

DECISION AND ORDER

EB-2019-0195

ENBRIDGE GAS INC.

**Application for amendments of the certificates of public convenience
and necessity for the Municipality of Thames Centre and the
Municipality of Central Elgin**

By Delegation, before: Pascale Duguay

September 26, 2019

INTRODUCTION AND SUMMARY

This Decision and Order grants a certificate of public convenience and necessity (CPCN) to Enbridge Gas Inc. (Enbridge Gas) for each of the Municipality of Thames Centre and the Municipality of Central Elgin (collectively, the Municipalities) in order to enable Enbridge Gas to serve the following five new proposed subdivisions (Subdivisions):

Proposed Subdivisions in the Municipality of Thames Centre

- Boardwalk at Millpond
- Rosewood
- Foxborough
- Hawthorne Park

Proposed Subdivision in the Municipality of Central Elgin

- Kokomo Beach Club

THE PROCESS

Enbridge Gas filed an application with the Ontario Energy Board (OEB) on July 30, 2019 under section 8 of the *Municipal Franchises Act*. The application was for an order of the OEB approving amendments to Enbridge Gas' CPCNs for each of the Municipalities in order to construct natural gas service extensions for the Subdivisions.

The OEB held a written hearing. A notice of hearing was published in the local newspapers on August 21 and 22, 2019.

In accordance with Procedural Order No. 1, issued September 4, 2019, OEB staff filed interrogatories and Enbridge Gas responded to those interrogatories. OEB staff filed its submission, in accordance with Procedural Order No. 1, on September 16, 2019 while Enbridge Gas provided a reply submission on September 20, 2019.

While EPCOR Natural Gas Limited Partnership (ENGLP) applied for, and was awarded, intervenor status, it did not file interrogatories or a submission in this proceeding.

In this Decision and Order, a reference to the Municipalities is a reference to the municipal corporations or their geographical area, as the context requires.

BACKGROUND

Enbridge Gas is a corporation incorporated under the laws of the Province of Ontario, with its head office in the City of Toronto.

The Municipality of Thames Centre, formed on January 1, 2001 when the former townships of West Nissouri and North Dorchester were amalgamated, is a municipal corporation incorporated under the laws of the Province of Ontario. The Municipality of Thames Centre is a lower-tier municipality in the County of Middlesex.

The Municipality of Central Elgin, formed on January 1, 1998 through the amalgamation of the former Township of Yarmouth, the former Village of Belmont and the former Village of Port Stanley, is a municipal corporation incorporated under the laws of the Province of Ontario. The Municipality of Central Elgin is a lower-tier municipality in the County of Elgin.

Enbridge Gas is currently authorized to construct and operate works for the distribution, transmission and storage of natural gas and the right to extend and add to the works in each of the Municipalities, pursuant to the following:

Municipality of Thames Centre

- Municipal Franchise Agreement, EB-2009-0033 (expires May 4, 2029)
- CPCN, EB-2009-0034 (dated April 14, 2009)

Municipality of Central Elgin

- Municipal Franchise Agreement, EB-2007-0809 (expires January 28, 2028)
- CPCN, EB-2007-0810 (dated January 14, 2008)

Enbridge Gas filed the application given that its authorization to serve in the Municipalities is also currently being reviewed by the OEB in the parallel proceeding

related to overlapping CPCN boundary rights between Enbridge Gas and ENGLP (Overlap Proceeding)¹.

Enbridge Gas states that, while waiting for final CPCN boundaries to be determined in the Overlap Proceeding, it has received requests for service. The application addresses five of Enbridge Gas' requests for service extensions within the Municipalities related to the Overlap Proceeding.

