



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

September 21, 2023

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

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.  
Approval of 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 August 31, 2023, enclosed is my Affidavit of Service related to the Decision and Order in regard to the above-noted proceeding.

Yours truly,

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

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, Patrick McMahon, of the Municipality of Chatham-Kent, 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, at Chatham, Ontario, on September 1, 2023, I did cause to be sent to the City of Sarnia a true copy of the Decision and Order issued by the Ontario Energy Board on August 31, 2023, to the above preamble and a covering letter, attached hereto as Exhibit "A".
3. The courier bill of lading is attached hereto as Exhibit "B".
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 21<sup>st</sup> day of               )  
September, 2023.                         )

\_\_\_\_\_  
Patrick McMahon

\_\_\_\_\_  
A Commissioner, etc.



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

Exhibit A

September 1, 2023

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

This is Exhibit "A" to the Affidavit of  
Patrick McMahon sworn before me  
this 21st day of September, 2023.

A Commissioner, etc.

Dear Ms. Burkhart:

**Re: Enbridge Gas Inc.  
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 August 31, 2023, Enbridge Gas now serves upon you a copy of the Decision and Order approving the new Certificate of Public Convenience and Necessity that Enbridge Gas holds for the City of Sarnia.

Please contact me directly if you have any questions about the application that resulted in this Decision and Order.

Yours truly,

*[Original Signed By]*

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

Encl.



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

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## **DECISION AND ORDER**

**EB-2023-0146**

### **ENBRIDGE GAS INC.**

**Application for approval of a Certificate of Public Convenience and  
Necessity for the City of Sarnia**

**By Delegation, before:**      **Theodore Antonopoulos**  
Vice President  
Applications

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**August 31, 2023**

## 1 OVERVIEW

This Decision and Order of the Ontario Energy Board (OEB) approves an application filed by Enbridge Gas Inc. (Enbridge Gas) for a certificate of public convenience and necessity (certificate) for the City of Sarnia.

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## 2 CONTEXT AND PROCESS

Enbridge Gas and its predecessor companies have been supplying natural gas in the City of Sarnia and its predecessor municipalities since 1878.<sup>1</sup>

Enbridge Gas is authorized to construct works for the supply of natural gas in certain parts of the City of Sarnia pursuant to a certificate issued to its predecessor Union Gas Ltd. on June 22, 1955<sup>2</sup> and, in certain other parts of the City of Sarnia pursuant to an exemption from having to hold a certificate as set out under section 8 (1) (a) of the *Municipal Franchises Act* (which provides that a gas company is not required to hold a certificate in respect of any municipality in which it supplied natural gas prior to April 1, 1933).

Enbridge Gas filed an application on May 18, 2023 for an Order of the OEB granting Enbridge Gas a new certificate for the entirety of the City of Sarnia, as it is constituted today. Such certificate would, in effect, both dispense with Enbridge Gas's piecemeal authorizations for serving the different parts of the municipality and add to Enbridge Gas's existing service territory within the municipality.

The OEB held a written hearing. A notice of hearing was published in the local newspaper on June 15, 2023. No persons sought to become intervenors or otherwise participate in the proceeding.

In this Decision and Order, a reference to the City of Sarnia is a reference to the municipal corporation or its geographical area, as the context requires.

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<sup>1</sup> Enbridge Gas is the result of the merger of Union Gas Ltd. and Enbridge Gas Distribution Inc. that became effective in January 2019 (see OEB Decision: EB-2017-0306 / 0307)

<sup>2</sup> P.F.C-2970

### 3 APPLICATION

Enbridge Gas is a corporation incorporated under the laws of the Province of Ontario, with its head office in the City of Toronto.

The City of Sarnia is a municipal corporation incorporated under the laws of the Province of Ontario. It is a lower-tier municipality located in the County of Lambton. The City of Sarnia was formed in 1991 as the result of the amalgamation of the former City of Sarnia and former Town of Clear-Water.

Enbridge Gas and the City of Sarnia are parties to a municipal franchise agreement dated July 16, 2012.<sup>3</sup> Enbridge Gas holds a certificate which authorizes it to supply natural gas in a part of the City of Sarnia that constituted the former Township of Sarnia.<sup>4</sup> Enbridge Gas operates in other parts of the City of Sarnia for which it does not hold a certificate because (through its predecessor companies) Enbridge Gas has supplied such parts since at least 1878.<sup>5</sup>

Section 8 (1) of the *Municipal Franchises Act* provides as follows:

8 (1) Despite any other provision in this Act or any other general or special Act, no person shall construct any works to supply,

(a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or

(b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied,

without the approval of the Ontario Energy Board.

