



Enbridge Gas Inc.
50 Keil Drive North
Chatham, Ontario, Canada
N7M 5M1

June 12, 2023

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.
Application for Certificate of Public Convenience and Necessity – City of Sarnia
Ontario Energy Board File No. EB-2023-0146**

In accordance with instructions set out by the Ontario Energy Board's Letter of Direction dated June 7, 2023, enclosed is my Affidavit of Service in regard to the above-noted proceeding.

Yours truly,

Gary Collins
Sr. Analyst Regulatory Research

Encl.

IN THE MATTER OF the *Municipal Franchises Act*, R.S.O. 1990 c. M.55, as amended;

AND IN THE MATTER OF an Application by Enbridge Gas Inc. for an Order approving a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the City of Sarnia.

-: AFFIDAVIT OF SERVICE :-

I, Gary Collins, of the Municipality of Southwest Middlesex, in the Province of Ontario, make oath and say as follows:

1. I am an employee in the Chatham Office of Enbridge Gas Inc., the Applicant in the matter referred to in the preamble to this my Affidavit and I have personal knowledge of the matters herein deposed to.
2. By courier on June 8, 2023, a true copy of the Notice of Hearing issued by the Ontario Energy Board on June 7, 2023 and a true copy of the Application dated May 18, 2023 to the above preamble, along with a cover letter, was sent to the City of Sarnia, attached hereto as Exhibit "A".
3. Pursuant to the June 7, 2023 Letter of Direction, a copy of the Notice, the application and evidence is available for public review upon request to Enbridge Gas and as evidenced by the print screen attached hereto as Exhibit "B" a copy of this material has been posted to the Enbridge Gas website at <https://www.enbridgegas.com/about-enbridge-gas/regulatory>
4. I make this Affidavit in good faith and for no improper purpose.

SWORN BEFORE ME, at the)
City of Toronto in the Province)
of Ontario this 12th day of)
June, 2023.)

Gary Collins

A Commissioner, etc.

This is Exhibit "A" to the Affidavit
of Gary Collins sworn before me
this 12th day of June 2023.

City of Sarnia
255 Christina Street North
Sarnia, ON N7T 7N2


(519) 332-0330

Attention: Amy Burkhart, City Clerk


A Commissioner, etc

6/8/23, 9:02 AM

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FROM/DE: UNION GAS (LLSS NSI) 50 KEIL DR N APT/SUITE DOCK A CHATHAM, ONTARIO N7L3V9 519-430-4000 SIN: NET72004805 PIN: NET72604805 REF: P.MCMAHON WGT: 1.00 LBS DWT: 0.90 LBS DIM: 1X1X1 INCHES		TO/A: CITY OF SARNIA 255 CHRISTINA STREET NORTH SARNIA, ON N7T7N2 519-332-0330 ATTN: AMY BURKHART		V STANDARD TERMS AND CONDITIONS APPLY  NET72604805
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Enbridge Gas Inc.
50 Keil Drive North
Chatham, Ontario, Canada
N7M 5M1

June 8, 2023

Amy Burkhart
City Clerk
City of Sarnia
255 Christina Street North
Sarnia, ON N7T 7N2

Dear Ms. Burkhart:

**Re: Enbridge Gas Inc.
Application for Certificate of Public Convenience and Necessity – City of Sarnia
Ontario Energy Board File No. EB-2023-0146**

In accordance with instructions set out by the Ontario Energy Board's Letter of Direction dated June 7, 2023, Enbridge Gas now serves upon you a copy of the Notice of Hearing (in English and French) together with a copy of the relevant Application for approval of a new Certificate of Public Convenience and Necessity for the City of Sarnia.

The Ontario Energy Board will be arranging for publication of the Notice of Hearing in the *Sarnia Observer* and the *London/Sarnia L'Action* newspapers on Thursday, June 15, 2023.

Please contact me directly if you have any questions about the enclosed material.

