

July 21, 2022

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.
Renewal of Franchise Agreement with the Township of North Dumfries
Ontario Energy Board File No. EB-2022-0172**

Further to questions submitted by Ontario Energy Board Staff related to the above-noted application, Enbridge Gas provides the following responses.

Staff Question-1

Reference: (i) Application, paragraph 3, 4, 13

Preamble:

Pursuant to section 8 of the *Municipal Franchises Act*, Enbridge Gas applied for an order of the OEB cancelling and superseding those parts of its existing certificates of public convenience and necessity (certificates) associated with the Township of North Dumfries and replacing them with a single certificate to construct works to supply gas in the Township of North Dumfries.

Enbridge Gas states that the Township of North Dumfries was formed on January 1, 1973, through the annexation of portions of the former Township of Beverly and the former Township of North Dumfries to the former Village of Ayr.

Enbridge Gas also states that it has certificates for the former Township of North Dumfries (FBC 192 and FBC 259) and the former Village of Ayr (EBC 72).

Question(s):

- a) Please confirm that the former Village of Ayr, which included the annexed portions of the former Township of Beverly and the former Township of North Dumfries, now form part of the Township of North Dumfries. If not, please provide further explanations.
- b) Please confirm that Enbridge Gas is not seeking any additional service area that are not covered by Enbridge Gas's existing certificates (FBC 192, FBC 259 and EBC 72) as part of its request for a new certificate to construct works to supply gas in the Township of North Dumfries.

If Enbridge Gas is seeking additional service area in the Township of North Dumfries not covered by any of its existing certificates, please describe the proposed additional service

area (using metes and bounds or some other suitable method) and file a legible map illustrating the proposed additional service area. Please also provide an explanation on the need for any additional service area in the Township of North Dumfries.

Responses:

- a) The Township of North Dumfries was formed on January 1, 1973 through the amalgamation / annexation of portions of the former Township of Beverley (also referenced as Beverly) with the former Township of North Dumfries and the former Village of Ayr.

The former Township of Beverley was divided such that one part was annexed to the Township of North Dumfries and the majority was annexed to the Town of Flamborough (now the City of Hamilton). The annexed sections of the former Township of Beverley make up the easternmost section of the current Township of North Dumfries (around the community of Clyde).

- b) Enbridge Gas is seeking additional service area that does not appear to be covered by existing Certificates of Public Convenience and Necessity (FBC 192, FBC 259 and EBC 72) as part of its request for a new Certificate for the Township of North Dumfries.

For clarification, FBC 192 was issued on January 8, 1958 by the Ontario Fuel Board to Ontario Natural Gas Storage and Pipelines Limited to allow for the construction of works to supply gas within several municipalities, including the Township of North Dumfries. In 1953, the Union Gas Company of Canada incorporated Ontario Natural Gas Storage and Pipelines Limited as a wholly owned subsidiary, which in 1957 took over Union's storage and transmission facilities as well as Union's wholesale operations. The two companies and their respective operations were fully amalgamated in 1961.

When FBC 259 was issued to the Union Gas Company of Canada Limited by the Ontario Fuel Board on March 17, 1959 to allow for the construction of works to supply gas within several municipalities, including the Township of North Dumfries, there was no mention of FBC 192 being superceded. Enbridge Gas assumes that parts of FBC 192 were superceded by FBC 259 given the accepted practice of avoiding overlapping Certificates.

One of the municipalities covered by FBC 259 is the former County of Wentworth which originally consisted of seven townships that formerly belonged to Haldimand, Lincoln and York Counties, including the former Township of Beverley. This implies that Union Gas had certificate rights in place for at least those portions of the former Township of Beverley that were under the jurisdiction of the former County of Wentworth.

In 1973, the former County of Wentworth was replaced by the Regional Municipality of Hamilton-Wentworth. In 2001, the Regional Municipality and its six constituent municipalities were amalgamated as the "megacity" of Hamilton.

Without investigating further into where County of Wentworth jurisdiction existed within the current Township of North Dumfries (and thus those areas of the former Township of Beverley already covered by a Certificate), it is difficult to identify exactly where Certificate rights will need to be expanded.

