

October 21, 2022

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

Sent Via: Email and RESS

Dear Ms. Marconi,

**RE: MATTER: County of Essex ats Enbridge Gas Inc.  
County's Plans to File Evidence  
OEB FILE: EB-2022-0207**

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This letter is provided further to Procedural Order No. 1 of the Ontario Energy Board (the "**OEB**"), dated September 7, 2022, Procedural Order No. 2 of the OEB, dated October 19, 2022, the letter of the Corporation of the County of Essex (the "**County**"), dated October 11, 2022, and the letter of Enbridge Gas Inc. ("**Enbridge**"), dated October 18, 2022.

By way of Procedural Order No. 2, dated October 19, 2022, the OEB has required that by October 21, 2022, the County "provide a more detailed description of the evidence it intends to file" and "better explain whether it expects that [the County] will seek to qualify Mr. Botham as an expert on any matters. To comply with these requirements of the OEB, I can confirm on behalf of the County, the following:

1. The County plans to file evidence by way of an Affidavit in the name of Allan Botham, who is the County Engineer/Director of Infrastructure and Planning for the County, which evidence is expected to be of the following nature:
  - (a) It is anticipated that Mr. Botham will provide evidence as to the history of the existing Franchise Agreement from the perspective of the County;
  - (b) It is anticipated that Mr. Botham will provide evidence as to the history of previous requests to the County to consider the Model Franchise Agreement, and the rationale of the County for refusing same; and
  - (c) It is anticipated that Mr. Botham will provide a response to the evidence of Enbridge provided to date that the County disputes or disagrees with.

2. The County can now confirm that although Mr. Botham is a qualified engineer, the County will not be seeking to qualify Mr. Botham as an expert. His evidence will be limited to factual assertions on behalf of the County, and not technical or professional opinions.

I note that Enbridge takes issue with the proposed timeline of the County to provide its evidence, i.e. by on or before November 14, 2022 at 4:30 PM. I can confirm that the County has requested this date to internal scheduling issues and the requirement of the County to attend to and address other matters. Enbridge has failed to indicate (1) why providing the evidence by the deadline requested by the County prejudices the position of Enbridge in any way, or (2) why it impacts this proceeding or the immediate provision of natural gas services in the County in any way, given that there is a Franchise Agreement in place with no pressing need to consider whether the Model Franchise Agreement should be imposed on the County instead.

The County again submits that it should be provided with a deadline to provide its evidence by on before November 14, 2022 at 4:30 PM.

I confirm that this letter is being served on the individuals noted below and is being uploaded to the OEB's Regulatory Electronic Submission System.

I trust that the foregoing is satisfactory. However, please do not hesitate to contact me if you have any questions or concerns relating to this letter and the enclosed Interrogatories.

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)

*c.c. OEB Case Manager via email:*

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