The City of Sarnia, as it is currently constituted, has been the subject of numerous municipal reorganizations since 1878 (including annexations of, and amalgamations with, legacy municipalities). This is all set out, in detail, in Enbridge Gas's application.<sup>6</sup>

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<sup>3</sup> EB-2012--0216

<sup>4</sup> P.F.C-2970

<sup>5</sup> Application, Para 3

<sup>6</sup> Application, Para 5, 6 and 7

Enbridge Gas submitted that, over the years, Enbridge Gas and its predecessors have expanded access to natural gas distribution services in and around the City of Sarnia and that there are extensive facilities throughout the City of Sarnia.<sup>7</sup> Enbridge Gas stated that, to bring certainty in respect of its authorization to serve the municipality, it is proposing to expand its existing certificate rights to cover the entire City of Sarnia, as it is currently constituted (thus including areas for which, in accordance with section 8 (1) (a) of the *Municipal Franchises Act*, it technically does not require a certificate).<sup>8</sup>

As noted in its application, Enbridge Gas holds certificates and franchise agreements for the Village of Point Edward, the Town of Plympton-Wyoming, the Township of St. Clair, and the Township of Enniskillen, each of which is immediately adjacent to the City of Sarnia. Enbridge Gas submitted that it is not aware of any other gas distributor in the area.

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<sup>7</sup> Application, Para 14 and Para 15

<sup>8</sup> Ibid.



## 4 FINDINGS

I find that it is in the public interest to grant Enbridge Gas a new certificate for the City of Sarnia. Enbridge Gas filed a complete application and provided notice of the hearing in the manner instructed by the OEB. I note that no party intervened or otherwise objected to the application.

The new certificate, attached as Schedule A to this Decision and Order, cancels and supersedes certificate P.F.C-2970, which was granted to Enbridge Gas's predecessor on June 22, 1950. The new certificate is for the entirety of the City of Sarnia, as its municipal boundaries are currently constituted. I find that the approach proposed by Enbridge Gas to be reasonable to allow for clarity and certainty notwithstanding that there does not appear to be a requirement for all parts of the City of Sarnia to be under certification.

With its application, Enbridge filed a "heat map" (which it attached at Schedule A to its application) and a second more detailed infrastructure map for which it sought confidential treatment. At first instance, the heat map sufficiently serves the purpose of the information being sought by the OEB for a certificate application as outlined in section 2.4 of the filing requirements in the *Natural Gas Facilities Handbook*.<sup>9</sup> Unless specifically requested by the OEB, a detailed infrastructure map is not required and, as such, the second of the maps filed by Enbridge Gas will be excluded from the record of this proceeding. Going forward, Enbridge Gas should refrain from filing infrastructure or other such detailed maps in certificate proceedings unless those types of maps are required to support an application or specifically requested by the OEB.

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<sup>9</sup> Report of the Ontario Energy Board, "Natural Gas Facilities Handbook", EB-2022-0081, March 31, 2022

## 5 ORDER

### IT IS ORDERED THAT:

1. A certificate of public convenience and necessity, attached as Schedule A, is granted to Enbridge Gas Inc. to construct works or supply natural gas in the City of Sarnia. A current map of the City of Sarnia is attached as Schedule B.
2. This certificate of public convenience and necessity cancels and supersedes:
  - a. P.F.C- 2970 (former Township of Sarnia)
3. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at August 31, 2023

### ONTARIO ENERGY BOARD

Theodore  
Antonopoulos

Digitally signed by  
Theodore Antonopoulos  
Date: 2023.08.31  
14:11:16 -04'00'

Theodore Antonopoulos  
Vice President  
Applications

**SCHEDULE A**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**  
**ENBRIDGE GAS INC.**  
**EB-2023-0146**  
**AUGUST 31, 2023**

**EB-2023-0146**

## **Certificate of Public Convenience and Necessity**

The Ontario Energy Board grants

### **Enbridge Gas Inc.**

approval under section 8 of the *Municipal Franchises Act*, R.S.O. 1990, c. M.55, as amended, to construct works to supply natural gas in the:

### **City of Sarnia**

as it is constituted on the date of this Decision and Order.

