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October 3, 2019

**Filed by RESS, Email & Original by Courier**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

**Attention: Kirsten Walli**  
**Board Secretary**

Dear Madam:

**Re: EB-2018-0329 – Objection by Nipigon LNG Corporation (“NLNG”) in its capacity as the general partner of Nipigon LNG LP in respect of Certarus Ltd. (“Certarus”) Intervenor Request**

- 1) We act as counsel to NLNG in respect of the above-noted matter. Pursuant to the Notice issued by the Ontario Energy Board (“Board” or “OEB”) on September 12, 2019, NLNG submitted an intervenor request to the Board in respect of proceeding EB-2018-0329 (the “Proceeding”) on September 27, 2019.<sup>1</sup>
- 2) The Proceeding relates to an application by the Corporation of the Town of Marathon, on behalf of its partner municipalities, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay, and the Municipality of Wawa (the “Municipalities”) to the Board for approval to construct a total of 116.5 kilometres of natural gas pipelines (the “Application”).<sup>2</sup>
- 3) On September 26, 2019, Certarus submitted an intervenor request to the Board in respect of the Proceeding (the “Certarus Request”).<sup>3</sup> The Certarus Request seeks that Certarus be granted intervenor status in the Proceeding, despite showing no substantial or relevant interest in the outcome of the Application.
- 4) On behalf on NLNG, we submit this formal objection to the Certarus Request under the rights granted to NLNG through the operation of Rules 22.02, 22.03, 22.07 and 22.08 of the

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<sup>1</sup> See Attached, Schedule 1.

<sup>2</sup> Corporation of the Town of Marathon, North Shore LNG Project Application – EB-2018-0329, August 15, 2019 [Application], See Attached, Schedule 2.

<sup>3</sup> See Attached, Schedule 3.

Board's Rules of Practice and Procedure ("Rules").<sup>4</sup> The Certarus Request is deficient, contrary to the public interest, and therefore ought to be rejected by this Board, for reasons which include the following:

- a) Certarus failed to file submissions in respect of the Board's notice dated December 20, 2018 (the "Notice Letter").<sup>5</sup> The Board specifically required "any other party that is currently developing a plan to provide natural gas services to the Municipalities file a letter and the minimum information enumerated below with the OEB by January 16, 2019" (emphasis added);
  - b) Allowing interventions that intend to re-open previous steps in OEB procedure is contrary to the public interest;
  - c) Certarus failed to adequately demonstrate its "substantial interest" in the Proceeding;
  - d) Certarus has provided no information or evidence in respect of the purely speculative assertions contained in paragraph 3 of the Certarus Request regarding alleged costs savings;
  - e) Certarus is not served by any gas provider or utility seeking relief in the Proceeding; and
  - f) Certarus has failed to participate in a good faith exchange of information and particulars during the Proceeding and now attempts to circumvent the Board's established process through Certarus's improper intervenor request.
- 5) Accordingly, because Certarus has failed to adhere to the Board's procedural requirements, the parties to the Proceeding will suffer significant prejudice, and the Board's process will be undermined, if Certarus is granted intervenor status.

## Background

- 6) The Municipalities and NLNG have been engaged in consultation throughout the Proceeding. This consultation includes following all Board guidelines regarding the Application, as determined by the Board in the matter of the Generic Hearing on Community Expansion (EB-2016-0004), and subsequent applications for community expansions. Consultation also includes engagement with First Nation and Métis communities in the area, who may have a potential interest in the Application, as directed by the Ministry of Energy, Northern Development and Mines.
- 7) In its evolution of the community expansion process, the Board took careful and precise steps to avoid the queue jumping Certarus now attempts to do.

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<sup>4</sup> Ontario Energy Board *Rules of Process and Procedure*, Rules 22.02, 22.03, 22.07 and 22.08, [Rules], See Attached, Schedule 4.

<sup>5</sup> Notice Re: Gas distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa - Board File Number EB-2018-0329, December 20, 2018, See attached, Schedule 5.

- 8) On December 4, 2018, the Municipalities submitted a notice of intent to file an application to the Board on behalf of the Municipalities for the North Shore LNG Project (the "Project").<sup>6</sup> In the notice of intent, the Municipalities clearly stated that the application would include liquefied natural gas (LNG) services supplied by NLNG.
- 9) On December 20, 2018, the Board issued the Notice Letter requesting that any other party that was currently developing a plan to provide natural gas services to the Municipalities present their position. The Notice Letter requested that interested parties file a response letter by January 16, 2019. In particular, the Board stated that a responding party must provide the following minimum information:
  - a) The name of the company;
  - b) A brief description of the work already undertaken to support its application(s) to the OEB;
  - c) The date by which the company will be ready to file its complete application(s) to provide gas services to the Municipalities;
  - d) A description of the level of municipal engagement already undertaken with the Municipalities;
  - e) A high-level description of the proposed system to serve the Municipalities;
  - f) A preliminary gas supply plan; and
  - g) Confirmation that it is in a position to file a complete application with the OEB by June 2019.
- 10) The Notice Letter stated that in the absence of letters from any other interested gas service providers, the Board would proceed to review the Municipalities' application when filed. Following the issuance of the Notice Letter, only one party, Enbridge Gas Inc. ("Enbridge"), submitted a statement of interest:
  - a) On January 16, 2019, Enbridge filed a letter with the OEB registering its interest in providing natural gas service to the Municipalities;<sup>7</sup>
  - b) On January 23, 2019, the Municipalities filed a letter with the OEB, submitting that Enbridge did not provide the minimum information set out in the Notice Letter, nor did Enbridge confirm that it is "currently developing a plan" to provide service to the Municipalities;<sup>8</sup>

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<sup>6</sup> Town of Marathon Notice of Intent to File and Application for Orders, Board File Number EB-2018-0329, December 4, 2018, See attached, Schedule 6.

<sup>7</sup> Enbridge Letter Registering Interest in Gas Distribution, Board File Number EB-2018-0329, January 16, 2019, See attached, Schedule 7.

<sup>8</sup> Town of Marathon Letter, Board File Number EB-2018-0329, January 23, 2019, See attached, Schedule 8.



- c) On February 4, 2019 Enbridge formally withdrew its intention to provide services, stating that it would not compete to serve the North Shore Communities;<sup>9</sup>
  - d) On March 13, 2019, the Board issued a notice to the Municipalities stating that due to Enbridge's withdrawal, the Board would not undertake a competitive process with respect to the provision of natural gas service to the Municipalities.<sup>10</sup>
- 11) From April 2019 to June 2019, the Municipalities implemented a comprehensive public consultation program, specifically identifying NLNG as the gas supplier. The consultation program allowed interested or potentially affected parties to provide input into the Application. Input was evaluated and integrated into the Application. Consultation program activities included:
- a) Letters sent to stakeholders;
  - b) Public notices placed in newspapers in the Municipalities;
  - c) Creation of a website and other notice materials; and
  - d) Information sessions held in each of the Municipalities.
- 12) At the same time, representatives of the Municipalities and NLNG engaged in consultation with First Nation and Métis communities. These activities included letters, emails, phone calls and face-to-face meetings with representatives of various First Nation and Métis communities. As a result, three letters of support for the Application were provided from the Red Rock Indian Band, Bingwi Neyaashi Anishanaabe and Biigtigong Nishnaabeg First Nations.
- 13) Certarus did not participate in the consultation activities detailed above, and failed to attend or respond to any engagement activities.
- 14) On August 15, 2019, the Municipalities submitted the Application.<sup>11</sup> The submission date was originally June 28, 2019. The submission date was delayed to afford the Municipalities and other interested parties the opportunity to provide input to the Project and, where feasible, integrate their feedback into the Project design.
- 15) On August 16, 2019, the Board completed its preliminary review of the Application and published the Application on the Board's website. The Application includes a comprehensive gas supply plan, incorporating input gathered through the public engagement process, and discloses the precise terms and conditions of the proposed LNG supply contract with NLNG.

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<sup>9</sup> Enbridge Letter, February 4, 2019, EB-2018-0329, See Attached, Schedule 9.

<sup>10</sup> Board Notice dated March 13, 2019, EB-2018-0329, See Attached, Schedule 10.

<sup>11</sup> Application, *supra* footnote 2.

### **Public Interest Concerns**

- 16) Certarus's request for intervenor status as a prospective supplier of gas offends the public interest by upending procedural certainty, causing delay for the Municipalities' citizens, and if approved, by allowing Certarus to benefit from commercially sensitive information filed with the Board in good faith.
- 17) The Municipalities and NLNG have approached the OEB-mandated process in good faith and in accordance with the requirements set out in the Rules. The intervention of a party to take part in a prior and settled step of the process could serve to overturn lengthy and careful preparation by the Municipalities.
- 18) Repeated hearings and assessments on previously completed steps of the Project will cause the citizens of the Municipalities delay and uncertainty. This is compounded by the fact that Certarus intends to use different methods to supply natural gas, which will almost certainly necessitate new consultation.
- 19) Further, given leave to intervene, Certarus, as a commercially interested party, would benefit from the Municipalities' previous filing of commercially sensitive information.
- 20) Finally, delay due to Certarus's successful intervention would frustrate the overall policy goals of the Provincial government to ensure an affordable and reliable energy supply in underserved communities.

