



Enbridge Gas Inc.

**Application for approval of a Municipal Franchise
Agreement with the County of Essex**

**PROCEDURAL ORDER NO. 1
September 7, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on July 13, 2022, seeking orders under sections 9(4) and 10 of the *Municipal Franchises Act* for approval of a natural gas franchise agreement with the County of Essex (County).

A Notice of Hearing was issued on August 11, 2022. The intervention period closed on August 22, 2022.

Intervention Request and Cost Awards

An intervention request was received from the County on August 19, 2022, seeking to submit evidence, interrogatories, and arguments pursuant to rule 22 of the OEB's [Rules of Practice and Procedure](#). The County is approved as an intervenor.

The County also submitted that it is in compliance with its obligations under the Municipal Franchises Act and requested to be awarded compensation for costs, disbursements and applicable HST for its participation in the proceeding. Rule 3.05(i) of the OEB's [Practice Direction on Cost Awards](#) states that a municipality in Ontario, individually or in a group is not eligible for cost award. Therefore, the County's request to be awarded costs is denied.

Interrogatories

At this time, provision is being made for written interrogatories. In preparing their interrogatories, parties should refer to the OEB's *Natural Gas Facilities Handbook* where applicable, and not engage in exploration of items that do not appear to be material or relevant to the issues to be determined in this proceeding.

Parties should also consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Intent to File Evidence

If the County plans to file evidence in this proceeding, the County must file a letter with the OEB describing the nature of the evidence, whether an expert will be retained, and the proposed timing for filing the evidence. The OEB will provide Enbridge Gas the opportunity to respond to the County's evidence letter and for the County to reply to Enbridge Gas. After reviewing this material, the OEB will consider whether the proposed evidence is relevant and material to the proceeding.

The OEB will consider what additional procedural steps are required after the evidence letter process concludes.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff and the County shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **September 20, 2022**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **October 4, 2022**.
3. The County shall inform the OEB by letter of its plans to file evidence in this proceeding, whether an expert will be retained, and the proposed timing for filing the evidence by **October 13, 2022**.
4. Enbridge Gas may respond to the County's evidence letter, by filing a letter with the OEB and copying all parties, no later than **October 20, 2022**.
5. The County may respond to Enbridge Gas's letter, by filing a letter with the OEB and copying all parties, no later than **October 27, 2022**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2022-0207** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims, if any are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Natalya Plummer at Natalya.Plummer@oeb.ca and OEB Counsel, Richard Lanni at Richard.Lanni@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **September 7, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

Enbridge Gas Inc.
Municipal Franchise for the Corporation of the County of Essex
EB-2022-0207

APPLICANT & LIST OF INTERVENORS

September 7, 2022

APPLICANT

Rep. and Address for Service

Enbridge Gas Inc.

Patrick McMahon

Technical Manager

Enbridge Gas Inc.

50 Keil Drive North

P.O. Box 2001

Chatham ON N7M 5M1

Tel: 519-436-5325

Fax: 519-436-4641

patrick.mcmahon@enbridge.com

INTERVENORS

Rep. and Address for Service

The Corporation of the County of Essex

David Sundin

Solicitor

The Corporation of the County of Essex

360 Fairview Avenue West

Essex ON N8M 1Y6

Tel: 519-776-6441 Ext: 1345

Fax: 519-776-4455

dsundin@countyofessex.ca