Yours truly,

[Original Signed By]

Patrick McMahon
Technical Manager
Regulatory Research and Records
patrick.mcmahon@enbridge.com
(519) 436-5325

Encl.

ONTARIO ENERGY BOARD NOTICE

Enbridge Gas Inc. has applied for a certificate of public convenience and necessity for the City of Sarnia.

Learn more. Have your say.

Enbridge Gas Inc. has applied to the Ontario Energy Board for:

- 1. An order cancelling and superseding the existing certificate of public convenience and necessity associated with the former municipalities within the City of Sarnia, and replacing it with a new expanded certificate of public convenience and necessity to permit the construction of works to supply gas in all parts of the City of Sarnia when required.**

THE ONTARIO ENERGY BOARD WILL HOLD A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Enbridge Gas's application. At the end of this hearing, the OEB will decide whether to grant Enbridge Gas's requests.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

In order to construct any works to distribute natural gas in Ontario, a person must comply with the requirements of the *Municipal Franchises Act* (Act). This Act requires that a person that intends to construct any works to supply natural gas within a municipality must first receive approval from the OEB, in the form of a certificate of public convenience and necessity (certificate). Where the OEB has issued a certificate for an area within which there is currently no natural gas distribution service, another person can apply for a certificate to construct works to supply that area.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Enbridge Gas on the OEB's website now
- You can file a letter with your comments, which will be considered during the hearing
- You can become an active participant (called an intervenor). Apply by **June 26, 2023** or the hearing will go ahead without you and you will not receive any further notice of the proceeding
- At the end of the process, you can review the OEB's decision and its reasons on our website

The OEB does not intend to provide for an award of costs for this hearing.

LEARN MORE

Our file number for this application is **EB-2023-0146**. To learn more about this hearing, find instructions on how to file a letter with your comments or become an intervenor, or to access any document related to this case, please enter the file number **EB-2023-0146** on the OEB website: **www.oeb.ca/participate**. You can also phone our Public Information Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings— oral and written. The OEB intends to proceed with this application by way of a written hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **June 26, 2023**.

PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and e-mail address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This hearing will be held under section 8 of the Municipal Franchises Act, R.S.O. 1990, c. M.55.



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

AVIS DE LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Enbridge Gas Inc. a demandé un certificat de commodité et de nécessité publiques pour la Ville de Sarnia.

Renseignez-vous. Donnez votre avis.

Enbridge Gas Inc. a déposé une requête auprès de la Commission de l'énergie de l'Ontario en vue d'obtenir :

- 1. L'émission d'une ordonnance qui annule et remplace les certificats de commodité et de nécessité publiques existants associés aux anciennes municipalités comprises dans la Ville de Sarnia et les remplace par un nouveau certificat de commodité et de nécessité publiques étendu à la Ville de Sarnia pour y permettre d'effectuer des travaux dans le but d'y fournir du gaz.**

LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO TIENDRA UNE AUDIENCE PUBLIQUE

La Commission de l'énergie de l'Ontario (CEO) tiendra une audience publique afin d'étudier la requête de Enbridge Gas. À l'issue de cette audience, la CEO prendra une décision quant à l'approbation des requêtes déposées par Enbridge Gas.

La CEO est une agence publique indépendante et impartiale. Les décisions que nous prenons visent à servir au mieux l'intérêt public. Notre objectif est d'encourager le développement d'un secteur de l'énergie efficace et financièrement viable, afin d'offrir des services énergétiques fiables à un prix raisonnable.