### **Substantial Interest Test**

- 21) Pursuant to Rule 22.02, to be granted intervenor status, the party seeking status must satisfy the Board that they have a "substantial interest [...] in the proceeding." In demonstrating a "substantial interest" the applicant must describe:
  - a) the intervenor and, as applicable, its membership;
  - b) the interest of the intervenor in the Proceeding; and
  - c) the grounds for intervention.<sup>12</sup>
- 22) The Board has stated that it approaches the process for assessing applications for intervenor status based on "the facts of each application."<sup>13</sup>
- 23) Certarus has not met the "substantial interest" test. It has failed to adequately describe its interest in the Proceeding, and to identify a reasonable ground for intervention.
- 24) First, Certarus must fully represent its interest as a prospective intervenor. On May 23, 2019, Certarus announced that it had entered into a definitive agreement with Union Energy Solutions Ltd., a wholly owned subsidiary of Enbridge, thereby "enabling a strategic

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<sup>12</sup> Rules, *supra* footnote 4.

<sup>13</sup> Kitchener-Wilmot Hydro Inc., "Application for electricity distribution rates and other charges beginning January 1, 2020" Procedural Order No. 1 - EB-2019-0049, June 20, 2019 See Attached, Schedule 11.



alliance and commercial investment by Enbridge into Certarus' compressed natural gas (CNG) infrastructure platform to service the northern Ontario industrial sectors".<sup>14</sup> Certarus's announcement references the industrial sector only and does not mention communities.

- 25) Certarus is therefore reliant on Enbridge for investment in northern Ontario. Certarus is also a customer of Enbridge, off-taking natural gas for distribution to off-pipeline customers. Accordingly, Certarus's intervention request should reference its relationship with Enbridge as both a business partner and customer.
- 26) Second, Certarus's request to "adduce evidence related to competitive gas supply service" is not a valid interest in the Proceeding at this stage. The Board's Notice Letter clearly stipulated that any responding party must provide certain minimum information by January 16, 2019. Certarus failed to do so. Certarus therefore forwent the opportunity to adduce evidence on previous stages of the Proceeding.

### **Application Deficiencies**

- 27) NLNG also respectfully objects to Certarus's application due to its various deficiencies.
- 28) The Board clearly states that any party developing a plan to provide natural gas services to the Municipalities must submit the required information. Certarus has not done so:
  - a) Contrary to the assertions contained in paragraph 4 of the Certarus Request, the *Ontario Energy Board Act*, S.O. 1998, c. 15, Sched. B (the "Act"), makes no distinction between a gas distributor or supplier. In purporting to provide natural gas services to the Municipalities, Certarus clearly falls within the scope and purpose of the Notice Letter. It nonetheless failed to file any submissions, notice, or request for an extension of the filing period.
  - b) The Notice Letter also stipulated that any responding party must respond with certain minimum information by January 16, 2019. Again, Certarus has failed to comply with this minimum requirement set by the Board.

### **Procedural Fairness Concerns**

- 29) The Certarus Request raises significant concerns in respect of procedural fairness and due process owed to the other parties to the Proceeding. Certarus is attempting to have material and adversarial input into the Proceeding despite failing to provide information as required by the Notice Letter. Further, Certarus's intervention at this stage represents an attempted do-over or re-litigation of a previously settled step in the Proceeding.
- 30) The procedures set by the Board establish an orderly and fair process for the parties to exchange and assess information relevant to the Application. The parties have conducted significant consultation efforts, including engagement with First Nations, expended

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<sup>14</sup> Certarus "News Releases" online at: [https://certarus.com/docs/Certarus\\_NewsRelease\\_Enbridge-Ontario-Agreement.pdf](https://certarus.com/docs/Certarus_NewsRelease_Enbridge-Ontario-Agreement.pdf), See Attached, Schedule 12.

resources, and otherwise engaged in the Proceeding on the basis that any competitive plan to provide natural gas services would be provided to the parties with proper notice pursuant to requirements in the Notice Letter.

- 31) Certarus's failure to provide the necessary and required information will result in serious prejudice to the other parties to the Proceeding. Certarus is now, without any justification, attempting to circumvent the due process set by the Board through an intervenor request that is precluded by Certarus's failure to make submissions in manner required by the Notice Letter.
- 32) Further, the Certarus Request makes a number of unsupported assertions in paragraph 3. Certarus has had considerable time and opportunity to make submissions and engage in consultation with the parties prior to the deadlines stipulated by the Notice Letter. There is no evidence before this Board showing that Certarus has conducted meaningful engagement with any relevant party or can propose services that are in the public interest. Therefore, Certarus has failed to demonstrate any relevant or appropriate interest in the Proceeding.
- 33) More specifically, Certarus seeks to file evidence outlining how its CNG gas supply service is positioned to fulfill the Municipalities' natural gas requirements in the immediate future. This relief is exactly the type of submission that ought to have been made following the receipt of the Notice Letter. Accordingly, Certarus's interests are not affected by the scope of the relief sought in the Application. It would be improper for Certarus to intervene and challenge the Application solely for commercial interests in the manner purported by the Certarus Request.
- 34) For the reasons detailed above, NLNG respectfully requests that the Board deny the Certarus Request. The Board has established fair and transparent Rules. Certarus has disregarded those Rules. Granting Certarus intervenor status when it has failed to comply with the Board's Rules and established filing deadlines, without any justification, would be unfair to all other parties (including NLNG) who have followed the Board's process to date.
- 35) NLNG reserves its right to make further submissions respecting the participation of Certarus in the Proceeding, including, but not limited to, Certarus providing evidence or argument.

If you have any questions or concerns, please do not hesitate to contact the undersigned at 403-232-9656.

Yours truly,

**BORDEN LADNER GERVAIS LLP**

  
Alan L. Ross

Assistant: Alexandra Cabral  
Direct Line: (403) 232-9797  
Email: [acabral@blg.com](mailto:acabral@blg.com)

LIST OF SCHEDULES

**Schedule 1:** Nipigon LNG Corporation Intervenor Request, September 27, 2019 - EB-2018-0329

**Schedule 2:** Corporation of the Town of Marathon North Shore LNG Project Application, August 15, 2019 – EB-2018-0329

**Schedule 3:** Certarus Ltd. Intervenor Request, September 26, 2019 - EB-2018-0329

**Schedule 4:** Ontario Energy Board Rules of Process and Procedure, Rule 22

**Schedule 5:** Notice re: Gas distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa, December 20, 2018 - EB-2018-0329

**Schedule 6:** Town of Marathon Notice of Intent to File and Application for Orders, Board File Number EB-2018-0329, December 4, 2018

**Schedule 7:** Enbridge Letter Registering Interest in Gas Distribution, Board File Number EB-2018-0329, January 16, 2019

**Schedule 8:** Town of Marathon Letter, Board File Number EB-2018-0329, January 23, 2019

**Schedule 9:** Enbridge Letter, February 4, 2019, EB-2018-0329

**Schedule 10:** Board Notice dated March 13, 2019, EB-2018-0329

**Schedule 11:** Kitchener-Wilmot Hydro Inc., “Application for electricity distribution rates and other charges beginning January 1, 2020” Procedural Order No. 1, June 20, 2019 - EB-2019-0049

**Schedule 12:** Certarus News Release: “*Certarus Ltd. announces strategic alliance and commercial investment agreement with Enbridge Inc. for the expansion of natural gas supply to remote locations in Northern Ontario*”, May 23rd, 2019



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**Schedule 1**

**Nipigon LNG Corporation Intervenor Request, September 27, 2019 - EB-2018-0329**

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September 27, 2019

**Filed by RESS, Email & Original by Courier**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

**Attention: Kirsten Walli  
Board Secretary**

Dear Madam:

**Re: EB-2018-0329 – Gas Distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa (the “Municipalities”) – Request for Intervention by Nipigon LNG Corporation (“NLNG”) in its capacity as the general partner of Nipigon LNG LP**

We act as counsel to NLNG in respect of the above matter. Pursuant to the Notice issued by the Ontario Energy Board (“Board”) on September 12, 2019, NLNG is writing to formally request intervenor status in Board proceeding EB-2018-0329 (the “Proceeding”).

NLNG is a corporation incorporated pursuant to the laws of the Province of Ontario. NLNG is the general partner of Nipigon LNG LP, a special purpose limited partnership that has developed the Nipigon LNG Project (the “LNG Project”). As part of the LNG Project, NLNG is in the process of constructing an LNG plant in the unincorporated Township of Ledger, as well as an approximate 500-metre connecting pipeline for the purpose of obtaining gas from the TransCanada Mainline for liquefaction at the LNG plant. The LNG Project is the preferred supply option contemplated by the Municipalities’ Application. Construction of the LNG Project is expected to begin in October 2019 and be completed by October 2020.

As the counterparty to a proposed long-term gas service contract (the “Contract”), NLNG has a directly affected interest in the relief sought in the Proceedings, including, without limitation, the pre-approval of the cost consequences of the Contract, and the issuance of certificates of public convenience and necessity to permit the as yet to be formed Utilities to distribute gas to each of the Municipalities.

NLNG reserves its right to be heard in English, to appear by or with counsel, and to participate in all aspects of the Proceeding including evidence, interrogatories, cross-examination, and argument.

NLNG requests that the OEB proceed with this application by way of a written hearing, and submits that a written process is appropriate given the narrow scope of the matters in issue.

