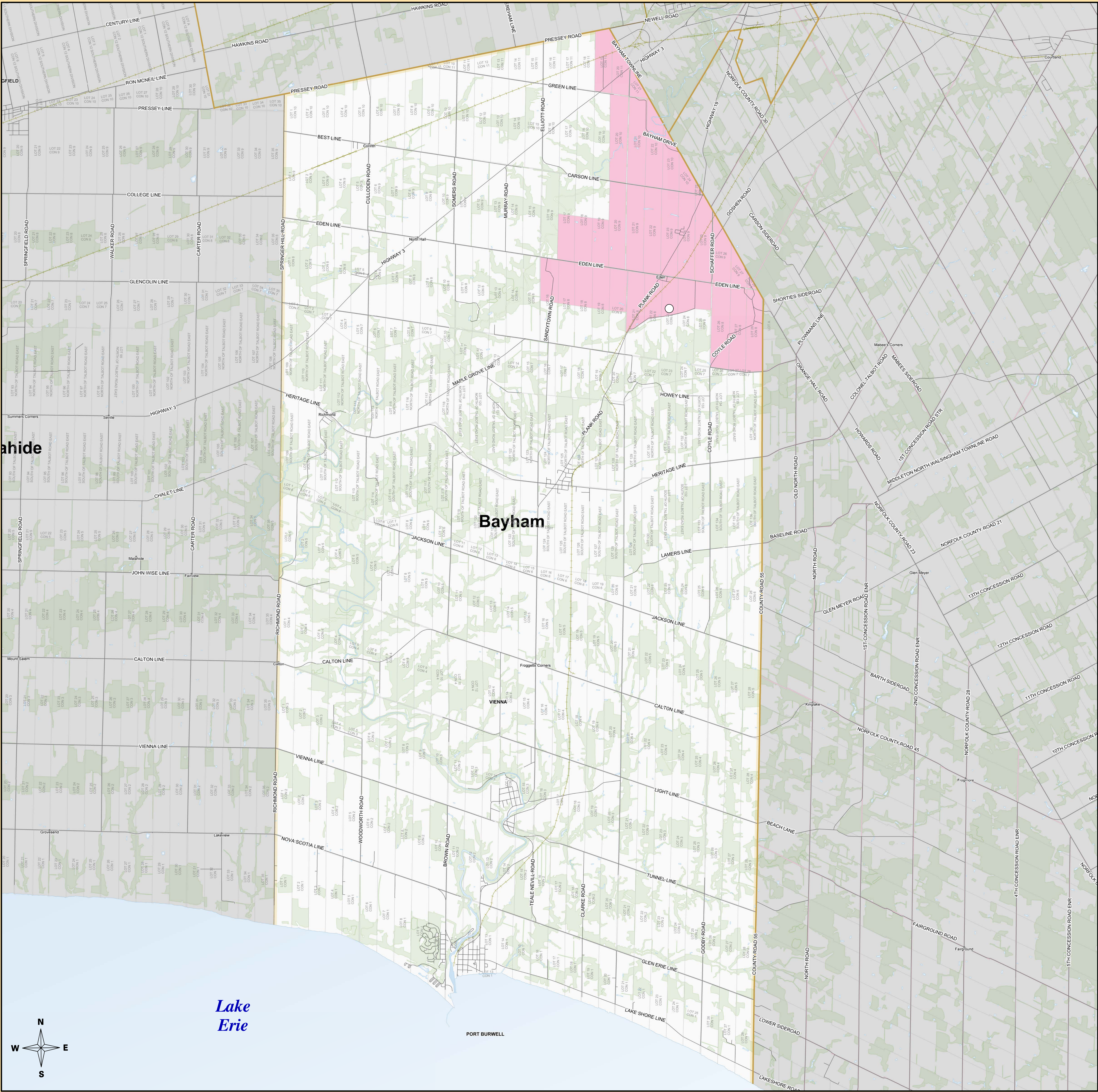
**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary

