



EPCOR Natural Gas Limited Partnership

Application for a new Certificate of Public
Convenience and Necessity for the Municipality of
Brockton, the Municipality of West Grey, and the
Township of Chatsworth

EB-2021-0269

Responses to Enbridge Gas Inc. Interrogatories

December 13, 2021

1. Reference: EPCOR Application, page 4

“9. ENGLP and Enbridge Gas Inc. (“Enbridge”) each have CPCNs for the Municipality of Brockton, the Municipality of West Grey and the Township of Chatsworth.”

Question:

Please confirm EPCOR’s understanding that the CPCNs currently held by Enbridge Gas for the Municipality of Brockton, the Municipality of West Grey and the Township of Chatsworth cover all areas of these municipalities and are not currently limited.

ENGLP Response:

ENGLP confirms this is ENGLP’s understanding.

To avoid overlapping CPCNs (as was the purpose of proceeding EB-2017-0108¹) in paragraph 7 of the Application, ENGLP has proposed that, should the Ontario Energy Board (OEB) approve this Application, amendments to Enbridge’s existing CPCN’s for these municipalities be filed with the OEB’s decision and order. This approach is consistent with the outcome of ENGLP’s comparable application for a new CPCN for the Township of South-West Oxford, a township for which Enbridge had an existing CPCN².

¹ EB-2017-0108, Procedural Order No. 11 (July 23, 2019) at p. 3

² EB-2020-0232 Decision and Order, February 11, 2021 page 12

2. Reference: EPCOR Application, page 5

“12. The Franchise Agreements that ENGLP currently has with the Expansion Project Municipalities, originally executed for the South Bruce Project, and for which ENGLP is requesting the OEB’s approval as part of this application are included in Appendix B, Appendix C and Appendix D respectively.”

Questions:

- a) Please explain how the franchise agreements with the Municipality of Brockton (Appendix B), the Municipality of West Grey (Appendix C) and the Township of Chatsworth (Appendix D) were “executed” with effective dates and how associated bylaws received 3rd and final readings without the proposed franchise agreements first being approved by the Ontario Energy Board.

ENGLP Response:

Please see paragraphs 4 and 12 of the Application.

- b) Please explain how the Ontario Energy Board can approve the proposed franchise agreements and CPCNs without first reviewing the leave to construct details of the proposed natural gas expansion project and determining that EPCOR’s proposals are in the public interest.

ENGLP Response:

It is ENGLP’s understanding that there is no requirement that the CPCN and Leave-to-construct be filed together³ and therefore in the interest of efficiency ENGLP has elected to file these requests as two separate applications. ENGLP does not believe the details of the leave to construct application are required for the OEB to rule on this matter and should the OEB see fit, it has the ability to make any CPCN’s granted as part of this Application conditional upon approval of ENGLP’s leave to construct.

- c) Please confirm that none of the bylaws and franchise agreements contained in Appendix B, Appendix C and Appendix D are currently effective.

ENGLP Response:

ENGLP understands that the by-laws and franchise agreements contained in Appendix B, Appendix C and Appendix D are currently effective, only in respect of ENGLP’s infrastructure

³ Guidelines for Gas Expansion in Ontario, November 11, 2015

passing through these municipalities to serve other municipalities. It is ENGLP's understanding that the by-laws and franchise agreements are not effective for the purposes of this Application until approved by the OEB.

- d) Please confirm that each of the franchise agreements in Appendix B, Appendix C and Appendix D contain amendments to the Model Franchise Agreement approved by the Ontario Energy Board pursuant to the RP-1999-0048 Report to the Board. Please provide details of the amendments that have been made.

ENGLP Response:

As stated in paragraph 12 of the Application, all of these franchise agreements are in the form of the 2000 Model Franchise Agreement with no amendments.

- e) Please confirm what steps will be taken with / by the Municipality of Brockton, the Municipality of West Grey and the Township of Chatsworth with respect to their resolutions and bylaws should the OEB approve franchise agreements different from those originally agreed to by the municipalities.

ENGLP Response:

ENGLP expects that the Municipalities and Township will comply with any direction of the OEB in its decision and order as it relates to the franchise agreements.

- f) Please confirm that the Ontario Energy Board has not issued any order directing and declaring that the assent of the municipal electors of each of the Municipality of Brockton, the Municipality of West Grey and the Township of Chatsworth is not necessary with respect to the franchise agreements in Appendix B, Appendix C and Appendix D that EPCOR indicates have been executed.

ENGLP Response:

ENGLP confirms this statement to be accurate.