NLNG does not expect to seek cost awards for the Proceeding.

NLNG requests that further communications and copies of all documents filed or issued in connection with this Proceeding be sent to the following:

**Attention: Mr. Alan L. Ross**  
**Borden Ladner Gervais LLP**  
1900, 520 – 3rd Ave SW  
Calgary, AB T2P 0R3  
Tel: 403-232-9656  
Fax: 403-266-1395  
Email: aross@blg.com

**Attention: Mr. Joshua Samuel**  
**President, Nipigon LNG Corporation**  
150 Connie Crescent, Unit 4  
Concord, Ontario L4K 1L9  
Tel: 416-848-1165  
Email: jsamuel@northeastmidstream.com

If you have any questions or concerns, please do not hesitate to contact the undersigned at 403-232-9656.

Yours truly,

**BORDEN LADNER GERV AIS LLP**

  
Alan L. Ross

Assistant: Alexandra Cabral  
Direct Line: (403) 232-9797  
Email: acabral@blg.com



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**Schedule 2**

**Corporation of the Town of Marathon North Shore LNG Project Application, August 15, 2019 –  
EB-2018-0329**

**Please Note:**

**This Schedule has been abridge to allow for electronic filing, hard copies are forthcoming.**



The Corporation of the Town of Marathon  
4 Hemlo Drive, P.O. Bag TM  
Marathon, Ontario P0T 2E0  
cao@marathon.ca  
Phone: (807) 229-1341  
Fax: (807) 229-1999  
www.marathon.ca

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**OFFICE OF THE CAO/CLERK**

**DELIVERED VIA RESS & COURIER**

August 15, 2019

Ms. Kirsten Walli  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Corporation of the Town of Marathon ("Corporation") North Shore LNG Project  
Application – EB-2018-0329**

Further to the Corporation's notice of intent to file an application for orders related to the expansion of natural gas service to the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and Municipality of Wawa, filed December 3, 2018, enclosed please find an updated copy of the application, which requests the following:

- An order or orders approving a municipal franchise agreement for each Municipality, using the Ontario Energy Board's Model Franchise Agreement as a template;
- An order or orders granting a certificate of public convenience and necessity to supply natural gas within each Municipality;
- An order or orders for a leave to construct natural gas distribution works within each Municipality;
- An order or orders approving a form of easement agreements;
- An order or orders for a gas supply plan to serve each Municipality; and
- An order or orders providing pre-approval of the cost consequences of a long-term liquefied natural gas supply contract to serve each Municipality.

This application contains the following updates:

- Request for an order or orders approving a form of easement agreements (see Exhibit A, Tab 1, Schedule 2)
- Revised presentation of project cost information (see Exhibit A, Tab 9, Schedule 1)

Hard copies of the revisions will also be submitted.



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This submission has been filed through the Ontario Energy Board's Regulatory Electronic Submission System and will be available on the Project website at <https://northshorenaturalgas.com>.

Yours truly,



Daryl Skworchinski  
CAO/Clerk  
Town of Marathon  
4 Hemlo Drive, PO Bag TM  
Marathon, ON P0T 2E0  
E-mail: [cao@marathon.ca](mailto:cao@marathon.ca)  
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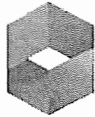
respect. works here.



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**Schedule 3**

**Certarus Ltd. Intervenor Request, September 26, 2019 - EB-2018-0329**



L. E. Smith, Q.C.  
Partner  
Direct Line: 403.298.3315  
e-mail: smithl@bennettjones.com

September 26, 2019

**Via E-mail and Courier**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4

**Attention: Ms. Kirsten Walli  
Board Secretary**

Dear Ms. Walli:

**Re: Corporation of the Town of Marathon ("Town of Marathon") North Shore LNG  
Project Application  
Ontario Energy Board File Number: EB-2018-0329 ("Proceeding")**

1. We are counsel to Certarus Ltd. ("**Certarus**"). In accordance with the Notice of Hearing issued September 12, 2019 and Rule 22 of the Ontario Energy Board ("**Board**") Rules of Practice and Procedure, we write to request that Certarus be granted intervenor status in the above-noted Proceeding regarding the Corporation of the Town of Marathon (Town of Marathon) North Shore LNG Project Application ("**Application**").
2. Certarus is a leader in providing proven, fully-integrated compressed natural gas ("**CNG**") solutions for the North American market. Certarus' primary business is the creation of a "Virtual Natural Gas Pipeline" through the compression, transportation and integration of CNG for remote communities, micro-grids, power generation, energy services, mining, forestry and industrial sectors. Certarus actively provides CNG in Northern Ontario and has demonstrated experience working with multiple distribution utilities. Certarus' newest Ontario terminal is located in Thunder Bay, and is complemented by Certarus' existing terminal in Timmins.
3. Certarus seeks to intervene in the Proceeding in order to adduce evidence related to its competitive gas supply service. Specifically, Certarus wishes to file evidence outlining how its CNG gas supply service is positioned to fulfill the Municipalities<sup>1</sup> natural gas requirements in the immediate future at operating costs \$20 million lower than the operating costs of landed liquefied natural gas ("**LNG**") over the 10-year term proposed by the Town of Marathon in its

<sup>1</sup> As defined at page 1 of the Application, the "Municipalities" include the Corporation of the Town of Marathon, on its own behalf and as representative of the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay, and the Municipality of Wawa.

Application. Additional savings in terms of eliminating LNG receiving facilities in each of the Municipalities may also be possible.

4. By intervening, Certarus does not oppose or seek to impair the Municipalities' Application as it relates to municipal franchise agreements, certificates of public convenience and necessity to supply natural gas, or leave to construct gas distribution works. As a gas supply service and not a gas distributor, Certarus' interests were not within the description set out in the Board's Notice dated December 20, 2018<sup>2</sup> and, accordingly, Certarus did not submit a response.
5. Instead, Certarus is in a position to provide CNG service to the Municipalities over the long term with minimal lead time, no investment or construction risk, limited operational risk given Certarus' breadth of experience, and in a competitively cost-effective manner. CNG service may continue to be provided in parallel to the proposed landed LNG service proposed in the Application.
6. Over the last two years, Certarus has attempted to discuss its gas supply service offerings with the Town of Marathon but has been unable to obtain a response. Certarus' recent contact with the other Municipalities identified interest in Certarus' CNG offerings and suggested that Marathon, as representative, had not communicated the existence of Certarus' gas supply service offerings. Certarus is concerned that the Board's consideration of the Application without adequate evaluation of Certarus' CNG service by either the Board or some Municipalities would not serve the public interest or ratepayers given the considerable difference in costs.
7. As an existing service provider in Northern Ontario and potential provider of CNG to the Municipalities, Certarus' commercial interests are affected by the outcome of this Proceeding. In addition, Certarus believes that its experience across Ontario and Canada and its technical expertise can assist the Board in its determination of the economic prudence and cost effectiveness of the Application. Certarus wishes to participate in all aspects of the above-noted proceeding, including evidence, interrogatories, cross-examination and argument.
8. Certarus will not be seeking a cost award and does not take a position on whether the Proceeding proceeds in writing or orally.

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<sup>2</sup> EB-2018-0329.





9. Please direct all written evidence, communication, pre-filed materials and other materials filed in respect of the noted proceeding to:

Mr. L.E. Smith, Q.C.  
4500 Bankers Hall East  
855 – 2nd Street SW  
Calgary, AB T2P 4K7  
Tel: (403) 298-3315  
Fax: (403) 265-7219  
E-mail: [smithl@bennettjones.com](mailto:smithl@bennettjones.com)

and

Clint Warkentin  
Chief Financial Officer  
Suite 1250, 555 4th Avenue SW  
Calgary, AB T2P 3E7  
Tel: (403) 969-4145  
E-mail: [cwarkentin@certarus.com](mailto:cwarkentin@certarus.com)

10. If you have any questions regarding this application, please contact the undersigned.

Yours truly,



for L. E. Smith

LES:SR



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**Schedule 4**

**Ontario Energy Board Rules of Process and Procedure, Rule 22**

# **ONTARIO ENERGY BOARD**

## **Rules of Practice and Procedure**

(Revised November 16, 2006, July 14, 2008, October 13, 2011, January 9, 2012,  
January 17, 2013, April 24, 2014 and October 28, 2016)

- 20.02 A party may by motion seek leave to discontinue participation in a proceeding at any time before a final decision.
- 20.03 The Board may impose conditions on any withdrawal or discontinuance, including costs, as it considers appropriate.
- 20.04 Any fee paid to commence the proceeding by an applicant seeking to withdraw under **Rule 20.01** shall not be refunded.
- 20.05 If the Board has reason to believe that a withdrawal or discontinuance may adversely affect the interests of any party or may be contrary to the public interest, the Board may hold or continue the hearing, or may issue a decision or order based upon proceedings to date.

## **21. Notice**

- 21.01 Any notices required by these Rules or a Board order shall be given in writing, unless the Board directs otherwise.
- 21.02 The Board may direct a party to give notice of a proceeding or hearing to any person or class of persons, and the Board may direct the method of providing the notice.
- 21.03 Where a party has been directed to serve a notice under this Rule, the party shall file an affidavit or statement of service that indicates how, when, and to whom service was made.