**Schedule D3 (Revised)**  
**Proposed Enbridge Gas CPCN Boundaries Map – Bayham**





# Municipality of Bayham

## Legend

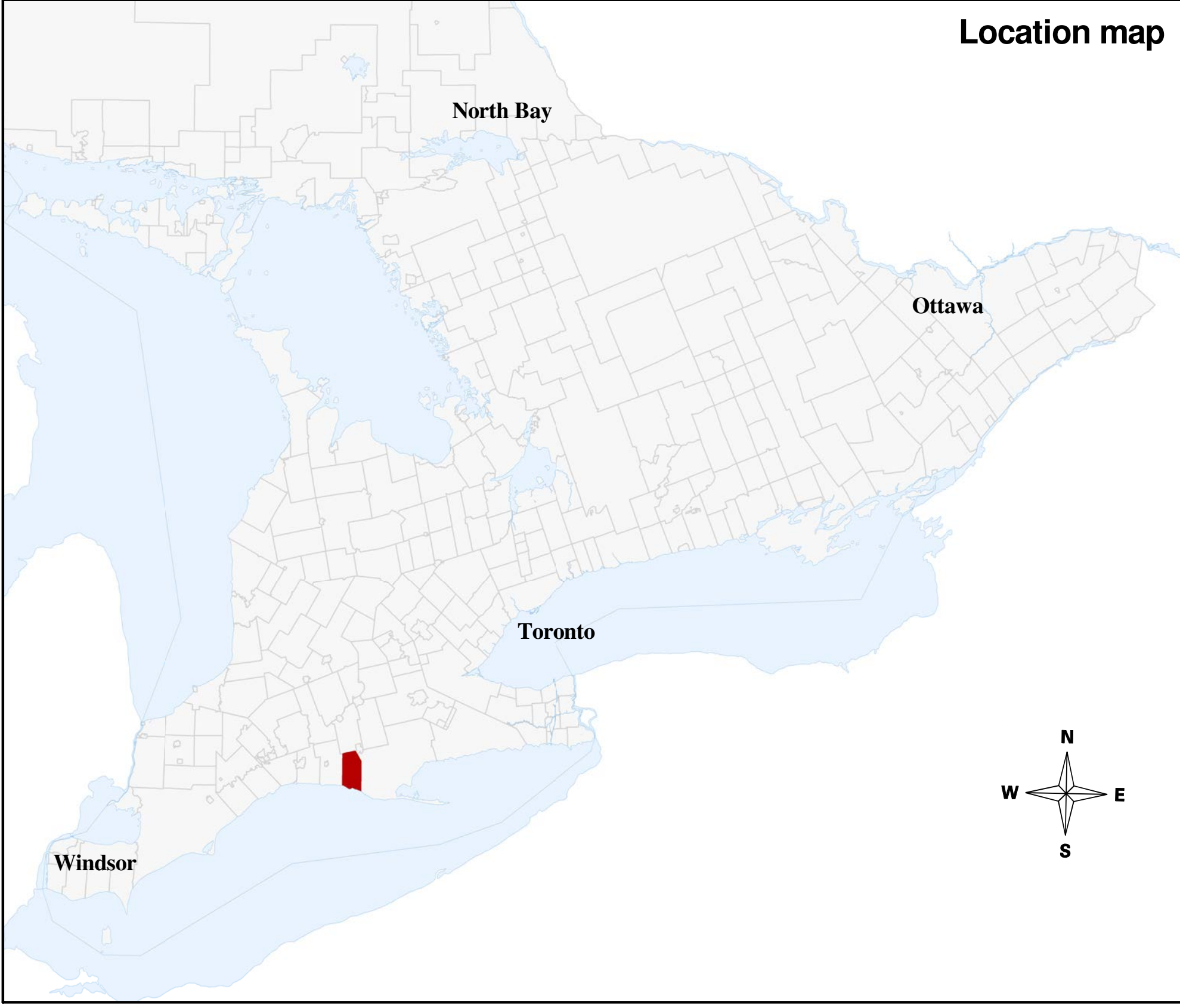
- Municipality of Bayham
- Enbridge Gas CPCN Area
- Roads
- Railway
- Municipal and Township Boundaries
- First Nation Boundaries



**Disclaimer:**  
The map is provided with no warranty express or Implied and is subject to change at any time. Any Person using the Density Map shall do so at its own Risk and the Density Map is not intended in any way As a tool to locate underground infrastructure for the purposes of excavation



## Location map





**Schedule E1 (Revised)**  
**Proposed Certificate of Public Convenience and Necessity**  
**Municipality of Thames Centre**

## **Certificate of Public Convenience and Necessity**

The Ontario Energy Board hereby grants

### **Enbridge Gas Inc.**

approval under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to construct works to supply gas to the

### **Municipality of Thames Centre**

as it is constituted on the date of this Decision and Order and excluding the following areas:

Within the former Township of West Nissouri (north of Dundas Street):

- Concession 1 – Lots 8 through 18, Lots 21 through 23, and Lots 27 through 36
- Concession 2 – Lots 7 through 10, Lot 23, and Lots 29 through 36
- Concession 3 – Lots 29 through 36
- Concession 4 – Lots 27 through 29, Lots 33 through 36 and Lot 1 (*west of Prospect Hill Road*)
- Concession 5 – Lots 10 through 18, Lots 33 and 34 and Lots 1 and 2 (*west of Prospect Hill Road*)
- Concession 6 – Lots 7 through 18
- Concession 7 – Lots 14 through 18 and Lots 21 through 24

Within the former Township of North Dorchester (south of Dundas Street):

- Concession 3 – Lots 1 through 3
- Concession 4 – Lots 1 through 4
- Concession 5 – Lots 1 through 4
- Concession 6 – Lots 1 through 4
- Concession 2 North Division – Lots 11, 12, 13 and 15 through 18
- Concession 3 North Division – Lots 14 through 18
- Concession 4 North Division – Lots 15 through 18
- Concession 5 North Division – Lots 15 through 18
- Concession 1 South Division – Lot A, Lot B, Lot 1, Lots 6 through 9, the southwest corner of Lot 10 lying south of Highway 401, and those parts of Lots 21 through 24 lying south of Highway 401
- Concession 2 South Division – Lot A, Lot B, Lots 6 through 9, the northwest corner of Lot 10, and Lots 20 through 24
- Concession 3 South Division – Lot A, Lot B, Lots 5 through 10, Lots 20 through 24
- Concession 4 South Division – South half of Lot A, Lots 6 through 11, Lots 21 through 24
- Concession 5 South Division – Lots 6 through 10, the west half of the southerly quarter of Lot 20, and Lots 21 through 24
- Concession 6 South Division – Lot A, Lot B, Lots 5 through 10, Lots 14 through 17, Lots 20 through 24, and the south halves of Lots 1, 2, 11, 18 and 19
- Concession A – west half of Lot 24
- Concession B – north half of Lot 24



This certificate supercedes Certificate of Public Convenience and Necessity EB-2009-0034 for the Municipality of Thames Centre.

**DATED** at Toronto, \_\_\_\_\_

**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary

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