



August 19, 2022

Ontario Energy Board  
Attention: Nancy Marconi, Registrar  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

Sent Via: Courier and Email

Dear Ms. Marconi,

**RE: MATTER: Letter of Intervention of the County of Essex for Intervenor  
Status in the Application of Enbridge Gas Inc.  
OEB FILE: EB-2022-0207**

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Please be advised that I am the County Solicitor for the Corporation of the County of Essex (the "**County**"). The Office of the County Solicitor represents the County with respect to the Application of Enbridge Gas Inc. ("**Enbridge**") seeking to unilaterally impose the terms of a franchise agreement in OEB File No. EB-2022-02-07 (the "**Application**"), which Application was served on the County on or about August 10, 2022. As such, I kindly request that you direct all further correspondence to my attention.

The County has a substantial interest in the Application, and intends to participate actively in the hearing of this Application. Therefore, my office is submitting this letter of intervention to apply for intervenor status on behalf of the County, pursuant to Rule 22.01 of the Rules of Practice and Procedure (the "**Rules**") of the Ontario Energy Board (the "**OEB**").

In accordance with the information required pursuant to Rule 22.03 of the Rules, I note the following:

**(a) Description of the Intervenor**

The County is comprised of seven municipalities, namely the towns of Amherstburg, Essex, Kingsville, Lakeshore, Lasalle, Leamington, and Tecumseh. The County administers an extensive County Road network, which Enbridge, among many others, utilizes to provide essential services to the residents of the County.

Enbridge has brought the Application in this matter in an attempt to impose terms and conditions upon which Enbridge may install and maintain natural gas infrastructure on the County's roads, and to seek a declaration that the assent of the municipal electors of the County to the proposed franchise agreement is not required. However, the County already has a franchise agreement in place that satisfies the requirements of the *Municipal Franchises Act*.

The County acknowledges that a franchise agreement is required to be in place, and that if the County did not have a valid franchise agreement, that the 2000 Model Franchise Agreement (the "**Model Agreement**") would be an appropriate option. However, the County is content with its existing agreement that relates to the transportation of natural gas within the County, dated December 11, 1957 (the "**Existing Agreement**"), and further notes that the Existing Agreement satisfies the requirements of the *Municipal Franchises Act*.

In light of the foregoing, the County states that it has a substantial interest in this Application, and will be opposing the relief sought by Enbridge. Therefore, the County is submitting this letter of intervention with the intention of participating actively and responsibly in the Application and its hearing.

### **(b) Frequent Intervenor**

The County is not a frequent intervenor, and is not required to file a supporting document as required by Rule 22.03(b) of the Rules.

To my knowledge the County has previously sought and been granted Intervenor status on one prior occasion, namely the Application of Enbridge in OEB File No. EB-2020-0160.

### **(c) Intervenor's Intended Participation**

The County intends to participate actively and responsibly in all aspects of the Application and its hearing including submitting a response to the Application under Rule 22.08 of the Rules, requesting any necessary written evidence from Enbridge, submitting any necessary interrogatories, presenting witnesses, evidence, and argument at the hearing, and cross-examining any witnesses produce by Enbridge.

The County states that it has not had sufficient time to study the Application to provide more detail regarding its intended participation in the hearing further at this time. However, the position of the County is clearly outlined in my letter of April 6, 2022 that has been attached as Schedule F to the Application of Enbridge.

If the Board requires further information regarding the requirements of Rule 22.03(c), or for any other reason, the County reserves the right to rely on Rule 22.04 of the Board's Rules to amend, refile, and serve this letter of intervention as required by the Board.

**(d) Request for the Written Evidence**

The County is requesting any written evidence that Enbridge intends to rely upon that it did not submit in its Application.

In addition, the County reserves the right to request additional written evidence from Enbridge once it has had the opportunity to fully review and consider the Application and/or it reserves the right to amend, refile, and serve this letter with a request for written evidence pursuant to Rule 22.04 of the Board's Rules.

**(e) Intervenor's Request for Costs**

As Enbridge was advised prior to commencing the Application that the County was already in compliance with the *Municipal Franchises Act*, the County will be requesting compensation for its costs, disbursements, and any applicable HST in responding to this Application.

**(f) Intention to Participate in French**

The County does not intend to participate in this Application in French.

**(g) Intervenor's Representative**

The County has designated the following representative for this Application:

**David M. Sundin**  
Office of the County Solicitor  
Corporation of the County of Essex  
360 Fairview Avenue West  
Essex, Ontario N8M 1Y6

(T) 519-776-6441 ext. 1345  
(F) 519-776-4455  
(E) dsundin@countyofessex.ca

Finally, please note that the County is open to a settlement conference being conducted in accordance with Rule 29 of the Rules, should the OEB feel that a settlement conference is warranted in this matter.

Thank you in advance for your attention to this letter of intervention. Please do not hesitate to contact me if you have any questions or concerns relating to this letter of intervention or the County's position with respect to the Application of Enbridge.

Yours truly,

**OFFICE OF THE COUNTY SOLICITOR**



**DAVID M. SUNDIN**  
**COUNTY SOLICITOR**  
DMS

*c.c. Enbridge via email:*

*Patrick McMahon – [Patrick.mcmahon@enbridge.com](mailto:Patrick.mcmahon@enbridge.com)*