THE APPLICATION

Enbridge Gas filed its application under section 8 of the *Municipal Franchises Act* for amendments to its CPCNs for each of the Municipalities for authorization to construct pipelines to provide natural gas service to the Subdivisions. Enbridge Gas noted in its application that it currently operates natural gas main lines in either close or immediate proximity to the Subdivisions.² In response to an interrogatory from OEB staff, Enbridge Gas confirmed that none of the Subdivisions are to be located in an area within the Municipalities where there is a known overlap with ENGLP's CPCNs. The specific lots and concessions for each of the Subdivisions are outlined in Table 1, below³:

Table 1: Lots and Concessions of the Subdivisions

Subdivision	Lot/Concession
Boardwalk at Millpond	Concession B SRT, Lots 18 & 19, North Dorchester
Rosewood	Concession 3, Lot 15, West Nissouri
Foxborough	Concession 3, Lot 15, West Nissouri
Hawthorne Park	Concession B SRT, Lot 17, North Dorchester
Kokomo Beach Club	Lot 15, Range 1, North of Lake Road, Port Stanley Lot 15, Range 1, South of Lake Road, Port Stanley

¹ EB-2017-0108

² Application, pp. 2-3

³ Enbridge Gas Response to OEB Staff-1(b); Enbridge Gas Reply Submission, September 1, 2019, p. 1

Enbridge Gas confirmed that the natural gas pipelines to be used to service the Subdivisions do not require leave to construct (pursuant to section 90(1) of the *Ontario Energy Board Act, 1998*), nor do they require a system expansion surcharge.⁴ OEB staff noted in its submission that its understanding was consistent with Enbridge Gas' confirmation that the Subdivisions are not within known overlap areas covered by the CPCN rights of ENGLP. OEB staff also agreed that the pipelines to be constructed by Enbridge Gas in the Subdivisions do not appear to require leave to construct approval from the OEB.⁵ As a result, OEB staff submitted that it did not have any concerns regarding the OEB granting approval of Enbridge Gas' application.

In its submission, OEB staff outlined that the authorization of the CPCNs for the Subdivisions could be granted in either of two ways:⁶

1. The OEB could amend Enbridge Gas' existing CPCNs for each of the Municipalities to specifically include the respective Subdivisions.
2. The OEB could issue a new CPCN for each of the two Municipalities that would be specific to the lots and concessions of each of the Subdivisions.

As Enbridge Gas' existing CPCNs for each of the Municipalities are in the process of being amended in the Overlap Proceeding, OEB staff submitted that the second approach, issuing new CPCNs for each of the Municipalities specific to the lots and concessions of each of the Subdivisions, would be suitable. OEB staff stated that this approach would avoid any possible ambiguities or unforeseen complications that could arise as the OEB would not be amending existing CPCNs that are in the process of being determined.

In its reply submission, Enbridge Gas also expressed a preference for the second option.⁷ It was also noted by OEB staff, and Enbridge Gas in its reply submission, that the new CPCNs established through this proceeding could be cancelled and

⁴ Enbridge Gas Response to OEB Staff-1(d)

⁵ OEB Staff Submission, p. 5

⁶ *Ibid.*

⁷ Enbridge Gas Reply Submission, p. 1

superseded once a final determination for CPCNs in the Municipalities is made in the Overlap Proceeding.⁸

OEB staff also addressed the general matter of future service extension requests within the Municipalities. OEB staff noted that, pending the issuance of a final decision in the Overlap Proceeding, Enbridge Gas should act in accordance with the OEB's directions outlined in Procedural Order No. 11 of the Overlap Proceeding. As such, service extension requests should be brought to the OEB's attention in the Overlap Proceeding, together with the utility's proposed resolution.⁹

With the exception of the five natural gas service extension requests for the Subdivisions, Enbridge Gas highlighted that it has no additional service extension requests for either of the Municipalities at this time.¹⁰

OEB FINDINGS

The purpose of the application was to request the OEB's authorization for Enbridge Gas to serve five new Subdivisions which are to be located in areas that are not currently covered by a CPCN. The Subdivisions, as confirmed by Enbridge Gas and OEB staff, will not be located within areas that are currently covered by CPCNs held by ENGLP.

The OEB finds that it is in the public interest to grant the CPCNs to serve the Subdivisions outlined in this application. The OEB will issue a new CPCN to Enbridge Gas for each of the two Municipalities that are specific to the lots and concessions of each of the Subdivisions.