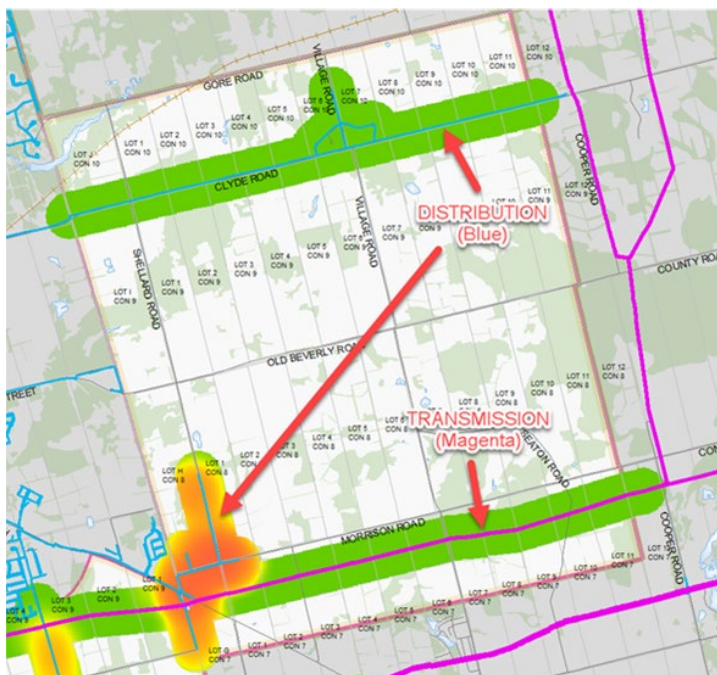
For purposes of this response, an updated customer density map of the Township of North Dumfries is attached which identifies where the former Township of Beverley is located and the location of Enbridge Gas' facilities in that part of the Township of North Dumfries.

From a mapping perspective, the section of the former Township of Beverly that is now part of the Township of North Dumfries can be described as the following:

Concession 7, Lot G and Lots 1 through 11
Concession 8, Lot H and Lots 1 through 11
Concession 9, Lot I and Lots 1 through 11
Concession 10, Lot J and Lots 1 through 11

The facilities shown on the map to be running along Clyde Road (also known as Regional Road 27) and Village Road in the northern section of the former Township of Beverley is all distribution pipe. There is also distribution pipe located in and around Concession 8, Lot H and Lot 1. The distribution pipe in the former Township of Beverley was constructed in sections between 1996 – 2014 and currently provides service to approximately 55 customers.

The facilities shown to be running along Morrison Road in the southern section of the former Township of Beverley is transmission pipe constructed in 1957.



Enbridge Gas submits that a Certificate that covers all the existing Township of North Dumfries would not only cover all areas within which Enbridge currently has facilities and end-use customers, but would also eliminate the possibility of omitting areas within the former Township of Beverley for which we already have Certificate rights (through the inclusion of the County of Wentworth in FBC 259) by limiting the new Certificate in any way other than by the municipal boundaries of the Township of North Dumfries.

