



Enbridge Gas Inc.

**Application for a franchise renewal with, and Certificate
amendment for, the Municipality of Leamington**

**PROCEDURAL ORDER NO. 1
September 8, 2022**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on June 30, 2022, seeking orders under sections 8, 9(4) and 10 of the *Municipal Franchises Act* for a franchise renewal with, and certificate amendment for, the Municipality of Leamington (Municipality).

A Notice of Hearing was issued on July 27, 2022. The intervention period closed on August 8, 2022.

Intervention Request and Filing of Intervenor Evidence

An intervention request was filed by the Municipality on August 5, 2022. In its intervention request, the Municipality stated that it intends to file evidence, interrogatories, and argument in the proceeding.

To assist the OEB in setting out the procedural timeline for the hearing, the OEB issued letters to the Municipality on August 12 and August 23, 2022, requesting additional detail in respect of the anticipated nature of its intervention request.

By letters dated August 19 and August 29, 2022, the Municipality advised that it would focus its intervention on section 12 of the Model Franchise Agreement (MFA). The Municipality provided details outlining the nature of its intervention and requested 90 days to file its evidence.¹

The Municipality of Leamington is approved as an intervenor in the proceeding. The Municipality stated that it does not intend to seek an award of costs.

¹ In its August 29, 2022 letter, the Municipality noted that its evidence will be drafted by senior staff in its Infrastructure / Engineering service and if necessary, finance.

The OEB will also provide the Municipality the opportunity to file evidence in accordance with the schedule established in this procedural order. The OEB believes the amount of time granted for the Municipality to prepare its evidence is reasonable given that the issues presented in the Municipality's letters to the OEB are narrow and focused on section 12 of the MFA. The OEB expects the evidence filed will address the result the Municipality is seeking in the proceeding, including any specific terms and conditions sought for the franchise agreement.

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* and not engage in exploration of items that do not appear to be material. 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.

Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff and the Municipality 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 23, 2022**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and deliver those responses to all parties by **October 7, 2022**.
3. The Municipality shall file its written evidence with the OEB and serve it on all parties by **November 8, 2022**.
4. OEB staff and Enbridge Gas shall request any relevant information and documentation from the Municipality that is in addition to its filed evidence, by written interrogatories filed with the OEB and served on all parties by **November 15, 2022**.
5. Enbridge Gas shall file a letter indicating whether it intends to file responding evidence with the OEB and copy all parties by **November 15, 2022**.

6. The Municipality shall file with the OEB complete written responses to all interrogatories and deliver those responses to all parties by **November 29, 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-2022-0201** 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 8, 2022**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

**Enbridge Gas Inc.
EB-2022-0201**

APPLICANT & LIST OF INTERVENORS

September 08, 2022

APPLICANT

Rep. and Address for Service

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INTERVENORS

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