



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

BY E-MAIL

January 14, 2020

Patrick McMahon
Specialist, Regulatory Research and Records
Enbridge Gas Inc.
50 Keil Drive North
Chatham, ON N7M 5M1
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Dear Mr. McMahon:

**Re: Enbridge Gas Inc. (Enbridge Gas)
Application to Amend Upper-Tier Franchise Agreements
Ontario Energy Board File Number EB-2020-0069**

Enbridge Gas filed an application on January 7, 2020 (amended January 9, 2020) for an order authorizing it to make a correction to its municipal franchise agreements with six upper-tier municipalities (Upper-Tier MFAs). The Upper-Tier MFAs relate to the following municipalities (also listed are the hearings in which they were approved by the OEB, together with each agreement's respective expiry date):

- District Municipality of Muskoka (Union Gas Limited), EB-2001-0833, May 6, 2023
- Regional Municipality of Waterloo (Union Gas Limited), EB-2006-0053, May 24, 2026
- County of Grey (Enbridge Gas Distribution Inc.), EB-2015-0263, November 3, 2035
- Regional Municipality of Niagara (Enbridge Gas Distribution Inc.), EB-2009-0307, December 17, 2029
- Regional Municipality of Peel (Enbridge Gas Distribution Inc.), EB-2014-0192, December 12, 2034
- Regional Municipality of York (Enbridge Gas Distribution Inc.), EB-2007-0088, March 23, 2026

Enbridge Gas submitted that each of the Upper-Tier MFAs follow the form of the 2000 Model Franchise Agreement (2000 MFA) but contain an error of a clerical nature. Specifically, each of the Upper-Tier MFAs contains the incorrect clause under Section 2 of the 2000 Model Franchise Agreement. Under that section, the parties to the municipal franchise agreement are to select one of two options, the first being applicable for lower-tier municipalities, and the second being applicable for upper-tier municipalities. For each of the Upper-Tier MFAs, the incorrect form of clause 2 – applicable to lower-tier municipalities – was inadvertently used. Enbridge Gas requested that this error be corrected in order to reflect the appropriate clause for the upper-tier municipalities. Enbridge Gas provided evidence that each of the affected municipalities are in agreement with its application.

As no parties are adversely affected, and all affected parties have agreed to the amendments, Enbridge Gas requested that the OEB grant its application without a hearing or further notice pursuant to section 41.02 of the OEB's Rules of Practice and Procedure.

The OEB has reviewed Enbridge Gas' application and is disposing of this proceeding without a hearing. The OEB hereby orders that the application be approved. Pursuant to its powers under Rule 41.02 of the OEB's *Rules of Practice and Procedure*, the OEB may at any time, without notice or a hearing of any kind, correct a typographical error, error of calculation or similar error made in its orders or decisions. The OEB considers the error regarding the inclusion of the incorrect clauses in these franchise agreements to be typographical, and authorizes the amendment proposed by Enbridge Gas. The Decisions and Orders previously issued in the proceedings approving the Upper-Tier MFAs are not otherwise changed in any way.

Yours truly,

Original signed by

Christine E. Long
Registrar and Board Secretary