The OEB also finds that a leave to construct application is not required as the proposed pipelines do not meet any of the criteria included in section 90(1) of the *Ontario Energy Board Act, 1998*.

⁸ OEB Staff Submission, p. 5

⁹ OEB Staff Submission, pp. 5-6

¹⁰ Enbridge Gas Response to OEB Staff-2(b)

IT IS ORDERED THAT:

1. A certificate of public convenience and necessity, attached as Schedule A to this Decision and Order, is granted to Enbridge Gas to construct works or supply natural gas in the Municipality of Thames Centre, limited to the subdivisions identified as the Boardwalk at Millpond, Rosewood, Foxborough, and Hawthorne Park. A map of this area is attached as Schedule B.
2. A certificate of public convenience and necessity, attached as Schedule C to this Decision and Order, is granted to Enbridge Gas to construct works or supply natural gas in the Municipality of Central Elgin, limited to the subdivision identified as Kokomo Beach Club. A map of this area is attached as Schedule D.
3. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED at Toronto, September 26, 2019

ONTARIO ENERGY BOARD

Original Signed By

Pascale Duguay
Manager, Application Policy and Climate Change

SCHEDULE A

EB-2019-0195

DATED: September 26, 2019

**Certificate of Public Convenience and Necessity for the Subdivisions
in the Municipality of Thames Centre**

Certificate of Public Convenience and Necessity

The Ontario Energy Board 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 natural gas in the Municipality of Thames Centre to four proposed subdivisions identified as:

- Boardwalk at Millpond: Concession B SRT, Lots 18 & 19 (former Township of North Dorchester)
- Rosewood: Concession 3, Lot 15 (former Township of West Nissouri)
- Foxborough: Concession 3, Lot 15 (former Township of West Nissouri)
- Hawthorne Park: Concession B SRT, Lot 17 (former Township of North Dorchester)

as constituted on the date of this Decision and Order.

DATED at Toronto, September 26, 2019

ONTARIO ENERGY BOARD

Pascale Duguay

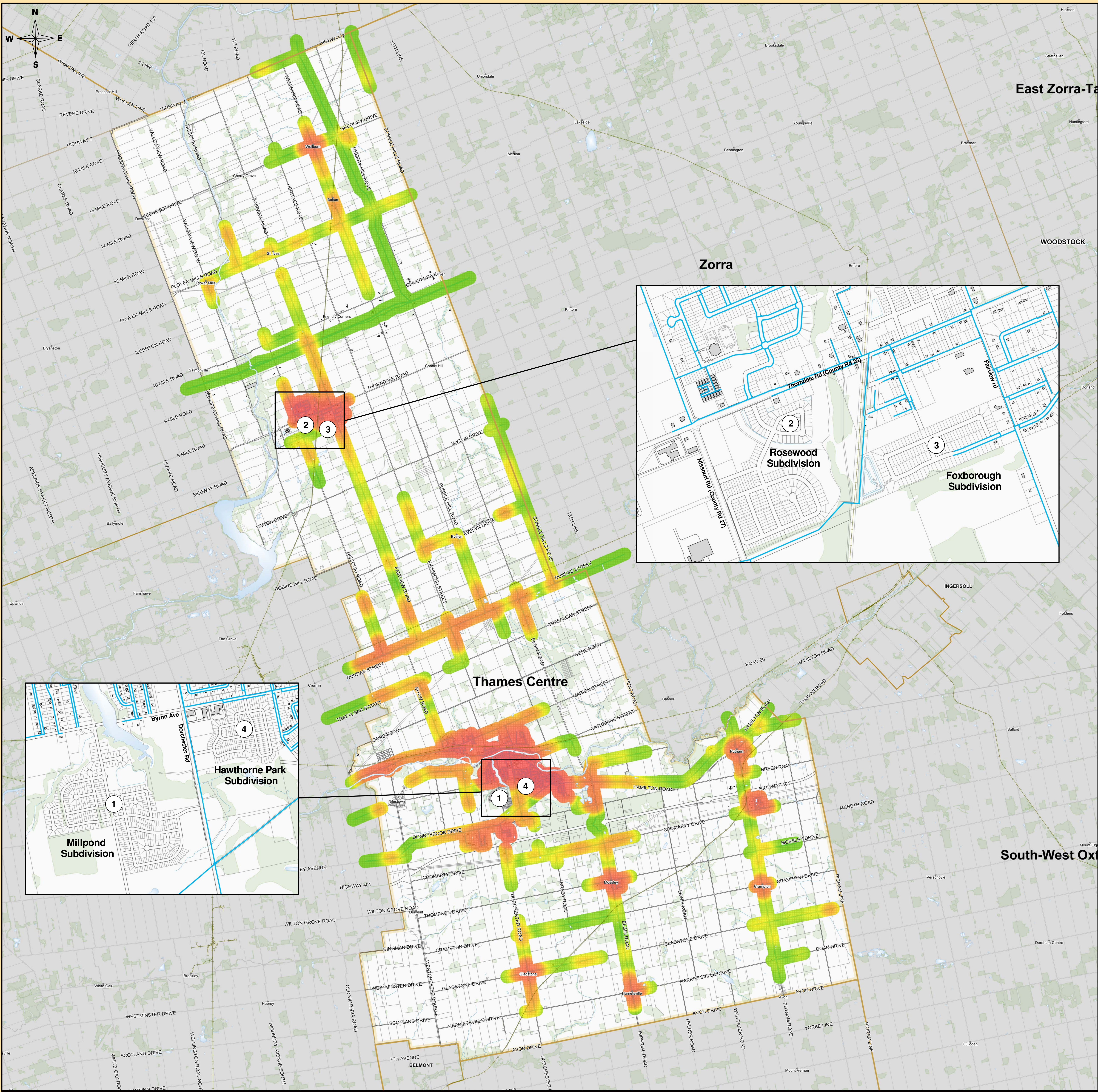
Manager, Application Policy and Climate Change