CERTIFICATS DE COMMODITÉ ET DE NÉCESSITÉ PUBLIQUES

Toute personne souhaitant effectuer des travaux dans le but de distribuer du gaz naturel en Ontario doit se conformer aux exigences de la *Loi sur les concessions municipales* (la Loi). Selon cette loi, toute personne qui prévoit d'effectuer des travaux dans le but de fournir du gaz naturel dans une municipalité doit d'abord obtenir l'approbation de la CEO, sous forme d'un certificat de commodité et de nécessité publiques (certificat). Lorsque la CEO a délivré un certificat pour une zone dans laquelle il n'y a actuellement aucun service de distribution de gaz naturel, une autre personne peut demander un certificat pour construire des ouvrages afin d'approvisionner cette zone.

RENSEIGNEZ-VOUS ET DONNEZ VOTRE AVIS

Vous avez le droit d'être informé au sujet de cette requête et de participer au processus.

- Vous pouvez examiner la requête déposée par Enbridge Gas sur le site Web de la CEO dès maintenant.

- Vous pouvez déposer une lettre de commentaires qui sera prise en compte au cours de l'audience.
- Vous pouvez participer activement au processus (à titre d'intervenant). Inscrivez-vous avant le **26 juin 2023**, faute de quoi l'audience aura lieu sans votre participation et vous ne recevrez plus d'avis dans le cadre de la présente affaire.
- Vous pourrez consulter la décision rendue par la CEO à l'issue de la procédure ainsi que les motifs de sa décision sur notre site Web.

La CEO n'a pas l'intention de prévoir une allocation des frais pour cette audience.

EN SAVOIR PLUS

Notre numéro de dossier pour cette requête est **EB-2023-0146**. Pour obtenir de plus amples renseignements sur cette audience, sur les démarches à suivre pour déposer une lettre avec vos commentaires ou pour participer en tant qu'intervenant, ou encore pour consulter tout document relatif à ce dossier, veuillez entrer le numéro de référence **EB-2023-0146** sur le site Web de la CEO : [**www.oeb.ca/participez**](http://www.oeb.ca/participez). Pour toute question, vous pouvez également communiquer avec notre centre d'information du public au 1 877 632-2727.

AUDIENCES ORALES OU AUDIENCES ÉCRITES

Il existe deux types d'audiences à la CEO : les audiences orales et les audiences écrites. La CEO souhaite traiter cette requête par voie d'audience écrite. Si vous pensez qu'une audience orale est nécessaire, vous pouvez faire part de vos arguments par écrit à la CEO au plus tard le **26 juin 2023**.

PROTECTION DES RENSEIGNEMENTS PERSONNELS

Si vous écrivez une lettre de commentaires, votre nom et le contenu de cette lettre seront ajoutés au dossier public et au site Web de la CEO. Toutefois, votre numéro de téléphone personnel, votre adresse personnelle et votre adresse électronique seront supprimés. Si vous représentez une entreprise, tous les renseignements de l'entreprise demeureront accessibles au public. Si vous participez à titre d'intervenant, tous vos renseignements seront rendus publics.

Cette audience sera tenue en vertu de l'article 8 de la Loi sur les concessions municipales, L.R.O. 1990, chap. M55



Ontario

Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario



Enbridge Gas Inc.
50 Keil Drive North
Chatham, Ontario, Canada
N7M 5M1

May 18, 2023

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.
Application for Certificate of Public Convenience and Necessity
City of Sarnia**

Attached is an application by Enbridge Gas Inc. for Orders of the Ontario Energy Board with respect to a Certificate of Public Convenience and Necessity for the City of Sarnia.

Should you have any questions on this application, please do not hesitate to contact me. I look forward to the receipt of your instructions.

Yours truly,

**Patrick
McMahon** Digitally signed by
Patrick McMahon
Date: 2023.05.18
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Patrick McMahon
Technical Manager
Regulatory Research and Records
patrick.mcmahon@enbridge.com
(519) 436-5325

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Municipal Franchises Act*, R.S.O. 1990, c.M.55, as amended;

AND IN THE MATTER OF an Application by Enbridge Gas Inc. for an Order approving a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the City of Sarnia.

