



**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 2  
October 19, 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).

Procedural Order No. 1 required the County to file a letter, by October 13, 2022, providing more information in respect of the evidence it intends to file, whether an expert will be retained, and the proposed timing for filing the evidence (Evidence Letter). In accordance with the Procedural Order, Enbridge Gas was given the opportunity to file a response to the Evidence Letter by October 20, 2022.

The County filed the Evidence Letter on October 13, 2022, stating that its evidence would be filed by way of an affidavit in the name of the County Engineer Allan Botham. The County also requested until November 14, 2022, to serve and file its evidence.

Enbridge Gas filed a letter on October 18, 2022, stating that the Evidence Letter did not follow the instructions set out in Procedural Order No. 1, as it did not outline the nature of the County's evidence, and Enbridge Gas therefore submitted that it could not make substantive submissions on the proposed evidence.

The OEB finds it necessary for the County to provide a more detailed description of the evidence it intends to file, in order to provide Enbridge Gas a fair opportunity to respond, and to ultimately enable the OEB to determine whether the proposed evidence is relevant and material to the proceeding. The OEB also requires that the County, in the context of the evidence it intends to file, better explain whether it expects that it will seek to qualify Mr. Botham as an expert on any matters.

The OEB has established a revised schedule for the filing of an updated Evidence Letter in the proceeding. All remaining dates set out in Procedural Order No. 1 are cancelled. The OEB will consider what additional procedural steps are required after the evidence letter process concludes.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. The County shall file with the OEB a letter detailing the nature of the evidence it intends to file in the proceeding by **October 21, 2022**.
2. 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 25, 2022**.
3. 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](mailto:registrar@oeb.ca) for assistance.
- Cost claims 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](mailto:Natalya.Plummer@oeb.ca) and OEB Counsel, Richard Lanni at [Richard.Lanni@oeb.ca](mailto:Richard.Lanni@oeb.ca).

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

**DATED** at Toronto, **October 19, 2022**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar