

November 19, 2021

Christine Long
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Six Nations Natural Gas Limited
Application to Approve Franchise Agreements and Certificates of Public
Convenience and Necessity - County of Brant and County of Norfolk
Ontario Energy Board File Number: EB-2021-0238**

In accordance with Procedural Order No. 1, the following are Enbridge Gas' submissions on the application of Six Nations Natural Gas.

In its application, Six Nations Natural Gas is requesting approval of franchise agreements and Certificates of Public Convenience and Necessity (CPCNs) for the County of Brant and the County of Norfolk to allow it to continue serving existing customers as well as to extend its gas distribution system to serve additional customers on Bateman Line within the County of Brant and on Indian Line within the County of Norfolk.

While Enbridge Gas believes that the costs to extend our existing infrastructure to provide service to these customers is most likely more than the costs for Six Nations Natural Gas to attach these specific customers to their system, an economic evaluation of the service options is not available because Six Nations Natural Gas has declined to provide a breakdown of the total cost of the provision of natural gas to these specific customers including reinforcements needed and contributions in aid of construction.¹

Enbridge Gas does not agree with Six Nations Natural Gas' assumption that additional service connection requests can be addressed through a motion to review and vary any CPCN issued as part of the current proceeding². Enbridge Gas submits that any request to expand the area covered by a CPCN should be made through a formal application to approve a new CPCN as is currently done whenever Enbridge Gas seeks to expand its service areas.

With respect to its operations, Six Nations Natural Gas has not provided specific evidence related to its licence to distribute natural gas from the Technical Safety Standards Authority, its emergency response procedures nor its pipeline integrity management plans³.

¹ Six Nations Natural Gas Response to EGI-1

² Six Nations Natural Gas Response to EGI-2(a)

³ Six Nations Natural Gas Response to OEB STAFF-1

Six Nations Natural Gas should be required to ensure that these documents are available to the Ontario Energy Board and the public as is required of any regulated gas distributor in Ontario.

Based on information submitted⁴, it is unclear whether Six Nations Natural Gas should be exempt from rate regulation pursuant to the 3 million m³ throughput threshold contained within Ontario Regulation 161/99 to the *Ontario Energy Board Act*.

Enbridge Gas notes that Paragraph 2 of the proposed franchise agreement with the County of Norfolk (Application Appendix F) has alternative wording from that approved by the Ontario Energy Board pursuant to the RP-1999-0048 Report to the Board (i.e., "If the corporation has not previously received gas distribution services" has been added). Any franchise agreement approved for Six Nations Natural Gas should conform to the Model Franchise Agreement unless justification can be provided for any amendment. Enbridge Gas submits that the proposed amendment is not justified by assuming that the alternative wording does not alter the substantive terms of the paragraph from the Model Franchise Agreement.⁵

Enbridge Gas notes that both of the proposed franchise agreements contain a Paragraph 18 (Other Conditions) which is only associated with franchise agreements between legacy Union Gas and municipalities in southern Ontario. Contrary to its submissions⁶, Six Nations Natural Gas has not followed the provisions of the Model Franchise Agreement and such an amendment cannot be justified by assuming that if the provision in question does not apply, there would be no basis to take action pursuant to that clause. Enbridge Gas submits that including the proposed Paragraph 18 in the Six Nations Natural Gas franchise agreements only causes confusion and should be eliminated.

With respect to the CPCN for the County of Norfolk contained in Appendix A to the interrogatory responses provided by Six Nations Natural Gas, Enbridge notes that the CPCN description states "...for 240 metres south of Indian Line..." but the related territory map indicates 210 metres. This inconsistency should be corrected before the CPCN is finalized.

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

Yours truly,

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⁴ Six Nations Natural Gas Response to OEB STAFF-3

⁵ Six Nations Natural Gas Response to OEB STAFF-5(a)

⁶ Six Nations Natural Gas Response to EGI-3(b)