



Municipality of
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Sent via email – registrat@oeb.ca

September 16, 2022

Ontario Energy Board
2300 Young Street, 27th Floor
Toronto, ON M4P 1E4
Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: Enbridge Gas Inc. ("Enbridge")
Application for Renewal of Franchise Agreement
The Corporation of the Municipality of Leamington ("Leamington")
Ontario Energy Board File No. EB-2022-0201

I enclose herein:

- 1) Written Interrogatories of the Municipality of Leamington; and
- 2) Correspondence to Enbridge Gas Inc. serving the Written Interrogatories.

The Written Interrogatories are being filed in accordance with Procedural Order 1. The Procedural Order indicates filing is to be made through the Portal. However, since commencement of this matter no documents have been filed through the Portal and no account has been set up to do so. If the attached must be filed via the Portal, I would ask that you please advise my colleague, Jameson Pritiko, who is copied herein, as the writer will be away from the office from September 17, 2022 to September 26, 2022 and as such unable to file through the Portal by the September 23, 2022 deadline.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

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cc. Patrick McMahon – patrick.mcmahon@enbridge.com
Ruth Orton – Director, Legal & Legislative Services
Jameson Pritiko – jpritiko@leamington.ca
Brenda Percy - Clerk

RE: ENBRIDGE GAS INC.

APPLICATION FOR RENEWAL OF FRANCHISE AGREEMENT WITH THE CORPORATION OF THE
MUNICIPALITY OF LEAMINGTON

ONTARIO ENERGY BOARD FILE NO. **EB-2022-0201**

**WRITTEN INTERROGATORIES OF THE MUNICIPALITY OF LEAMINGTON ("Leamington") TO
ENBRIDGE GAS INC. ("Enbridge")**

1. Paragraph 7 of the Application states *"...and all are the current Model Franchise Agreement without amendments (except for one that contains a service area limitation).*

Request : Provide the name of the municipality for which there is an amended Franchise Agreement together with a copy of any and all sections of the agreement that are different from the Model Franchise Agreement. Further, provide an explanation and rationale as to why Enbridge made the amendment(s).

2. Paragraphs 8 and 9 of the Application make reference to the Municipality's request for an amendment to section 12(d) of the Model Franchise Agreement. Enbridge indicates its opposition is because of "...the consistency of the franchise agreement currently in place throughout Ontario and given a decision in 2018 by the Ontario Court of Appeal ..."

Request : Enbridge provide details of what it did to inform itself of whether the Municipality and its drainage systems represent a unique situation not seen in other parts of Ontario or whether Enbridge simply made an assumption that the Municipality is like other municipality's in Ontario and therefor there should be no consideration given to an amendment to the Model Franchise Agreement. In other words, did Enbridge consider the Municipality's unique drainage systems in coming to the position to oppose an amendment?

Request : Does Enbridge acknowledge that the decision of the Court of Appeal specifically leaves open the possibility that an amendment can be negotiated with respect to section 12(d) and matters arising under the *Drainage Act* and in particular section 26?

3. Paragraph 12 of the Application, Enbridge acknowledges that the Court of Appeal decision does not prohibit a utility and a municipality from coming to their own agreement on cost sharing.

Request : Enbridge outline what steps it has taken or is willing to undertake to negotiate a cost sharing agreement with the Municipality?

4. Paragraph 15 of the Application indicates Enbridge has Model Franchise Agreements executed without amendment with the Municipality of Chatham-Kent, the Municipality of Lakeshore and the Town of Kingsville who abut Leamington as well as Town of Essex, Town of LaSalle, Town of Amherstburg and the Town of Tecumseh.

Request : To provide signed copies of the said agreements

5. Paragraph 15 of the Application seems to indicate or invites the reader to conclude that since all other municipalities have signed the Model Franchise Agreement, the Municipality should do so as well.

Request : On what factual basis does Enbridge make the assumption the Municipality is made up of similar drainage systems as the municipalities it seeks to compare it to? What investigative work has Enbridge completed with respect to the Municipality's drainage systems? What studies has Enbridge undertaken to understand and conclude that the Municipality should be treated the same as the other noted municipalities where the Municipality is clearly indicating it is unique in nature?