## **22. Intervenor Status**

- 22.01 Subject to **Rule 22.05** and except as otherwise provided in a notice or procedural order issued by the Board, a person who wishes to actively participate in the proceeding shall apply for intervenor status by filing and serving a letter of intervention by the date provided in the notice of the proceeding.
- 22.02 The person applying for intervenor status must satisfy the Board that he or she has a substantial interest and intends to participate actively and responsibly in the proceeding by submitting evidence, argument or interrogatories, or by cross-examining a witness.
- 22.03 Every letter of intervention shall contain the following information:

# ONTARIO ENERGY BOARD

## Rules of Practice and Procedure

(Revised November 16, 2006, July 14, 2008, October 13, 2011, January 9, 2012, January 17, 2013, April 24, 2014 and October 28, 2016)

- (a) a description of the intervenor, its membership, if any, the interest of the intervenor in the proceeding and the grounds for the intervention;
- (b) in the case of a frequent intervenor, an attached document describing the intervenor, its mandate and objectives, membership, if any, the constituency represented, the types of programs or activities carried out, and the identity of their authorized representative in Board proceedings, unless such a document was otherwise filed within the previous 12 month period;
- (c) subject to **Rule 22.04**, a concise statement of the nature and scope of the intervenor's intended participation;
- (d) a request for the written evidence, if it is desired;
- (e) an indication as to whether the intervenor intends to seek an award of costs;
- (f) if applicable, the intervenor's intention to participate in the hearing using the French language; and
- (g) the full name, address, telephone number, and email address, of no more than two representatives of the intervenor, including counsel, for the purposes of service and delivery of documents in the proceeding.

Subsection (b) applies to letters of intervention filed after June 1, 2014.

**22.04** Where, by reason of an inability or insufficient time to study the document initiating the proceeding, a person is unable to include any of the information required in the letter of intervention under **Rule 22.03(b)**, the person shall:

- (a) state this fact in the letter of intervention initially filed; and
- (b) refile and serve the letter of intervention with the information required under **Rule 22.03(b)** within 15 calendar days of receipt of a copy of any written evidence, or within 15 calendar days of the filing of the letter of intervention, or within 3 calendar days after a



# ONTARIO ENERGY BOARD

## Rules of Practice and Procedure

(Revised November 16, 2006, July 14, 2008, October 13, 2011, January 9, 2012, January 17, 2013, April 24, 2014 and October 28, 2016)

proposed issues list has been filed under **Rule 28**, whichever is later.

- 22.05 A person may apply for intervenor status after the time limit directed by the Board by filing and serving a notice of motion and a letter of intervention that, in addition to the information required under **Rule 22.03**, shall include reasons for the late application.
- 22.06 The Board may dispose of a motion under **Rule 22.05** with or without a hearing.
- 22.07 A party may object to a person applying for intervenor status by filing and serving written submissions within 5 business days of being served with a letter of intervention.
- 22.08 The person applying for intervenor status may make written submissions in response to any submissions filed under **Rule 22.07**.
- 22.09 The Board may grant intervenor status on conditions it considers appropriate.

## **23. Public Comment**

- 23.01 Except as otherwise provided in a notice or procedural order issued by the Board, a person who does not wish to be a party in a proceeding, but who wishes to communicate views to the Board, shall file a letter of comment.
- 23.02 The letter of comment shall include the nature of the person's interest, the person's full name, mailing address, email address and telephone number.
- 23.03 Before the record of a proceeding is closed, the applicant in the proceeding must address the issues raised in letters of comment by way of a document filed in the proceeding.
- 23.04 In any proceeding, the Board may make arrangements to receive oral comment on the record of the proceeding.

# **ONTARIO ENERGY BOARD**

## **Rules of Practice and Procedure**

(Revised November 16, 2006, July 14, 2008, October 13, 2011, January 9, 2012,  
January 17, 2013, April 24, 2014 and October 28, 2016)

23.05 A person who makes an oral comment shall not do so under oath or affirmation and shall not be subject to cross-examination, unless the Board directs otherwise.

### **24. Adjournments**

24.01 The Board may adjourn a hearing on its own initiative, or upon motion by a party, and on conditions the Board considers appropriate.

24.02 Parties shall file and serve a motion to adjourn at least 10 calendar days in advance of the scheduled date of the hearing.

## **PART IV - PRE-HEARING PROCEDURES**

### **25. Technical Conferences**

25.01 The Board may direct the parties to participate in technical conferences for the purposes of reviewing and clarifying an application, an intervention, a reply, the evidence of a party, or matters connected with interrogatories.

25.02 The technical conferences may be transcribed, and the transcription, if any, shall be filed and form part of the record of the proceedings.

### **26. Interrogatories**

26.01 In any proceeding, the Board may establish an interrogatory procedure to:

- (a) clarify evidence filed by a party;
- (b) simplify the issues;
- (c) permit a full and satisfactory understanding of the matters to be considered; or
- (d) expedite the proceeding.

26.02 Interrogatories shall:

- (a) be directed to the party from whom the response is sought;

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**Schedule 5**

**Notice re: Gas distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa, December 20, 2018 - EB-2018-0329**

**Ontario Energy  
Board**

P.O. Box 2319  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto ON M4P 1E4  
Telephone: 416-481-1967  
Facsimile: 416-440-7656  
Toll free: 1-888-632-6273

**Commission de l'énergie  
de l'Ontario**

C.P. 2319  
2300, rue Yonge  
27<sup>e</sup> étage  
Toronto ON M4P 1E4  
Téléphone: 416-481-1967  
Télécopieur: 416-440-7656  
Numéro sans frais: 1-888-632-6273



**BY WEB POSTING**

December 20, 2018

To: All Natural Gas Distribution Service Providers

Re: Gas distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa  
Board File Number EB-2018-0329

In a letter dated December 4, 2018, the Town of Marathon, on its own behalf and as representative of the Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and the Municipality of Wawa (the Municipalities), notified the Ontario Energy Board (OEB) that the Municipalities intend to file an application by mid-2019 to provide natural gas distribution services within the Municipalities and potentially within additional communities, where feasible.

The Municipalities are proposing to create a local gas distribution company (the Utility) and have indicated that they intend to apply for an order or orders:

- Approving a municipal franchise agreement for each Municipality, using the OEB's Model Franchise Agreement as a template
- Granting a certificate of public convenience and necessity to the Utility to supply natural gas within each Municipality
- Leave to construct natural gas distribution works within each Municipality
- Approving the mechanism used to set the rates charged to customers for natural gas delivery and provide long-term rate stability
- Pre-approval of the cost consequences of one or more long-term natural gas supply and/or upstream capacity contracts
- Any further or other related relief that the Municipalities may request and that the OEB may consider to be appropriate

The Municipalities' letter indicating its intention to file an application with the OEB (OEB file number EB-2018-0329) and describing the project is available on the OEB's website [www.oeb.ca](http://www.oeb.ca).

By way of this letter, the OEB is requesting that any other party that is currently developing a plan to provide natural gas services to the Municipalities file a letter and the minimum information enumerated below with the OEB by **January 16, 2019**. Any responding party must demonstrate that it has already explored the opportunity to provide service in the Municipalities and that it is in a position to file a complete application with the OEB by June 28, 2019. In particular, a responding party must provide the following minimum information:

- The name of the company
- A brief description of the work already undertaken to support its application(s) to the OEB
- The date by which the company will be ready to file its complete application(s) to provide gas distribution services to the Municipalities
- A description of the level of municipal engagement already undertaken with all five of the Municipalities
- A high-level description of the proposed system to serve the five Municipalities
- A preliminary gas supply plan
- Confirmation that it is in a position to file a complete application with the OEB by June 28, 2019

In the absence of any letters from other parties interested in serving the Municipalities, the OEB will proceed to review the Municipalities' application when it is filed.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides customers with reliable energy services at a reasonable cost.

Any questions relating to this letter should be directed to Azalyn Manzano at [Azalyn.Manzano@oeb.ca](mailto:Azalyn.Manzano@oeb.ca) or at 416-544-5180. The OEB's toll-free number is 1-888-632-6273.

Yours truly,

*Original Signed By*

Rudra Mukherji  
Associate Registrar  
Office of the Registrar

c: Daryl Skworchinski, Town of Marathon, Chief Administrative Officer and Clerk

Nipigon LNG Corporation

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**Schedule 6**

**Town of Marathon Notice of Intent to File and Application for Orders, Board File Number EB-2018-0329, December 4, 2018**





The Corporation of the Town of Marathon  
4 Hemlo Drive, P.O. Bag TM  
Marathon, Ontario P0T 2E0  
clerk@marathon.ca  
Phone: (807) 229-1340 Ext. 2223  
Fax: (807) 229-1999  
www.marathon.ca

**OFFICE OF THE CAO/CLERK**  
File 4-6

**SENT VIA EMAIL ONLY**

December 4, 2018

Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Subject: Notice of Intent to File an Application for Orders Related to the  
Expansion of Natural Gas Service to the Town of Marathon,  
Township of Manitouwadge, Township of Schreiber, Township of  
Terrace Bay and Municipality of Wawa**

Please find herewith a notice of intent to file an application from the Town of Marathon on its own behalf and as representative of the Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa.

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

Thank you and I look forward to receiving your instructions in this matter.

Sincerely,

THE TOWN OF MARATHON

Daryl Skworchinski  
Chief Administrative Officer and Clerk

DS:lw

M:\4-6 (Administration)\2018 Correspondence\let\_1203.Town of Marathon OEB Notice of Intent.doc



respect. works here.