APPLICATION

1. Enbridge Gas Inc. (Enbridge Gas), a regulated public utility, is a corporation incorporated under the laws of the Province of Ontario, with its offices in the City of Toronto and the Municipality of Chatham-Kent.
2. The Corporation of the City of Sarnia is a municipal corporation incorporated under the laws of the Province of Ontario which is located within Lambton County. Attached hereto and marked as Schedule "A" is a map showing the geographical location of the City of Sarnia and a customer density representation of Enbridge Gas' service area. Enbridge Gas currently serves approximately 26,400 customers in the City of Sarnia.
3. Enbridge Gas (Sarnia Gas Company) began providing gas distribution services within the former Town of Sarnia in approximately 1878. Enbridge Gas (Union Gas Company of Canada) began providing gas distribution services within the former Township of Sarnia in approximately 1935.
4. On May 7, 1914, the former Town of Sarnia was incorporated as the City of Sarnia. The municipal boundaries at that time appeared to have been the current Highway 16 to the north, the current Highway 25 (Confederation Street) to the south, and the current Highway 29 to the east. See Schedule "B" attached for a map of the municipality at that time.
5. The City of Sarnia has been enlarged several times through annexations in 1945 and the early 1950s including gradual annexation of the Indian Reserve to the south, and annexation of parts of the former Township of Sarnia to the north and the east.
6. Based on information available in documents published by the former Dominion Bureau of Statistics (now Statistics Canada):
 - in 1945, part of the former Township of Sarnia was annexed to the Village of Point Edward;
 - in 1950, part of the Village of Point Edward was annexed to the former Township of Sarnia; and
 - on March 1, 1951, part of the former Township of Sarnia and part of the Village of Point Edward were annexed to the former City of Sarnia.

7. On January 1, 1991, the former City of Sarnia and the former Town of Clearwater (formerly the Township of Sarnia) were amalgamated as the new City of Sarnia-Clearwater. The amalgamation was originally slated to include the Village of Point Edward, but that village's residents resisted and were eventually permitted to remain independent of the City of Sarnia-Clearwater. On January 1, 1992, the municipality reverted to the name City of Sarnia.
8. Enbridge Gas has a franchise agreement (EB-2012-0216) with the City of Sarnia but there has not been any previous effort to acquire a new Certificate of Public Convenience and Necessity (CPCN) for the City of Sarnia because of an exemption contained within the *Municipal Franchises Act*.
9. Section 8 of the *Municipal Franchises Act* dealing with the requirement to have a CPCN prior to constructing any works to supply natural gas in any municipality was added to the *Municipal Franchises Act* in 1933. Section 8 of the *Municipal Franchises Act* indicates that no CPCN is required for a municipality which was being supplied with natural gas prior to April 1, 1933.
10. On June 22, 1950, the Ontario Municipal Board issued a CPCN (PFC 2970) to the Union Gas Company of Canada for the former Township of Sarnia pursuant to section 8 of the *Municipal Franchises Act*. See Schedule "C" attached. There are no records of a CPCN being issued for the former Township of Sarnia prior to PFC 2970.
11. The Natural Gas Facilities Handbook (issued March 31, 2022) states the following:

3.6.2 Municipal Changes that do not affect another Person's Certificate Rights

If the boundaries of a person's existing certificate are affected by a municipal amalgamation or annexation, and no other person holds a certificate for any part of the newly amalgamated or annexed municipal territories, then the person should notify the OEB within 90 days of the date that the change takes effect to have the certificate amended to reflect the change. The OEB will not as a matter of course amend the territory covered by the person's existing certificate to include any additional service area that was added to the municipality through the amalgamation or annexation. The certificate would be amended to include the metes and bounds of the person's existing certificate. However, the certificate holder could also apply for a new certificate that would include any additional service area within the newly amalgamated territories.

