

## **ONTARIO ENERGY BOARD**

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

**AND 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 granting leave to construct natural gas distribution pipelines and ancillary facilities that make up a Community Expansion Project to serve the community of Sandford in the Township of Uxbridge.

**AND IN THE MATTER OF** an Application by Enbridge Gas Inc. for an Order cancelling and superseding the existing Certificates of Public Convenience and Necessity held by Enbridge Gas Inc. for the former Town of Uxbridge, the former Township of Uxbridge and the former Township of Scott and replacing them with a single Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Uxbridge.

## **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 natural gas pipelines and facilities, as described herein, in the community of Sandford, in the Township of Uxbridge, Ontario ("Project"). The pipeline facilities which the Company is seeking OEB approval through this Application consist of:

- (i) Approximately 4.9 km of Nominal Pipe Size (“NPS”) 2 polyethylene (“PE”) natural gas pipeline, and
  - (ii) Approximately 8.4 km of NPS 4 PE natural gas pipeline.
- 2. For ease of reference and to assist the OEB with preparation of the notice of application for the Project, a map of the proposed facilities is included as Attachment 1 to this Exhibit.
- 3. On June 9, 2021, the proposed Sandford Community Expansion Project was approved to receive funding assistance as part of Phase 2 of the Government of Ontario’s Natural Gas Expansion Program (“NGEP”), which provides financial support to help utilities expand natural gas distribution in communities that are not currently connected to the natural gas system. The Project will provide approximately 183 forecasted customers located in the community of Sandford in the Township of Uxbridge with access to safe, reliable, and affordable natural gas distribution services.<sup>1</sup>
- 4. With leave to construct approval from the OEB, construction of the Project is planned to commence in July 2024 and be placed into service by January 2025. The proposed construction schedule can be found at Exhibit D, Tab 2, Schedule 1.
- 5. Enbridge Gas intends to charge a System Expansion Surcharge (“SES”) to all new customers taking gas distribution service from the Project. In accordance with the OEB’s EB-2020-0094 Decision and Order, the SES will be a fixed volumetric rate of \$0.23 per cubic metre of gas to be charged in addition to Enbridge Gas’s base distribution rates as approved by the OEB. The SES is

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<sup>1</sup> 183 customers including: 173 residential, 9 commercial/ institutional, and 1 industrial customer

proposed to be charged to all customers taking gas distribution service from the Project for a term of 40 years. Detailed information about the proposed SES and its applicability to the Project can be found in Exhibit E.

6. Enbridge Gas also hereby also applies to the OEB for an Order pursuant to Section 8 of the *Municipal Franchises Act* cancelling and superseding the existing Certificates of Public Convenience and Necessity held by Enbridge Gas Inc. for the former Town of Uxbridge, the former Township of Uxbridge and the former Township of Scott and replacing them with a single Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Uxbridge.
7. The Corporation of the Township of Uxbridge is a municipal corporation incorporated under the laws of the Province of Ontario which is located within in the Regional Municipality of Durham. Attachment 2 to this Exhibit is a map showing the geographical location of the Township of Uxbridge and a customer density representation of Enbridge Gas' service area. Enbridge Gas currently serves approximately 1,200 customers in the Township of Uxbridge.
8. Enbridge Gas (Consumers' Gas Company) began providing gas distribution services within the former Town of Uxbridge in approximately 1957. Enbridge Gas began providing gas distribution services within the former Township of Scott and the former Township of Uxbridge in approximately 1958.
9. In 1974, with the creation of the Regional Municipality of Durham, the former Town of Uxbridge, the former Township of Uxbridge and the former Township of Scott were amalgamated into the current Township of Uxbridge.

10. Enbridge Gas has a franchise agreement (EB-2019-0110) with the Township of Uxbridge and Certificates of Public Convenience and Necessity for the former Town of Uxbridge (FBC 160 dated December 23, 1957), the former Township of Uxbridge (FBC 161 dated December 23, 1957) and the former Township of Scott (FBC 206 dated August 19, 1958) all of which are included at Attachment 3 to this Exhibit. The proposed community expansion project to provide access to gas distribution service in the community of Sandford is located within the former Township of Scott.

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. Enbridge Gas is not aware of any changes to the municipal boundaries of the former municipalities that now make up the Township of Uxbridge since the original Certificates of Public Convenience and Necessity were issued.

13. Enbridge Gas has Franchise Agreements with and Certificates of Public Convenience and Necessity for the Township of Brock, the Town of East Gwillimbury, the Town of Georgina, the City of Pickering, the Township of Scugog, the Town of Whitby and the Town of Whitchurch-Stouffville which are immediately adjacent to the Township of Uxbridge. There is no other natural gas distributor nearby.
14. 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.
15. Enbridge Gas requests that the OEB make the following orders:
  - (i) pursuant to section 90(1) of the Act, an Order granting leave to construct the Project; and
  - (ii) pursuant to section 97 of the Act, an Order approving the form of temporary land use agreements and easement agreements found at Exhibit G, Tab 1, Schedule 1, Attachments 1 and 2.
  - (iii) Pursuant to section 8 of the *Municipal Franchise Act*, an Order cancelling and superseding the existing Certificates of Public Convenience and Necessity held by Enbridge Gas Inc. for the former Town of Uxbridge, the former Township of Uxbridge and the former Township of Scott and replacing them with a single Certificate of Public Convenience and Necessity to construct works to supply natural gas in the Township of Uxbridge.

16. 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:	Brittany Zimmer Sr Advisor, Leave to Construct Applications
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(b) The Applicant's counsel:	Guri Pannu Senior Legal Counsel Enbridge Gas Inc.
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DATED at the City of Chatham, Ontario this 16<sup>th</sup> day of August 2023.

**ENBRIDGE GAS INC.**

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Brittany Zimmer  
Sr Advisor, Leave to Construct Applications