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**Schedule 7**

**Enbridge Letter Registering Interest in Gas Distribution, Board File Number EB-2018-0329,  
January 16, 2019**



Enbridge  
50 Keil Drive N.  
Chatham, Ontario, Canada  
N7M 5M1

January 16, 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: EB-2018-0329 –Gas Distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa (“the North Shore Communities”) – Enbridge Gas Inc. (“Enbridge Gas”) response to Board letter of December 20, 2018**

Enbridge Gas (formerly Union Gas Ltd (“Union”) and Enbridge Gas Distribution (“EGD”)) is writing in response to a letter from the Ontario Energy Board (the “Board”) dated December 20, 2018 regarding The Town of Marathon’s intent to file an application to provide gas distribution service to the North Shore Communities. The Board requested that any other party that is currently developing a plan to provide natural gas services to these municipalities file a letter indicating this by January 16, 2019 to advise the Board.

Enbridge Gas is interested in providing natural gas service to the North Shore Communities. For the reasons noted below, Enbridge Gas believes it is premature for any party to make a commitment to file a complete application and to do this by June 28, 2019 as required by the Board’s letter.

Enbridge Gas has been very involved in, and a leader in developing plans to expand natural gas service to unserved communities in Ontario, including four of the five North Shore Communities. Union has investigated serving these communities several times in the past. As part of these investigations Union completed preliminary analysis on piping plans for the communities. Union included three of these communities in its community expansion proposal made to the Board as part of its EB-2015-0179 application, which was put on hold while the Board convened a generic proceeding (EB-2016-0004) to review community expansion.

The Board’s EB-2016-0004 Decision did not allow for any cross subsidization in rates as proposed by Union in that proceeding, however the government of Ontario subsequently introduced the Natural Gas Grant Program (“NGGP”) to assist in expanding gas access for

Ontario residents. Union and EGD actively participated in that process however the NGGP was subsequently withdrawn. Instead, this past December the government passed Bill 32 which will allow a limited degree of customer cross subsidization in support of the expansion of gas service to new communities. Enbridge Gas is awaiting the issuance of the subsequent regulations that will give effect to Bill 32 in order to fully understand the new funding mechanisms to be made available to support the expansion of gas service to new communities.

Enbridge Gas is interested in serving the North Shore Communities and continues to evaluate and further develop plans to serve these communities.<sup>1</sup> However, as noted earlier in this submission, Enbridge Gas believes it is premature to be able to commit to file a complete application by June 28th, when key elements of such an application are yet to be determined. The economic viability of any project, by Enbridge Gas or by the Town of Marathon, cannot be determined until Bill 32 regulations are issued and implemented.

Subject to the issuance of the Bill 32 regulations which will identify the funding mechanisms available for natural gas community expansion projects in Ontario, Enbridge Gas would need to evaluate the proposed project to determine economic viability before proceeding with filing its application. Enbridge Gas would also need to know the Board's Decision with respect to any competitive process. Enbridge Gas expects the Town of Marathon will also need resolution of these issues before filing an application, and the Board would need this information before proceeding with their review of any application. As a case in point, Union has submitted a complete community expansion application (EB-2018-0142) to the Board for; Chippewas of the Thames First Nation, North Bay (Northshore and Peninsula Road) and Saugeen First Nation, which has been held in abeyance pending the implementation of Bill 32, while EGD has its Board approved project to serve Scugog Island on-hold all for the same reason.

Enbridge Gas requests the opportunity to participate in any competitive process before the Board for the right to serve the North Shore Communities.

Should you have any questions on the above, please contact me at 519-436-5473.

Yours truly,

[original signed by]

Karen Hockin P. Eng.  
Specialist, Regulatory Initiatives  
Enbridge Gas Inc.

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<sup>1</sup> Union has evaluated several alternatives for gas supply for the Towns. LNG and CNG remain as options, however pipelines from the TransCanada pipeline to the town gate stations were ruled out as an option due to costs. Plans are based on provision of a gas supply at the gate station for each town via trucked LNG or CNG. Proposed LNG sources include Union's existing Hagar LNG plant and the LNG plant proposed by NE Midstream to be located at Nipigon. Potential CNG sources include proposed CNG station near Red Rock.

cc. Charles Keizer, Torys  
Mark Kitchen, Enbridge Gas Inc.  
Daryl Skworchinski, Town of Marathon

Nipigon LNG Corporation

---

**Schedule 8**

**Town of Marathon Letter, Board File Number EB-2018-0329, January 23, 2019**





The Corporation of the Town of Marathon  
4 Hemlo Drive, P.O. Bag TM  
Marathon, Ontario P0T 2E0  
cao@marathon.ca  
Phone: (807) 229-1340 Ext. 2222  
Fax: (807) 229-1999  
www.marathon.ca

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**OFFICE OF THE CAO/CLERK**

File No. 4-6

January 23, 2019

**Delivered by Email and RESS**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

**Re: Gas distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa (the "Municipalities") – Board File Number EB-2018-0329**

The Corporation of the Town of Marathon is writing to respond to a letter dated January 16, 2019 (the "January 16 Letter") that was sent to the Ontario Energy Board (the "Board") by Enbridge Gas Inc. ("Enbridge") in connection with a pending application by the Municipalities under Board file number EB-2018-0329 (the "North Shore Project").

**1. Background**

On December 4, 2018, the Corporation of the Town of Marathon submitted to the Board a notice of intent to file an application to the Board on behalf of the Municipalities for the North Shore Project by June 28, 2019.

On December 20, 2018, the Board issued a letter directed to any party that is currently developing a plan to provide natural gas services to the Municipalities (the "Notice Letter"). The Notice Letter requested that interested parties file a response letter by January 16, 2019. It also requested that any party "currently developing a plan" to provide natural gas services to the Municipalities file a letter indicating so and include in that letter certain information requirements. In particular, the Board stated a responding party must provide the following minimum information:

- The name of the company;
- A brief description of the work already undertaken to support its application(s) to the Board;
- The date by which the company will be ready to file its complete application(s) to provide gas distribution services to the Municipalities;
- A description of the level of municipal engagement already undertaken with all five of the Municipalities;
- A high-level description of the proposed system to serve the five Municipalities;
- A preliminary gas supply plan; and
- Confirmation that it is in a position to file a complete application with the Board by June 28, 2019.

The Board also stated in the Notice Letter that, in the absence of letters from any other interested gas service providers, the Board would proceed to review the application by the Municipalities when filed.

## **2. Action Sought**

The Corporation submits that Enbridge did not provide the minimum information set out in the Notice Letter, nor did Enbridge confirm that it is “currently developing a plan” to provide service to the Municipalities. Enbridge’s indication of its speculative interest in the Municipalities is excessively weak. Consequently, the Corporation respectfully requests that the Board disregard the January 16 Letter, as submitted by Enbridge; the Board proceed to review the application by the Municipalities when it is filed; and the Board not delay its review of the application to accommodate the filing of any competitive application in this matter.

## **3. Reply to Enbridge’s Submission**

### **3.1. Speculation is not a considerable factor**

The speculative interest in serving the Municipalities expressed by Enbridge is far from the confirmation required by the Board. The January 16 Letter states that Enbridge is “interested in serving the North Shore Communities and continues to evaluate and further develop plans to serve these communities. However, as noted earlier in this submission, Enbridge Gas believes it is premature to be able to commit to file a complete application by June 28th.”

It is unreasonable for Enbridge to use the occasion of the Board’s Notice Letter, and the underlying Board guidelines, to reserve a potential future business opportunity for Enbridge. The primary effect of this would be to delay the initiative of the Municipalities to make natural gas available to their residents and businesses. The Province of Ontario has identified increasing access to natural gas as a public policy priority and the Board has determined that the expansion of natural gas in Ontario is a competitive market. Enbridge is a mega utility controlling virtually every natural gas customer in Ontario. It should not be allowed to frustrate the public interest and abuse the Board’s process. To do so would be fundamentally anti-competitive.

Further, Enbridge's letter asserts: "The economic viability of any project, by Enbridge Gas or by the Town of Marathon, cannot be determined until Bill 32 regulations are issued and implemented." This is untrue. The Municipalities established the economic feasibility of the North Shore Project in 2016, more than two years before Bill 32 was contemplated in 2018.

### **3.2. No description of the work already undertaken**

The Notice Letter states that any responding party must demonstrate that it is actively exploring the opportunity to provide services to the Municipalities. The January 16 Letter does not address this minimum requirement. Other than its reference that Enbridge "investigated serving these communities several times in the past," Enbridge's letter provides no basis upon which it can demonstrate that it has any plans to provide service in the Municipalities. Indeed, while the intent of the Notice Letter is to solicit interest from any party that is "currently developing a plan" to provide gas services, Enbridge has neither stated nor demonstrated it is "currently" developing anything regarding the Municipalities.

### **3.3. No date by which Enbridge will be ready to file its complete application(s)**

The Notice Letter states that any responding party must demonstrate that it is in a position to file a complete application by June 28, 2019. Again, Enbridge does not address this minimum requirement. The January 16 Letter makes it clear that Enbridge is not in a position to file a complete application by June 28, 2019, and it gives no indication of when Enbridge will or might be in a position to file a complete application.