12. Based on a review of existing CPCNs, Enbridge Gas believes that there is a need to ensure that all areas of municipalities that were partially served prior to April 1, 1933 are sufficiently covered by a CPCN.
13. Enbridge Gas submits that it is reasonable to conclude that because a municipality is defined by a geographic area (according to its definition in the *Municipal Act*), the pre-April 1933 exemption for a CPCN in section 8(1) of the *Municipal Franchises Act* would likely only apply to that geographic area of the current City of Sarnia that constituted the former City of Sarnia prior to April 1, 1933.

14. Given the uncertainty regarding the areas covered by the pre-1933 exemption provided for the former City of Sarnia, the limited CPCN rights Enbridge Gas holds for the former Township of Sarnia and the extensive level of facilities located throughout the current City of Sarnia, Enbridge Gas is proposing to expand its existing CPCN rights to cover all of the current City of Sarnia. Enbridge Gas is not aware of any other gas distributor in the area.
15. Over the last several decades, Enbridge Gas (and its predecessors) have expanded the areas within the City of Sarnia to which access to gas distribution services are being provided. While there is a CPCN in place for the former Township of Sarnia (Town of Clearwater) and a CPCN exemption associated with the former City of Sarnia, other areas that now make up the current City of Sarnia (e.g., areas of an Indian Reserve that were annexed) do not appear to be covered by a CPCN, although facilities are in place.
16. A map showing the location of Enbridge Gas' existing facilities within the City of Sarnia will be submitted confidentially under a separate cover. This map includes specific details of the location of Enbridge Gas' facilities located within the current municipal boundaries of the City of Sarnia. Enbridge Gas submits that this map and the information it captures needs to be kept confidential because the public disclosure of specific locations of existing gas distribution and transmission facilities poses both safety and security risks. Public access to this kind of information may allow third parties to determine gas system configurations and points of sensitivity or vulnerability that may expose Enbridge Gas to security risks. Further, persons planning developments or excavation projects may attempt to use the facilities information obtained from other sources in substitution for required facilities locates, notwithstanding the fact that obtaining locates is required by law.
17. Enbridge Gas has franchise agreements with and Certificates of Public Convenience and Necessity for the Village of Point Edward, the Town of Plympton-Wyoming, the Township of St. Clair, and the Township of Enniskillen which are immediately adjacent to the City of Sarnia. There is no other natural gas distributor in the area.
18. The address for Enbridge Gas' regional operations office is:

Enbridge Gas Inc.
3840 Rhodes Drive
Windsor, ON N9A 6N7
Attention: Andrea Seguin, Director, Southwest Region Operations
Email: andrea.seguin@enbridge.com
19. Enbridge Gas now applies to the Ontario Energy Board for an Order pursuant to Section 8 of the *Municipal Franchises Act* approving a Certificate of Public Convenience and Necessity for the City of Sarnia.

DATED at the Municipality of Chatham-Kent, in the Province of Ontario this 18th day of May, 2023.