SCHEDULE B

EB-2019-0195

DATED: September 26, 2019

Map of the Municipality of Thames Centre



Municipality of Thames Centre

Legend

- Existing Enbridge Gas Pipelines
- Enbridge Gas CPCN Area
- Municipality of Thames Centre
- Roads
- Railway
- Municipal and Township Boundaries
- First Nation Boundaries

Customer Density

Low High

0.0 1.5 3.0 4.5 6.0 7.5 Kilometers

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 C

EB-2019-0195

DATED: September 26, 2019

**Certificate of Public Convenience and Necessity for the Subdivision in
the Municipality of Central Elgin**

Certificate of Public Convenience and Necessity

The Ontario Energy Board 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 natural gas in the Municipality of Central Elgin to the proposed subdivision identified as:

- Kokomo Beach Club: Lot 15, Range 1, North of Lake Road and Lot 15, Range 1, South of Lake Road (former Village of Port Stanley)

as constituted on the date of this Decision and Order.

DATED at Toronto, September 26, 2019

ONTARIO ENERGY BOARD

Pascale Duguay

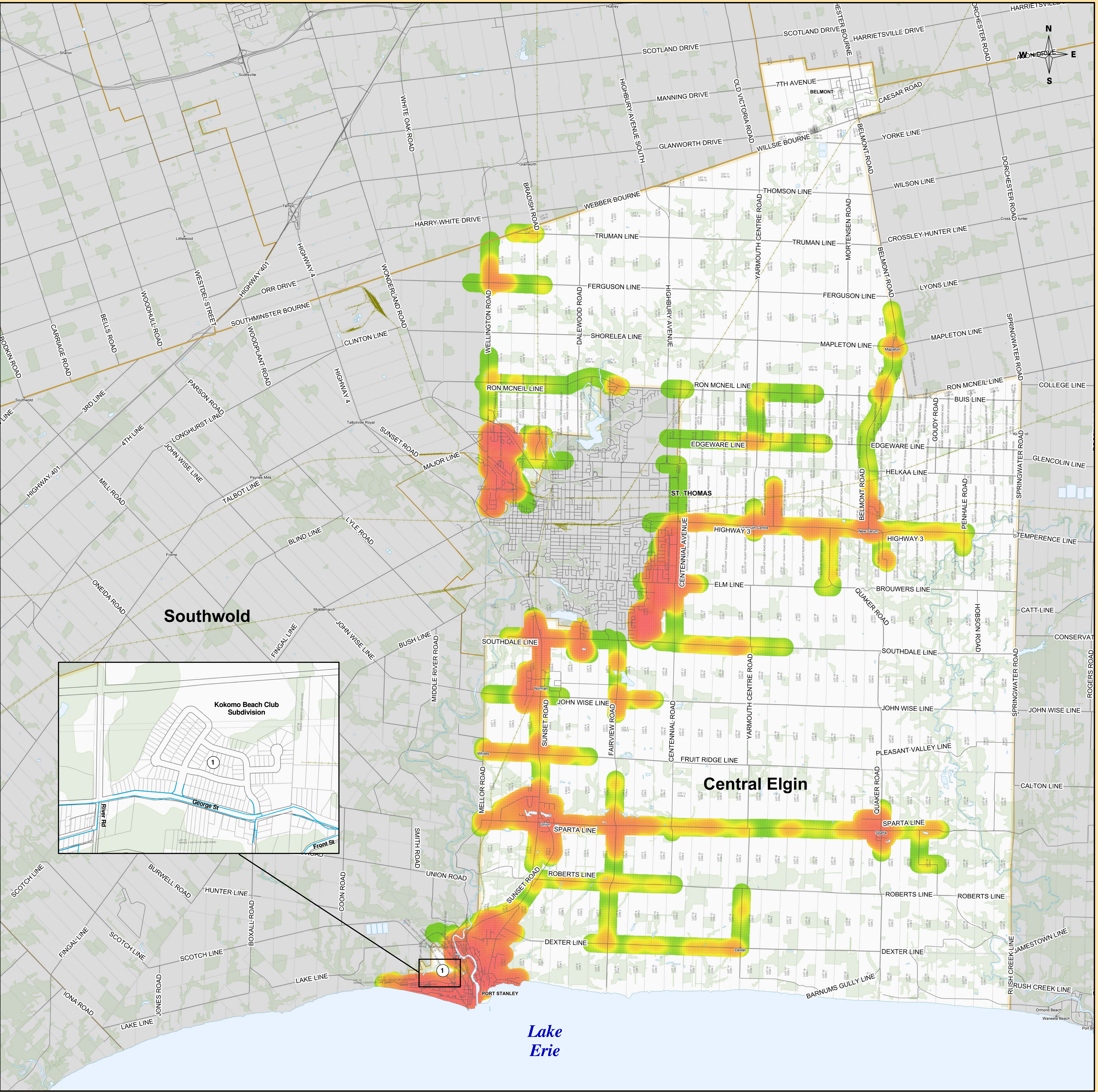
Manager, Application Policy and Climate Change

SCHEDULE D

EB-2019-0195

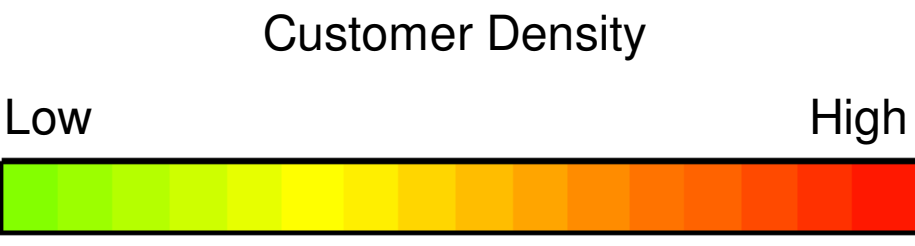
DATED: September 26, 2019

Map of the Municipality of Central Elgin



Municipality of Central Elgin

- Legend**
- Existing Enbridge Gas Pipeline
 - Enbridge Gas Pipeline Coverage Areas
 - Municipality of Central Elgin
 - Roads
 - Railway
 - Municipal and Township Boundaries
 - First Nation Boundaries



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