

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B; and in particular section 90(1) and section 97 thereof;

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

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AND IN THE MATTER OF an application by Enbridge Gas Inc. for an order granting leave to construct natural gas pipelines in the Municipality of Brooke-Alvinston and the Township of Warwick, in the County of Lambton;

AND IN THE MATTER OF an application by Enbridge Gas Inc. for an order cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the former Village of Watford and the former Township of Warwick and replacing it with a new Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Warwick.

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APPLICATION

1. Enbridge Gas Inc. ("Enbridge Gas" or the "Company") hereby applies to the Ontario Energy Board ("OEB") pursuant to section 90(1) of the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Schedule B* (the "Act"), for an order granting leave to construct approximately 15.3 km of Nominal Pipe Size ("NPS") 6 inch Steel ("ST") natural gas main with a design pressure of 6,160 kPag to connect the Twin Creeks Environmental Centre renewable natural gas ("RNG") facility located near the community of Watford in the Township of Warwick to the existing Enbridge Gas system located in the Municipality of Brooke-Alvinston, Ontario.

2. For ease of reference and to assist the OEB with preparation of the notice of application for the proposed Watford Pipeline Project (“Project”), a map of the proposed facilities is included at Attachment 1 to this Exhibit.
3. With leave to construct approval from the OEB, construction of the Project is planned to commence in April 2024 and to be placed into service by December 2024. To meet construction timelines, Enbridge Gas respectfully requests the approval of this application by February 2024. The proposed construction schedule can be found at Attachment 1 to Exhibit D.
4. Enbridge Gas also hereby applies to the OEB for an order pursuant to Section 8 of the *Municipal Franchises Act* cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas for the former Village of Watford and the former Township of Warwick and replacing it with a new Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Warwick. /U
5. The Corporation of the Township of Warwick is a municipal corporation incorporated under the laws of the Province of Ontario which is located within in the County of Lambton. Attached hereto and marked as Attachment 2 is a map showing the geographical location of the Township of Warwick and a customer density representation of Enbridge Gas’ current service area. Enbridge Gas currently serves approximately 820 customers in the Township of Warwick. /U
6. Enbridge Gas (Union Gas Company) began providing gas distribution services within the former Township of Warwick and the former Village of Watford in /U

approximately 1965. With municipal restructuring, the Village of Watford and the Township of Warwick were merged effective January 1, 1998.

7. Enbridge Gas has a franchise agreement (EB-2009-0292) with the Township of Warwick and a Certificate of Public Convenience and Necessity for the former Village of Watford and the former Township of Warwick (EBC 42 dated August 30, 1965) which is included at Attachment 3 to this Exhibit. /U

8. The Natural Gas Facilities Handbook (issued March 31, 2022) states the following: /U

3.6.1 Municipal Name Changes

If the name of the municipality changes after the OEB has issued a certificate, then the certificate holder should notify the OEB within 90 days of the date that the new name takes effect to have the certificate amended to reflect the new name of the municipality.

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.

9. Maps of the County of Lambton previous to 1965 indicate that the municipal boundaries of the Township of Warwick were similar to today's municipal boundaries, although it is difficult to identify precise historical municipal boundaries with mapping available. Enbridge Gas is not aware of any changes to the municipal boundaries of the former municipalities that now make up the Township of Warwick since the 1998 amalgamation, but earlier maps appear to indicate that municipal boundaries may have changed along the eastern portion of the Township of Warwick at some point. Enbridge Gas has a franchise agreement with and Certificate of Public Convenience and Necessity for the Township of Adelaide-Metcalfé that shares the Township of Warwick's eastern border so this is not a case of expanding Enbridge Gas' existing certificate rights. /U

10. Enbridge Gas has Franchise Agreements with and Certificates of Public Convenience and Necessity for the Municipality of Lambton Shores, the Township of Plympton-Wyoming, the Township of Enniskillen, the Township of Brooke-Alvinston¹, the Township of Adelaide-Metcalfé and the Municipality of North Middlesex, which are immediately adjacent to the Township of Warwick. There is no other natural gas distributor nearby the Township of Warwick. /U

11. If the OEB determines that it will conduct a hearing for this application, then Enbridge Gas requests that it proceed by way of written hearing in English.

¹ EB-2009-0296 and EB-2009-0297

12. Enbridge Gas requests that the OEB issue the following order(s):

- (i) Pursuant to section 90(1) of the Act, an order granting leave to construct the Project.
- (ii) Pursuant to section 97 of the Act, an order approving the forms of easement agreement and temporary land use agreement found at Exhibit G, Tab 1, Schedule 1, Attachments 2 and 3.
- (iii) Pursuant to Section 8 of the *Municipal Franchises Act* an order cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the former Village of Watford and the former Township of Warwick and replacing it with a new Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Warwick.

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13. Enbridge Gas requests that copies of all documents filed with the OEB in connection with this proceeding be served on it and on its counsel, as follows:

- (a) The Applicant
Eric VanRuymbeke
Sr Advisor, Leave to Construct Applications

Address: P. O. Box 2001
50 Keil Drive N
Chatham, ON N7M 5M1

Telephone: (519) 436-4600 x5002241
Email: eric.vanruymbeke@enbridge.com
EGRegulatoryProceedings@enbridge.com
- (b) The Applicant's counsel
Guri Pannu
Sr Legal Counsel
Enbridge Gas Inc.

Address for personal service 500 Consumers Road
Toronto, ON M2J 1P8

Mailing Address: P. O. Box 650, Scarborough, ON M1K 5E3

Telephone: 416-758-4761

Email: guri.pannu@enbridge.com

DATED at the City of Chatham, Ontario this 15th day of August 2023.

ENBRIDGE GAS INC.

(Original Digitally Signed)

Eric VanRuymbeke,
Sr. Advisor - Leave to Construct