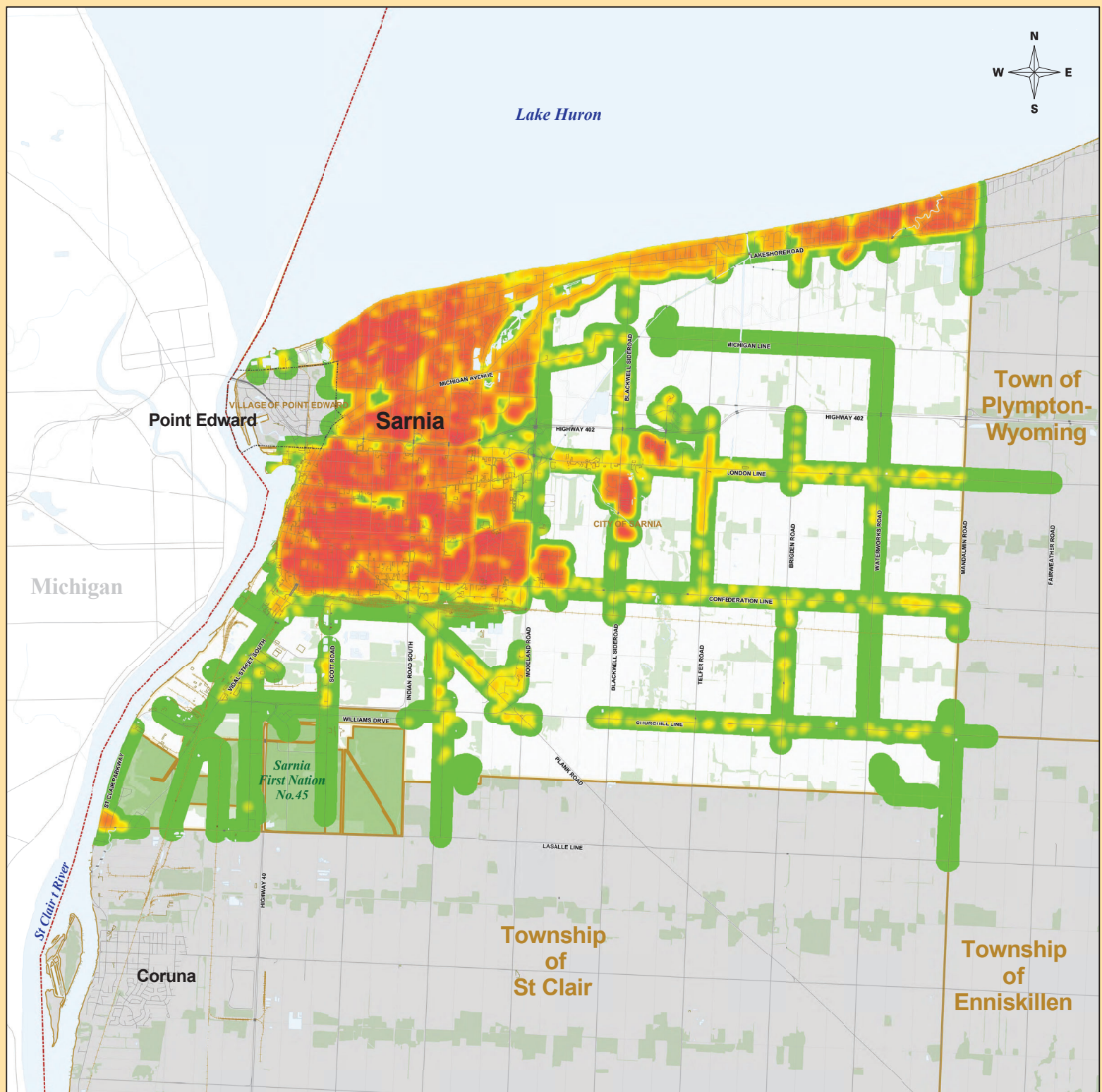
ENBRIDGE GAS INC.

**Patrick
McMahon** Digitally signed by
Patrick McMahon
Date: 2023.05.18
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Patrick McMahon
Technical Manager
Regulatory Research and Records

Comments respecting this Application should be directed to:

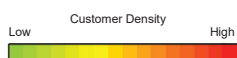
Mr. Patrick McMahon
Technical Manager, Regulatory Research and Records
Enbridge Gas Inc.
50 Keil Drive North
Chatham, ON N7M 5M1
patrick.mcmahon@enbridge.com
Telephone: (519) 436-5325