### **3.4. No evidence of engagement undertaken with the five Municipalities**

Enbridge has provided no evidence that it has engaged with any of the Municipalities, let alone all five, on any level. This position by Enbridge would appear clearly to illustrate that there has been no "level of municipal engagement." The Municipalities are particularly sensitive to this point. They have taken the initiative to develop comprehensive systems; they have secured financing to permit further development; they have applied to the Board in their own interest and they now face frustration from a party that has had every conceivable opportunity to provide service and has done nothing. Any delay will withhold gas from residents and is not in the public interest.

### **3.5. No high-level description of the proposed system to serve the five Municipalities**

Enbridge has indicated that it completed preliminary analysis on piping plans for the communities of Terrace Bay, Schreiber and Marathon as part of a community expansion proposal made to the Board in 2015. The Municipalities submit that the claim concerning the piping plans should be disregarded, as the preliminary analysis was done without the knowledge of the Municipalities, without any consultation with Municipal staff, and only included three of the Municipalities, not all five.

### 3.6. No preliminary gas supply plan

The Municipalities submit that the preliminary gas supply plan as proposed by Enbridge in the January 16 Letter is simply the product of copying another's work and should be disregarded. Enbridge states it has ruled out a pipeline from the TransCanada Mainline due to costs, but it presents no evidence it considered LNG or CNG as gas supply options for the Municipalities until now. In 2014, Union Gas, a predecessor company of Enbridge, applied to the Board to dispense LNG from Hagar in the matter of EB-2014-0012. However, Union Gas did not include off-pipeline communities as a potential market in the Hagar case, despite similar concepts under development by other Canadian utilities. In 2015, Union Gas only considered the pipeline option to exclude Terrace Bay, Schreiber and Marathon from the list of communities that it wished to serve in the matter of EB-2015-0179. Finally, in 2016, Enbridge Gas Distribution, another predecessor company, included a list of community expansion projects under consideration using LNG in the matter of EB-2016-0004, but did not include the Municipalities. The failure by Enbridge and its predecessor companies to identify, evaluate and advance alternatives to a pipeline to service the Municipalities indicates that Enbridge lacked the initiative, motive, or desire to serve the Municipalities until plans were developed and published by another party.

### 3.7. No confirmation that it is in a position to file a complete application by June 28, 2019

As previously stated, the January 16 Letter makes it clear that Enbridge is not in a position to file a complete application by June 28, 2019, and it has given no indication of when it will or might be in a position to file a complete application. The Municipalities, which have worked hard to introduce service in a timely manner, submit this failure should disqualify Enbridge's expression of interest, based on the precedent of Bobcaygeon and Scugog Island (EB-2017-0260 / EB-2017-0261), cases where Enbridge was the applicant and a new entrant was the respondent.

In 2017, Enbridge issued a letter of intent to the Board regarding Bobcaygeon and Scugog Island to which the Board issued a letter to all natural gas providers, similar to the Notice Letter. EPCOR responded with a submission to which Enbridge countered with a fulsome reply argument to the Board. Enbridge concluded:

*In view of the contents of EPCOR's letter, the only conclusion to be drawn is that allowing Enbridge's application to be delayed while EPCOR develops a plan to serve either or both of Bobcaygeon and Scugog Island would cause a substantial delay to Enbridge's proposal to extend gas service to these communities.*

**Waiting while EPCOR pursues its interest in developing competitive proposals will only prove a detriment to the communities looking to be served.<sup>1</sup>** (Emphasis added.)

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<sup>1</sup> Ontario Energy Board EB-2017-0260 / EB-2017-0261. Letter from Enbridge Gas Distribution to the Ontario Energy Board, November 24, 2017.

The Board agreed with Enbridge and issued the following determination to EPCOR:

*The OEB has reviewed EPCOR's letter and supporting materials and has determined that EPCOR has not met the minimum information requirements of the OEB. In particular, **EPCOR did not provide any substantive information with respect to work undertaken to support its application and did not commit to providing an application to the OEB by December 2017.**<sup>2</sup> (Emphasis added.)*

### 3.8. Further Considerations

Within the context of soliciting interest from natural gas providers, it is important that the Board appreciate the following considerations.

1. In regard to the fairness of the Board's competitive process, the January 16 Letter concludes with Enbridge requesting the opportunity to participate in any competitive process before the Board for the right to serve the Municipalities. Enbridge seems to believe that fair competition requires that it be granted an extended period of time to develop a proposal to serve the Municipalities. Enbridge acknowledges that significant time is required to scope community expansion projects properly and complete the requirements of leave to construct applications. However, the Municipalities submit that Enbridge has had a reasonable amount of time to do so while possessing immensely more resources than available to the Municipalities.
2. The Board is aware from the EB-2016-0004 proceeding that communities in Ontario currently without natural gas service are keenly focused on avoiding undue delays in the completion of viable system expansion projects. The Notice Letter takes account of concerns of this nature, in providing an application deadline of June 2019 and by setting out other minimum requirements. Not only does Enbridge fail to meet the Board's minimum requirements, it also fails to address the interests and concerns of communities that seek to avoid undue delays, a considerable factor highlighted by Enbridge in the matter of Bobcaygeon and Scugog Island.
3. Beyond all of the deficiencies in the January 16 Letter, the Board should take into consideration that Enbridge is a mega utility with a vast cadre of regulatory and business development professionals advised by the leading lawyers at elite national law firms, all funded by more than three million natural gas consumers. Enbridge should not be allowed to exploit its market power and deploy these considerable resources to systematically frustrate projects by others to expand access to natural gas to northern and rural communities. Any delay in processing this application to a time that Enbridge believes is right for them, if ever, is contrary to the competitive process initiated by the Board.

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<sup>2</sup> Ontario Energy Board EB-2017-0260 / EB-2017-0261. Letter from the Ontario Energy Board to EPCOR, December 7, 2017.

On a practical level, if Enbridge is permitted to seek the time needed to undertake a competitive process similar to Southern Bruce, such a delay will put at risk the construction season in the Municipalities, negatively impact the cost of the North Shore Project and impair the economic feasibility by raising rates and reducing the energy cost savings that would otherwise be realized by the residents and businesses in the Municipalities.

## **Conclusion**

For all these reasons, the Municipalities respectfully request that the Board disregard the January 16 Letter and proceed with consideration of the application by the Municipalities when filed, in accordance with the Board's usual procedures and timelines for such applications and that those usual procedures and timelines not be altered, extended or delayed by reason of Enbridge's statement of its speculative interest in developing a competitive proposal.

All of which is respectfully submitted.

Sincerely,

**The Corporation of the Town of Marathon**



Daryl Skworchinski  
Chief Administrative Officer/Clerk/Director of Economic Development

cc Karen Hockin, Enbridge Gas Inc.  
Mark Kitchen, Enbridge Gas Inc.  
Charles Keizer, Torys

DS:lw



Nipigon LNG Corporation

---

**Schedule 9**

**Enbridge Letter, February 4, 2019, EB-2018-0329**



Enbridge  
50 Kell Drive N.  
Chatham, Ontario, Canada  
N7M 5M1

February 4, 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: EB-2018-0329 –Gas Distribution to the Town of Marathon, the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa (“the North Shore Communities”) – Enbridge Gas Inc. (“Enbridge Gas”) correspondence**

Enbridge Gas (formerly Union Gas Ltd (“Union”) and Enbridge Gas Distribution (“EGD”)) is writing in response to the letter submitted by The Corporation of the Town of Marathon (“Marathon”) to the Ontario Energy Board (the “Board”) on January 23, 2019 in which Marathon responded to a January 16, 2019 letter filed by Enbridge Gas with the Board in relation to the Board’s December 20, 2018 request for intention to provide distribution service.

In its January 16, 2019 letter, Enbridge Gas indicated to the Board that the request for intentions to serve the North Shore Communities was premature. In particular, Enbridge Gas stated that *“The economic viability of any project, by Enbridge Gas or by the Town of Marathon, cannot be determined until Bill 32 regulations are issued and implemented.”* This statement assumed that funding support is required for the project to progress. It was Enbridge Gas’ understanding that the project’s economic viability may be dependent on funding or cross subsidization as contemplated in Bill 32, now the *Access to Natural Gas Act* (“ANG Act”).

However, in its letter of January 23, 2019, Marathon stated at Section 3.1 that Enbridge Gas’ statement is incorrect and that *“The Municipalities established the economic feasibility of the North Shore Project in 2016, more than two years before Bill 32 was contemplated in 2018.”*

Further, Enbridge Gas understands that the North Shore Communities are receiving funding directly from the government and that feasibility of the project is not dependent

on the ANG Act funding. Accordingly, Enbridge Gas, not wanting to cause delay in the project, will not compete to serve the North Shore Communities.

Should you have any questions on the above, please contact me at 519-436-5473.