3. Reference: EPCOR Application, page 6

“13. ENGLP confirms the leave-to-construct thresholds in subsection 90(1) of the OEB Act are triggered for the Project and accordingly will file a leave-to-construct application for the Project at a later date.”

Question:

Please explain why the current application has been submitted instead of including requests for approvals of franchise agreements and CPCNs within a leave to construct application to allow for a more fulsome review.

ENGLP Response:

See ENGLP's response to question 2 b) above.

4. Reference: EPCOR Application, pages 6-7

“15. ENGLP has included three separate proposed draft CPCNs (as Appendixes G, H & I), which includes:

- 1. The Municipality of Brockton (Appendix G)
 - a) excluding areas within the Municipality located East of Bruce Road 3 and South of Concession Rd 4 West.**
- 2. The Municipality of West Grey (Appendix H), specifically:
 - a) Bruce Road 10 starting at Bentinck-Sullivan Townline and ending at Concession Road 6*
 - b) East down Concession road 6 ending at Grey Road 3*
 - c) Continuing North on Grey Road 3 and ending at Bentinck-Sullivan Townline,**
- 3. The Township of Chatsworth (Appendix I), specifically:
 - a) Bruce Road 10 starting at Bentinck-Sullivan Townline and ending at Sideroad*
 - b) Continuing East on Sideroad 7 ending at Grey Road 3*
 - c) Continuing South on Grey Road 3 and ending at Bentinck-Sullivan Townline.”**

Questions:

- a) Please explain why the proposed CPCNs to be granted to EPCOR each contain a reference to replace parts of the CPCNs held by Enbridge Gas.*

ENGLP Response:

Please see response to question 1 above. The Brockton expansion project includes service areas currently included in CPCNs held by Enbridge Gas and therefore amendments to Enbridge's corresponding CPCNs.

- b) For the proposed CPCN for the Municipality of Brockton (Appendix G), please explain why the CPCN is for the whole municipality excluding the area “located East of Bruce Road 3 and South of Concession Rd 4 West” when EPCOR's proposed facilities do not cover the whole municipality excluding this specific area.*

ENGLP Response:

ENGLP's proposed CPCN for the Municipality of Brockton includes the areas required to bring service to customers for the Brockton expansion project proposed in the Phase II Natural Gas Expansion application. Through its Southern Bruce project, ENGLP holds the CPCNs for and provides service in the Municipality of Kincardine and Township of Arran-Elderslie and therefore, with the infrastructure to be developed as part of the Brockton Natural Gas Expansion project, there will be a small rural area within the Municipality of Brockton that will be directly sandwiched between ENGLP's natural gas infrastructure. As a result, ENGLP will be in the best position to

provide service to the customers in this area through future expansions and therefore this area has been included in the CPCN in this Application to accommodate such expansion and facilitate ENGLP's ability to support bringing natural gas to more underserved areas.

- c) Please provide a draft CPCN for the Municipality of Brockton which is limited to a lots and concessions description of the location of EPCOR's proposed facilities within the municipality.
- d) Please provide a draft CPCN for the Municipality of West Grey which is limited to a lots and concessions description of the location of EPCOR's proposed facilities within the municipality.
- e) Please provide a draft CPCN for the Township of Chatsworth which is limited to a lots and concessions description of the location of EPCOR's proposed facilities within the municipality.

ENGLP Response (to questions c-e):

Please see the draft CPCNs included in Appendices G, H and I of the Application. The drafts provided in the Application are of sufficient detail to delineate the service areas.

5. Reference: EPCOR Application, page 7

“16. ENGLP’s requests of the OEB in this application align with the Province of Ontario’s award of Phase II grant funding to ENGLP for the Project.”

Questions:

- a) Please explain what is meant by this reference.

ENGLP Response:

The Province of Ontario under the Phase II Natural Gas Expansion Program has awarded ENGLP funding towards the Brockton expansion project. ENGLP has brought this Application forward in response to this funding award since it will require these CPCNs in order to proceed with the project.

- b) Please confirm EPCOR’s understanding that the approval of funding assistance for its proposed project is subject to obtaining all necessary approvals from the Ontario Energy Board to authorize the natural gas service expansion.

ENGLP Response:

ENGLP confirms that its understanding is consistent with this statement. This Application, seeking approval of the CPCN and Municipal Franchise Agreements, is aligned with that understanding.

- c) Please provide a copy of any quarterly reports submitted by EPCOR to the Ministry of Energy, Northern Development and Mines pursuant to Ontario Regulation 451/21.

ENGLP Response:

ENGLP declines to provide copies of the quarterly reports as they are intended for the Ministry of Energy, are not public information, and have no impact on the outcome of this Application.

All of which is respectfully submitted.