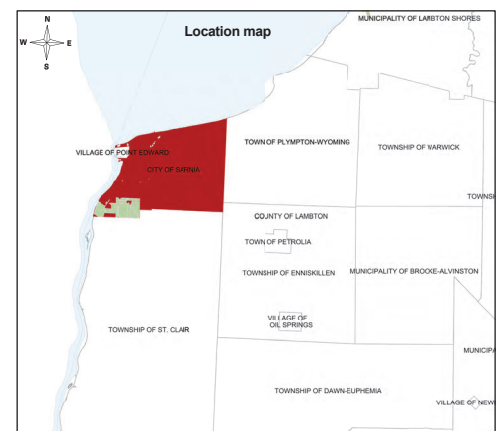
City of Sarnia

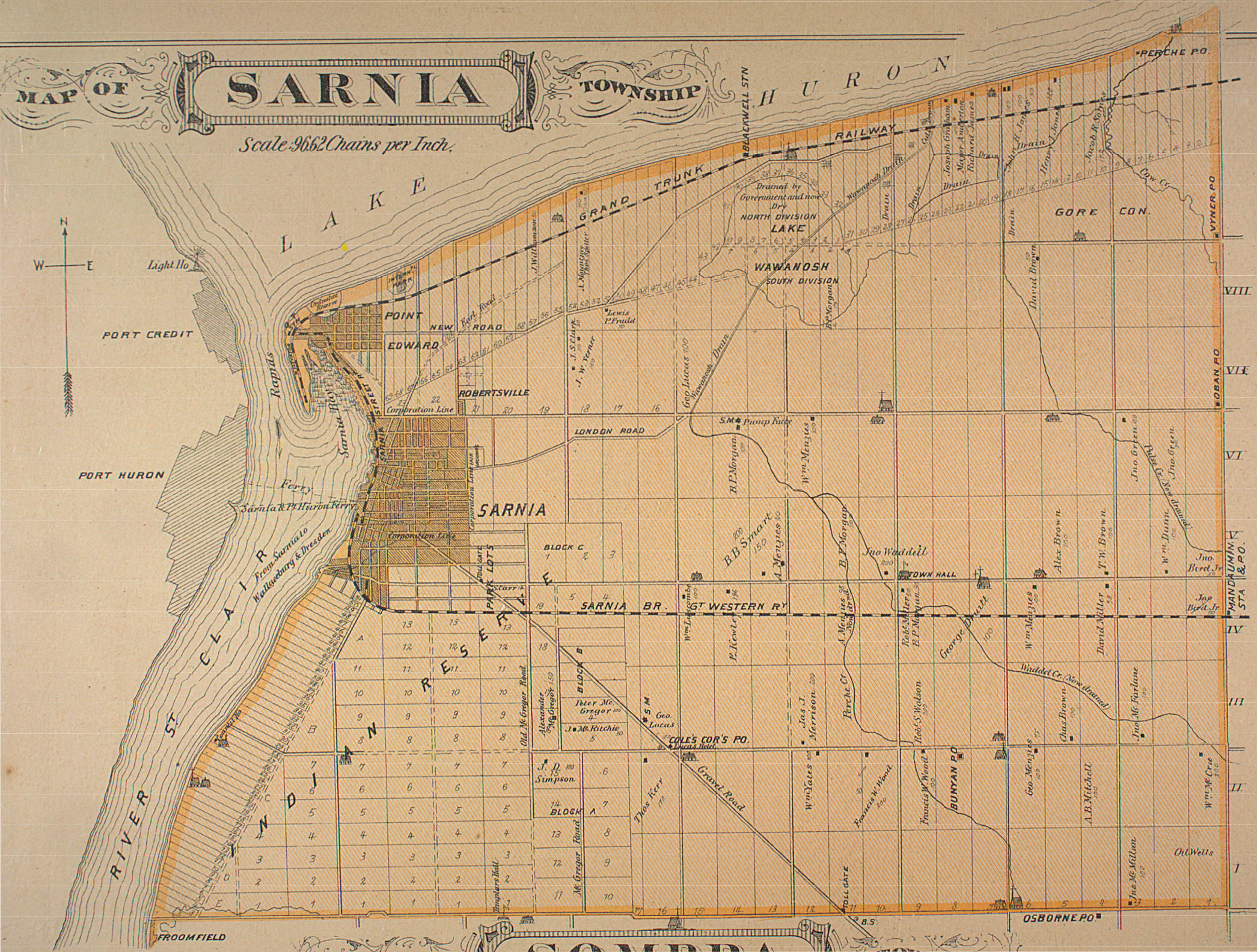
Legend

- Enbridge Gas Pipeline Coverage Area
- City of Sarnia
- Roads
- Railways
- Municipal and Township Boundaries
- First Nation Boundaries