Yours truly,

[original signed by]

Karen Hockin P. Eng.  
Specialist, Regulatory Initiatives  
Enbridge Gas Inc.

cc. Charles Keizer, Torys  
Mark Kitchen, Enbridge Gas Inc.  
Daryl Skworchinski, Town of Marathon

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**Schedule 10**

**Board Notice dated March 13, 2019, EB-2018-0329**



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

BY E-MAIL

March 13, 2019

Daryl Skworchinski  
Chief Administrative Officer and Clerk  
The Corporation of the Town of Marathon  
4 Hemlo Drive, P.O. Bag TM  
Marathon ON P0T 2E0  
[clerk@marathon.ca](mailto:clerk@marathon.ca)

Dear Mr. Skworchinski:

**Re: Gas Distribution to the Town of Marathon, the Township of Manitouwadge,  
the Township of Schreiber, the Township of Terrace Bay and the  
Municipality of Wawa  
Ontario Energy Board File Number EB-2018-0329**

Under cover of a letter dated December 4, 2018, the Town of Marathon (Town), on its own behalf and as representative of the Township of Manitouwadge, the Township of Schreiber, the Township of Terrace Bay and the Municipality of Wawa (Municipalities), filed with the Ontario Energy Board (OEB) a notice of intent to file an application by June 28, 2019 to provide natural gas distribution services within the Municipalities.

On December 20, 2018, the OEB issued a letter requesting that any other party that is currently developing a plan to provide natural gas services to the Municipalities file a letter including certain enumerated minimum information by January 16, 2019. Among the required minimum information was confirmation that the party is in a position to file a complete application with the OEB by June 28, 2019.

On January 16, 2019, Enbridge Gas Inc. (Enbridge) filed a letter with the OEB registering its interest in providing natural gas service to the Municipalities. No other expressions of interest were filed in response to the OEB's December 20, 2018 letter. In its letter, Enbridge stated that it is premature to be able to commit to filing a complete application by June 28, 2019 when key elements of such an application are yet to be determined. In particular, according to Enbridge the economic viability of any project, whether by Enbridge or the Town, cannot be determined until regulations under the *Access to Natural Gas Act, 2018* (formerly Bill 32) are issued and implemented.

On January 23, 2019, the Town filed a letter in response, requesting that the OEB disregard Enbridge's letter, stating that Enbridge did not provide the minimum information required by the OEB in its December 20, 2018 letter. Among other things, the Town stated that Enbridge's interest in serving the Municipalities is speculative and that the OEB should not delay its review of the Municipalities' application to accommodate the filing of any competitive application. The Town also stated that "the Municipalities established the economic feasibility of the North Shore Project in 2016, more than two years before Bill 32 was contemplated in 2018".

On February 4, 2019, Enbridge filed a letter stating that it would not compete to serve the Municipalities, as it understood from the Town's January 23, 2019 letter that the Municipalities are receiving funding directly from the government and that feasibility of the project is not dependent on funding under the *Access to Natural Gas Act, 2018*.

As Enbridge has withdrawn its expression of interest, the OEB does not expect to undertake a competitive process with respect to the provision of natural gas service to the Municipalities. The OEB therefore anticipates that it will proceed to review the Municipalities' application once it is filed. Please be aware, however, that the OEB may hold in abeyance any application to expand natural gas service that is contingent on or underpinned by third party funding, the receipt of which is not sufficiently certain.

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

Yours truly,

*Original signed by*

Christine E. Long  
Registrar  
Office of the Registrar

c: Karen Hockin, Enbridge Gas Inc.



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**Schedule 11**

**Kitchener-Wilmot Hydro Inc., "Application for electricity distribution rates and other charges beginning January 1, 2020" Procedural Order No. 1, June 20, 2019 - EB-2019-0049**

**Kitchener-Wilmot Hydro Inc.**

**Application for electricity distribution rates and other  
charges beginning January 1, 2020**

**PROCEDURAL ORDER NO. 1  
June 20, 2019**

Kitchener-Wilmot Hydro Inc. (Kitchener-Wilmot Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on April 30, 2019 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Kitchener-Wilmot Hydro charges for electricity distribution, to be effective January 1, 2020.

A Notice of Hearing was issued on May 16, 2019.

Each of Distributed Resource Coalition (DRC), Energy Probe Research Foundation (Energy Probe), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status and cost eligibility.

**Intervention Requests**

Kitchener-Wilmot Hydro filed a letter objecting to DRC's request for intervenor status and cost eligibility. DRC responded to the objection.

In its Letter of Intervention, DRC describes itself as a group of electricity customers and consumers that consists of end-use residential customers, non-profit organizations, and owners' associations that are directly affected by and interested in the following:

- (i) optimizing existing energy assets
- (ii) efficiently facilitating the integration of existing and innovative Distributed Energy Resources (DERs), including electric vehicles, to achieve customer and grid solutions

- (iii) providing input on direct customer needs and local distribution company opportunities relating to DERs

DRC states that if accepted as an intervenor, it would focus on the following issues:

- Connection of DERs to the electricity grid
- DERs as a reliability resource for Kitchener-Wilmot Hydro
- Integration of DERs into local distribution system planning and related operations, maintenance, and administration (OM&A) considerations
- DER considerations for rate design
- DER considerations for cost allocation

In its Letter of Intervention, DRC states that its members in connection with this proceeding are Kitchener-Wilmot Hydro customers that include, subject to further update, the Electric Vehicle Society (end-use electric vehicle electricity customers) and Plug'n Drive. DRC states that it hopes to provide the OEB with a unique perspective that is absent, that of DER residential customers, as well as DER-related non-profit organizations, owners and developers.

Kitchener-Wilmot Hydro objected to DRC's request for intervenor status stating that DRC had failed to demonstrate that any of its members are customers of Kitchener-Wilmot Hydro. Kitchener-Wilmot Hydro also objected to DRC's request for cost eligibility on grounds that DRC represents the commercial interests of its members and not the direct interest of ratepayers.

DRC responded to the objection by stating that the Electric Vehicle Society's chapter in the Kitchener-Wilmot Hydro service territory is the Waterloo Region Electric Vehicle Association (WREVA). DRC states that the membership of WREVA includes Kitchener-Wilmot Hydro customers that own electric vehicles.

DRC's response to the objection also states that "Plug'n Drive is a Canada-wide non-profit organization whose policy mandate to accelerate the adoption of EVs in order to maximize their environmental and economic benefit is not limited to North York, Ontario, where its head office is located. EVS and Plug'n Drive are each highly active and engaged in the Kitchener-Wilmot Hydro service territory and have recently hosted local events in the region."

These events include National Drive Electric Week and an electric vehicle information day for customers in the region. WREVA has hosted an electric vehicle information day and plans to host future events in the service territory.

The Substantial Interest Test

Rule 22 of the OEB's *Rules of Practice and Procedure* requires that an entity seeking intervenor status must have a "substantial interest" in the proceeding. DRC takes the position that it has a direct and substantial interest in the proceeding in that its members are directly affected by the rates, services and approaches being proposed in the rate application.

Whether an intervenor has a substantial interest is determined based on the facts of each application. Therefore, the fact that an intervenor has been accepted in a previously heard application may be instructive, but it does not create a precedent for an intervenor having a substantial interest in a different application. An assessment of whether a substantial interest exists is undertaken for each application.

Policy Interest

Based on the information provided by DRC, it appears that Plug'n Drive seeks to bring a policy perspective to this rate application. DRC states that "Plug'n Drive is a non-profit organization whose policy mandate is to accelerate the adoption of EVs in order to maximize their environmental and economic benefit."

The policy issues DRC seeks to advance are more appropriately considered in a policy consultation and not Kitchener-Wilmot Hydro's rate application. The OEB has previously determined that a rates case is not the forum by which to develop broad policy directions for DERs<sup>1</sup>.

On March 15, 2019, the OEB launched a policy initiative entitled "Responding to Distributed Energy Resources (DERs)", (EB-2018-0288). The consultation states that its purpose is to develop a more comprehensive regulatory framework that facilitates investment and operation of DERs on the basis of value to consumers and supports effective DER integration so the benefits of sector evolution can be realized. DRC has applied to be an intervenor in that policy consultation.

Substantial Interest

This leaves for consideration the participation of the Waterloo Region Electric Vehicle Association (WREVA). It is not clear, based on the information provided, the extent to which this group is comprised of end-use customers of Kitchener-Wilmot Hydro.

In addition, the intervention request does not address specific items that will be examined in relation to Kitchener-Wilmot Hydro's capital plan or OM&A expenditures. The letter of intervention speaks to "optimizing existing assets" and "facilitating

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<sup>1</sup> EB-2018-0165, Decision on Appeal, dated December 14, 2018

integration of DERs”, as well as speaking to the benefits of DER, but there are no details provided specific to the application that the OEB has before it. It should be noted that the Kitchener-Wilmot Hydro rate application does not contain a specific EV customer rate.

Based on a review of the contents of the Kitchener-Wilmot Hydro application, and absent specific details on the part of DRC, it is not clear that DRC has a substantial interest in this application.

For the above reasons, DRC is denied intervenor status in this rate application.

Energy Probe, SEC and VECC are approved as intervenors. Energy Probe, SEC and VECC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

### **Confidentiality**

By the letter dated April 30, 2019 and pursuant to the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings*, Kitchener-Wilmot Hydro requested confidential treatment for certain information in the following documents:

- Personal information contained in PILs income tax returns for 2017
  - Exhibit 4, Appendix 4-5
- Information on third parties engaged in complete business activities
  - Exhibit 2, Appendix 2-3 (Distribution System Plan) – CIS Replacement Business Case dated April 2019
  - Exhibit 4, Appendix 4-7 – Bill and Mail Processing Outsourcing Proposal dated March 19, 2017

In accordance with the OEB's *Practice Direction on Confidential Filings*, Kitchener-Wilmot Hydro has provided reasons for the confidentiality request, including reasons why public disclosure of the information would be contrary to the *Freedom of Information and Protection of Privacy Act*, and why public disclosure of the information would be injurious to the financial interest of the third parties identified in the documents.

