



OMLP

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May 13th, 2019

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

Dear Ms. Walli:

**Re: OM Limited Partnership Franchise Agreement
Ontario Energy Board (OEB) File Number: EB-2019-0104**

Attached please find OMLP's written reply submission pursuant to OEB procedural order No. 1. and No. 2. Should you have any questions please do not hesitate to contact me.

Yours very truly,

Scott Lewis
OM Limited Partnership slewis@tributeresources.com
519-871-0876

cc (email only): Patrick McMahon. Union Gas Limited(pmcmahon@uniongas.com)

OM Limited Partnership
Response to Interrogatory by
Enbridge Gas Inc.

Enbridge-1

Ref: OMLP Application, page 1 and Schedule C

“On the 18th day of December 2018 the Council of the Municipality passed By-Law 2018-103 to authorize the execution of an agreement with OMLP to construct facilities and provide natural gas services to the Maricann Facility on the 8th Concession Road. Attached hereto and marked as Schedule “B” is By-Law 2018-103.”

Ref: OMLP Application, page 3

“9. OMLP now applies to the Ontario Energy Board for:

(a) an Order under s.9(3) approving the terms and conditions upon which, and the period for which, the Municipality has, by by-law, granted OMLP the right to construct and operate works for the distribution, transmission and storage of natural gas and the right to extend and add to the works; and

(b) an Order pursuant to s.9(4) directing and declaring that the assent of the municipal electors of the Municipality is not necessary for the franchise by-law under the circumstances.”

Questions:

(a) Please confirm whether the proposed franchise agreement as written provides OMLP rights to construct and operate works for the distribution, transmission and storage of natural gas and the right to extend and add to the works throughout all of Norfolk County.

(b) Is OMLP considering providing gas distribution services to any part of Norfolk County other than to the Maricann Facility on the 8th Concession Road?

(c) Please confirm OMLP’s understanding that the effective date of any franchise agreement will be the later of the date of the Decision and Order issued by the Ontario Energy Board approving a franchise agreement or the date of the passing of the municipal bylaw approving the franchise agreement.

(d) Please provide OMLP’s interpretation of clause 4 of the proposed franchise agreement with respect to whether the 20 year term of the agreement commences on the date of the final passing of the municipality’s bylaw or the date of the Decision and Order issued by the OEB.

(e) Please confirm OMLP’s understanding that Enbridge Gas currently holds a franchise agreement with Norfolk County and that Enbridge Gas (previously Union Gas Limited) has been distributing gas within Norfolk County since 1904.

(f) Given that consumers within Norfolk County have been receiving gas distribution services for several decades, please confirm that clause 4(b) of the proposed franchise agreement is applicable for the agreement between Norfolk County and OMLP.

(g) Please provide a copy of the resolution or bylaw of Norfolk County which confirms that the municipality is in agreement that the assent of the municipal electors of the municipality is not necessary for the proposed franchise agreement.

(h) Please confirm whether OMLP has constructed facilities to provide natural gas services to the Maricann Facility on the 8th Concession Road prior to approval of the proposed franchise agreement by the OEB.

Response:

- (a) Yes, the executed franchise agreement as written provides OMLP rights to construct and operate works for the distribution, transmission and storage of natural gas and the right to extend and add to the works throughout all of Norfolk County.**
- (b) OMLP has no current plans to provide gas distribution services to any part of Norfolk County other than to the Maricann Facility on the 8th Concession Road.**
- (c) It is OMLP's understanding that the effective date of any franchise agreement will be the later of the date of the Decision and Order issued by the Ontario Energy Board approving a franchise agreement or the date of the passing of the municipal bylaw approving the franchise agreement.**
- (d) For the purpose determining the term of the agreement, once approved by the Ontario Energy Board ("OEB"), we would consider it to be 20 years from the date of final execution of the Municipal franchise agreement or such other date as may be determined by the OEB.**
- (e) OMLP is generally aware that Enbridge Gas (previously Union Gas Limited) serves customers within Norfolk County, presumably pursuant to renewed franchise agreements.**
- (f) It would seem the clause may be open to interpretation with respect to from whom the County has received gas distribution services. However, OMLP agrees to abide by the terms in clause 4(b) of the proposed franchise agreement.**
- (g) OMLP has included in its application a request for the an OEB order under s.9(3) directing and declaring that the assent of the municipal electors of the Municipality is not necessary for the franchise by-law under the circumstances.**

- (h) Approvals were obtained by the County prior to constructing facilities on the 8th Concession Road. As soon as OMLP became aware of the need for a Municipal Franchise Agreement the County was approached and an application was made to the OEB.**