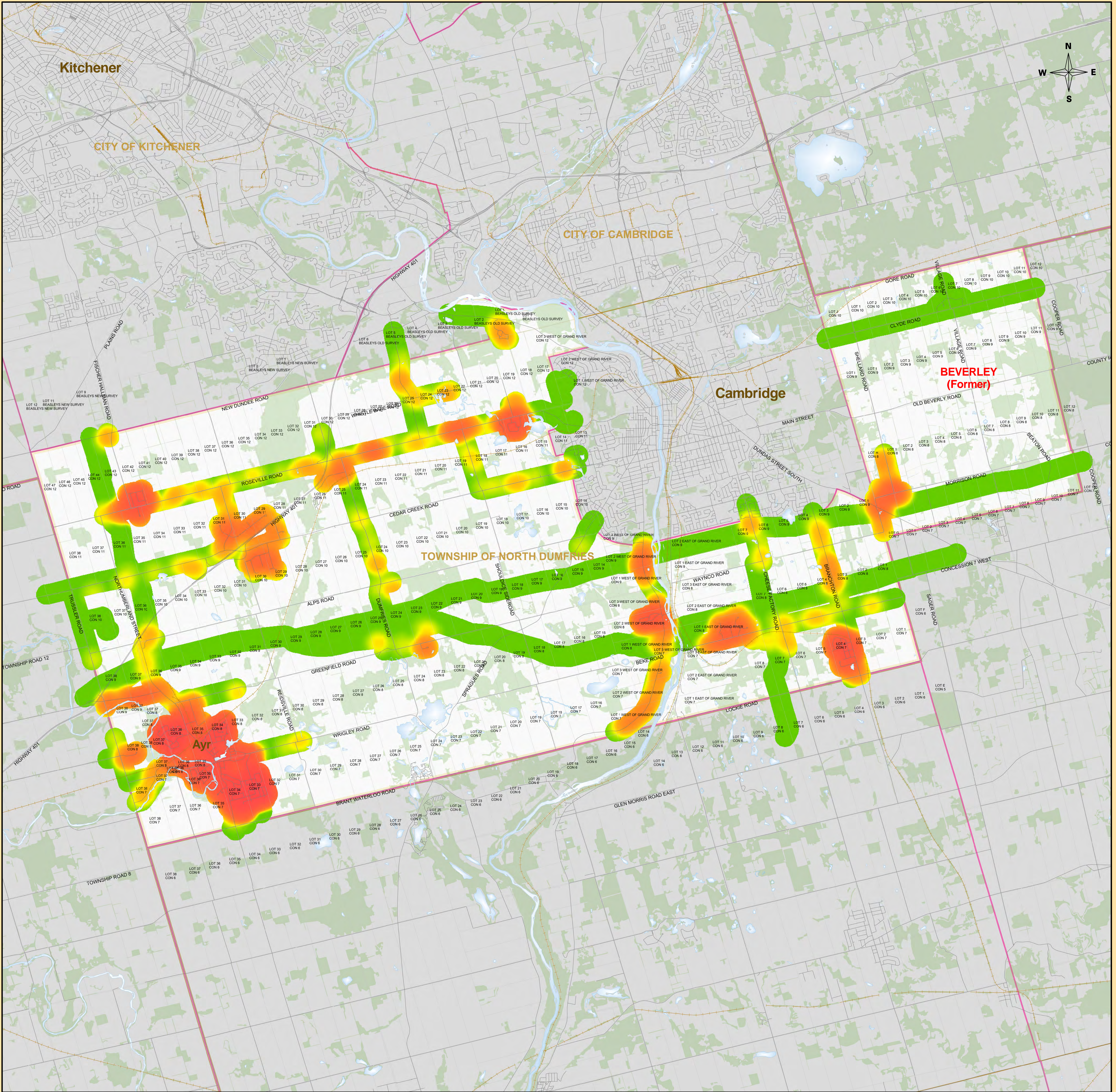
Enbridge Gas notes that there is interest in expanding access to natural gas within the former Township of Beverly that is located within the Township of North Dumfries. One of the project proposals submitted by Enbridge Gas for funding assistance under Phase 2 of the Natural Gas Expansion Program was designed to expand access to gas distribution service east on Clyde Road from an existing tie-in to the community of Clyde and then branch on to Shellard Sideroad 17 and south to the intersection with Old Beverly Road (also known as Regional Road 97). While this specific project did not receive the requested funding assistance, the interest in the expansion of access to natural gas within the Township of North Dumfries still exists.

Enbridge Gas notes that there are no other gas distributors in this area of the Regional Municipality of Waterloo so no competitive harm would come by issuing a Certificate to Enbridge Gas for the entire Township of North Dumfries.

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

Yours truly,

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Township of North Dumfries

Legend

- Enbridge Gas Pipeline Coverage Area
- Township of North Dumfries
- Roads
- Railways
- Municipal and Township Boundaries
- First Nation Boundaries

Customer Density



Disclaimer:
The map is provided with no warranty express or implied and is subject to change at any time. Any Person using the Density Map shall do so at its own Risk and the Density Map is not intended in any way As a tool to locate underground infrastructure for the purposes of excavation