At this time, provision will be made for the filing of submissions on Kitchener-Wilmot Hydro's request for confidentiality. Counsel and consultants for intervenors that wish to make submissions on the request for confidentiality shall be granted access to the un-redacted documents provided they have executed the OEB's Declaration and Undertaking. The signed Declaration and Undertaking shall be filed with the OEB and a copy shall be delivered to Kitchener-Wilmot Hydro. If Kitchener-Wilmot Hydro objects to a Declaration and Undertaking, the objection shall be filed with the OEB and copied to the relevant party within **5 days** from the receipt of the Declaration and Undertaking. The relevant party shall file its reply, if any, with the OEB and deliver a copy to Kitchener-Wilmot Hydro, within **5 days** from the receipt of the objection.

### Issues List

It is the OEB's expectation that parties will be best positioned to identify issues relevant to Kitchener-Wilmot Hydro's application after the applicant has responded to interrogatories. Kitchener-Wilmot Hydro, OEB staff and the intervenors shall develop and OEB staff shall file a proposed issues list for the OEB's consideration. The OEB will approve an issues list prior to the settlement conference.

### Interrogatories

At this time, provision will be made for written interrogatories. The OEB will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor's plans for the subsequent four years until the next scheduled rebasing application.

Parties should examine the value presented by the proposed investments as opposed to focussing only on the costs. Parties should also assess the fit between the applicant's plans and its stated objectives, and consider how the plans contribute to positive outcomes for customers, in particular those outcomes that arise from the asset management decisions reflected in the applicant's distribution system plan. The OEB will consider the entire five year distribution system plan to assess the planning and pacing proposals of the applicant and whether the test year requests are appropriately aligned with the distribution system plan. The OEB will also consider productivity and benchmarking results in assessing cost forecasts, bill impacts and distributor performance.

Parties should not engage in detailed exploration of items that do not appear to be material. Parties should use the materiality thresholds documented in Chapter 2 of the Filing Requirements as a guide. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's *Rules of Practice and Procedure* regarding required naming and numbering conventions and other matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. OEB staff and intervenors who wish to make written submissions on Kitchener-Wilmot Hydro's confidentiality requests shall file such submissions with the OEB, and serve them on Kitchener-Wilmot Hydro and all other intervenors, by **June 25, 2019**.
2. If Kitchener-Wilmot Hydro wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all intervenors by **June 28, 2019**.
3. OEB staff and intervenors shall request any relevant information and documentation from Kitchener-Wilmot Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **July 5, 2019**.
4. Kitchener-Wilmot Hydro shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **July 25, 2019**.
5. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **August 7, 2019**.
6. A settlement conference among the parties and OEB staff will be convened on **August 14, 2019** starting at **9:30 a.m.**, at **2300 Yonge Street, 25th floor, Toronto**. If necessary, the settlement conference will continue on **August 15 and 16, 2019**.
7. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **September 10, 2019**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.

8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **September 17, 2019**.
9. If there is no settlement proposal arising from the settlement conference, Kitchener-Wilmot Hydro shall file a statement to that effect with the OEB by **August 30, 2019**. In that event, parties shall file and serve on the other parties by **September 10, 2019** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

All filings to the OEB must quote the file number, **EB-2019-0049**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a USB memory stick in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Registrar at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Donald Lau at [Donald.Lau@oeb.ca](mailto:Donald.Lau@oeb.ca) and OEB Counsel, Lawren Murray at [Lawren.Murray@oeb.ca](mailto:Lawren.Murray@oeb.ca).

### **ADDRESS**

Ontario Energy Board  
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Attention: Registrar

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**DATED** at Toronto, **June 20, 2019**

**ONTARIO ENERGY BOARD**

**By delegation, before: Christine E. Long**

*Original signed by*

Christine E. Long  
Registrar  
Office of the Registrar

**SCHEDULE A**

**LIST OF APPLICANT AND INTERVENORS**

**KITCHENER-WILMOT HYDRO INC.**

**EB-2019-0049**

**JUNE 20, 2019**

Kitchener-Wilmot Hydro Inc.  
EB-2019-0049

**APPLICANT & LIST OF INTERVENORS**

June 20, 2019

**APPLICANT**

**Rep. and Address for Service**

**Kitchener-Wilmot Hydro Inc.**

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Kitchener-Wilmot Hydro Inc.  
EB-2019-0049

**APPLICANT & LIST OF INTERVENORS**

June 20, 2019

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**INTERVENORS**

**Rep. and Address for Service**

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**School Energy Coalition**

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**APPLICANT & LIST OF INTERVENORS**

June 20, 2019

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**School Energy Coalition**

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Kitchener-Wilmot Hydro Inc.  
EB-2019-0049

## **APPLICANT & LIST OF INTERVENORS**

June 20, 2019

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**John Lawford**

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**Schedule 12**

**Certarus News Release: “*Certarus Ltd. announces strategic alliance and commercial investment agreement with Enbridge Inc. for the expansion of natural gas supply to remote locations in Northern Ontario*”, May 23rd, 2019**



**CERTARUS LTD. ANNOUNCES STRATEGIC ALLIANCE AND COMMERCIAL INVESTMENT AGREEMENT WITH ENBRIDGE INC. FOR THE EXPANSION OF NATURAL GAS SUPPLY TO REMOTE LOCATIONS IN NORTHERN ONTARIO**

TORONTO, ONTARIO (May 23<sup>rd</sup>, 2019) Certarus Ltd. ("Certarus" or the "Corporation") is pleased to announce that it has entered into a definitive agreement with Union Energy Solutions Ltd., a wholly owned subsidiary of Enbridge Inc., collectively ("Enbridge"), enabling a strategic alliance and commercial investment by Enbridge into Certarus' compressed natural gas (CNG) infrastructure platform to service the northern Ontario industrial sectors.

Certarus expects this strategic alliance will further advance its bulk CNG platform to key regions within Northern Ontario that are currently not serviced by natural gas pipelines. Certarus has developed a North American-wide bulk CNG platform to bring cost effective, environmentally preferred, natural gas safely and reliably to end users. Certarus' first terminal, located in Timmins, Ontario, is currently supplying large scale mining operations in the region. Certarus proactively built out capacity to displace over 500,000 liters of fuel per day with additional availability to expand.

Through this agreement, Certarus will expand its CNG service offering into additional projects in mining, forestry, and industrial activity currently running on diesel, bunker oil or propane. Supplying natural gas directly to industrial and commercial end-users, will provide a reliable supply of clean, cost effective energy to help support government mandates to promote cleaner-burning fuels.

"We see the increased adoption of CNG as an opportunity to displace diesel, propane and bunker oil to promote cost savings and reduce environmental impacts. Certarus operates the largest bulk CNG trailer fleet in North America and has built over 18 large-scale bulk CNG compression hubs across North America. We serve customers in all major industries across North America and are increasingly supporting customers in Northern Ontario's key industries that can benefit from the Certarus mobile pipeline." said Nathan Ough, Vice President of Certarus.

"Access to a reliable and economic energy choice is a game changer for northern Ontario," said Cynthia Hansen, President of Utility and Power Operations, Enbridge Inc. "Through CNG, large businesses can significantly lower their energy costs, be more competitive and create local jobs."

Outside of the Corporation's first terminal in Timmins, Ontario, Certarus is constructing additional CNG terminals in Red Rock (Thunder Bay Region), Ontario during Q2 2019 and in southern Ontario during Q1 2020.



**ABOUT CERTARUS**

Certarus Ltd is the North American market leader in providing a fully integrated bulk compressed natural gas (CNG) solution. The primary business is the creation of a "Virtual Natural Gas Pipeline" through the compression, transportation and integration of CNG for the utility, energy services, mining, forestry, agricultural and industrial sectors.

For more information, please visit [www.certarus.com](http://www.certarus.com)

**For more information please contact:**

**Certarus Ltd.**

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**FORWARD-LOOKING STATEMENTS**

Certain information contained in this document constitutes forward-looking statements. By their nature, forward-looking statements are subject to numerous risks and uncertainties, some of which are beyond the Corporation's control including the impact of general economic conditions, industry conditions, volatility of commodity prices, currency fluctuations, environmental risks, competition from other industry participants, the lack of availability of qualified service providers, personnel or management and ability to access sufficient capital from internal and external sources, the inability to obtain required consents, permits or approvals and the risk that actual results will vary from the results forecasted and such variations may be material. Readers are cautioned that the assumptions used in the preparation of such information, although considered reasonable at the time of preparation may prove to be imprecise and, as such, undue reliance should not be placed on forward-looking statements. The Corporation's actual results, performance or achievement could differ materially from those expressed in or implied by, these forward-looking statements and, accordingly, no assurance can be given that any of the events anticipated by the forward-looking statements will transpire or occur, or if any of them do so, what benefits the Corporation will derive therefrom.

The forward-looking statements contained in this document are made as of the date hereof. Certarus disclaims any intention and assumes no obligation to update or revise any forward-looking statements, whether as a result of new information, future events or otherwise, except as required by law. Additionally, Certarus undertakes no obligation to comment on the expectations of, or statements made by, third parties in respect of the matters discussed above.