Disclaimer:
The map is provided with no warranty express or implied and is subject to change at any time. Any Person using the Density Map shall do so at its own Risk and the Density Map is not intended in any way As a tool to locate underground infrastructure for the purposes of excavation





CREST

P.F.C-2970

ONTARIO

THE ONTARIO MUNICIPAL BOARD

Thursday, the twenty-second day of June, A. D., 1950

BEFORE: (IN THE MATTER OF "The Municipal Franchises
) Act, R.S.O. 1937, Chapter 277, and
 L.R.Cumming, M.A. (
 Chap.) IN THE MATTER OF an application by the
) Union Gas Company of Canada, Limited
 W.P.Near, B.A.Sc.,) for a Certificate of Public Convenience
 Vice Chairman) and Necessity for distribution of gas
) within the Township of Sarnia, and
)
) IN THE MATTER OF By-law #85M of the
) Corporation of the Township of Sarnia,
) granting to the said Company the right
) to bring in, produce, distribute and
) sell gas in the Township of Sarnia

TO: HIS HONOUR, THE LIEUTENANT
 GOVERNOR OF THE PROVINCE OF
 ONTARIO:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

UPON THE APPLICATION of Union Gas Company of Canada, Limited, for a Certificate of Public Convenience and Necessity pursuant to Section 8 of "The Municipal Franchises Act", R.S.O. 1937, Chapter 277, and upon consideration of the material filed and the report of the Chairman of the Board who, being duly authorized, attended pursuant to appointment at a public hearing on Friday, second day of June, 1950, at the hour of two o'clock in the afternoon at the Court House in the City of Sarnia, to hear all parties interested in support of or opposing the said application, and upon hearing read the said By-law #85 of the Corporation of the Township of Sarnia and the other material filed and there being no one to oppose the application although Notice of the Appointment had been duly given as directed by the Board as appears by the declaration of Lawrence G. O'Connor, filed, the Board having reserved its decision until the Sixth day of June, A. D. 1950, when approval was granted.

THE BOARD CERTIFIES that public convenience and necessity require that approval or permission be granted to Union Gas Company of Canada, Limited, to construct works to supply gas and to supply gas to the residents of the Township of Sarnia in the County of Lambton and Province of Ontario in accordance with the provisions of the said By-law #85M of the said Corporation of the Township of Sarnia."

"W.P.NEAR"
 Vice Chairman

SEAL



[Home](#) / [About Enbridge Gas](#)

Regulatory Information

Enbridge Gas is a regulated company through the Ontario Energy Board and Canada Energy Regulator. You can view all of our rate case information and evidence — as well as the evidence we filed in other regulatory proceedings. Please note that we have not posted any evidence that was confidential or that required a non-disclosure agreement.

FRANCHISES ✓

OTHER REGULATORY PROCEEDINGS

RATE CASES AND QRAM

EB-2023-0146 - City of Sarnia - CPCN

[Application](#)

[Notice of Application - English](#)

[Notice of Application - French](#)

EB-2023-0142 - County of Prince Edward

EB-2023-0123 -Township of Havelock-Beimont-Methuen

EB-2023-0126 - City of Orillia

EB-2023-0103 - Municipality of East Ferris

EB-2023-0105 - County of Lanark

This is Exhibit "B" to the Affidavit of Gary Collins sworn before me this 12th day of June 2023.

A Commissioner, etc