

July 16, 2020

EMAIL

Ms. Christine Long
Registrar and Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, Ontario M4P 1E4

Dear Ms. Long,

Re: EB-2019-0166 – Lagasco Inc. Natural Gas Pipelines – Supplementary Intervenor Request on behalf of The Corporation of the Municipality of Bayham, The Corporation of the Township of Malahide, The Corporation of the Municipality of Central Elgin, The Corporation of the Township of Southwold, The Corporation of the Municipality of Dutton Dunwich, and The Corporation of the Municipality of West Elgin (together, the “Additional Proposed Intervenor”)

I write further to the intervention request letter sent to you on July 13, 2020 on behalf of The Municipality of Chatham-Kent, the County of Elgin, Haldimand County, and The County of Lambton (the “Proposed Intervenor”).

As was anticipated in the penultimate paragraph of that letter of request, we now have instructions to request (acknowledging that the request is late) that the Board also allow the Additional Proposed Intervenor to be added to the Proposed Intervenor group in this matter.

The Additional Proposed Intervenor are all lower-tier municipalities within the area of the County of Elgin, who have within their municipal areas the pipelines that the applicant, Lagasco Inc. has indicated are “similarly situated” to the pipelines in Haldimand County that are directly in issue in this Application. As such, they impose municipal taxes on these similarly situated facilities in the same way as the Proposed Intervenor, and they have exactly the same direct interests in the matters to be determined by the Board in this Application as do each of the Proposed Intervenor, which interests are described in our July 13 letter. Descriptions of the Additional Proposed Intervenor, their areas and locations, constituents, governance and other information can be found on their respective websites at www.bayham.on.ca, www.malahide.ca, www.centralelgin.org, www.southwold.ca, www.duttondunwich.on.ca, and www.westelgin.net.

The Additional Proposed Intervenor have all agreed to participate together with, and to be represented by the same counsel as, the Proposed Intervenor, all on the same terms as set out in our request letter dated July 13. As such, we submit there would be no addition to the scope of this proceeding, nor any delay in the proceeding, or other prejudice to any participant or any

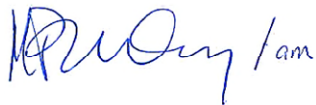
inconvenience to the Board, in allowing this supplemental intervention request, despite the fact that it is filed late.

We note further that this same issue of the representation of lower tier municipalities does not arise for the other Proposed Intervenors named in our July 13 intervention request letter. Both Haldimand and Chatham-Kent are single-tier municipalities for their respective areas. In the case of Lambton County, it has a longstanding agreement with all its constituent lower-tier municipalities that it will take the lead, and represent both levels of municipal governments, on all municipal property assessment matters. These three Proposed Intervenors therefore can and do represent all of the municipality interests within their respective areas.

As a result, with the addition of the Additional Proposed Intervenors to the group, the Board can also be satisfied that it has before it in a single intervention representatives of all of the municipalities within the areas of the original four Proposed Intervenors that are directly affected by the matters raised in this Application.

We apologize for the delay in recognizing these different circumstances within the County of Elgin. However, in the circumstances we respectfully submit that it would be in the interests of all parties and the Board that the intervention request by both the Proposed Intervenors and the Additional Proposed Intervenors be considered together, and that they both be granted.

Yours truly,



M. Philip Tunley
Partner
MPT/am