This certificate of public convenience and necessity cancels and supersedes: P.F.C-2970 (former Township of Sarnia)

**DATED** at August 31, 2023

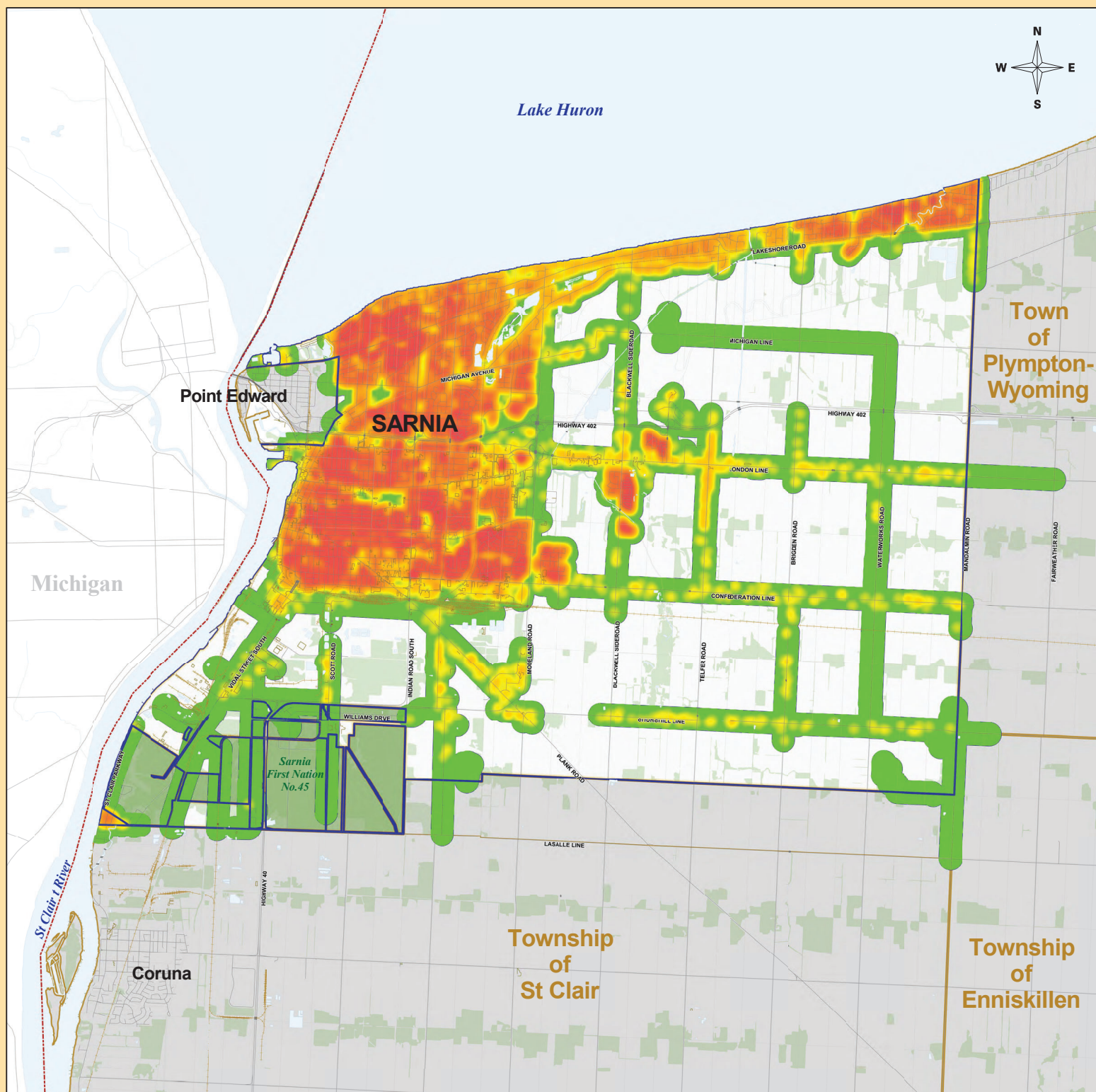
### **ONTARIO ENERGY BOARD**

Theodore  
Antonopoulos

Digitally signed by  
Theodore Antonopoulos  
Date: 2023.08.31  
14:11:38 -04'00'







Theodore Antonopoulos  
Vice President  
Applications

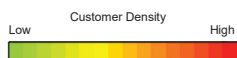
**SCHEDULE B**  
**MAP OF THE CITY OF SARNIA**  
**ENBRIDGE GAS INC.**  
**EB-2023-0146**  
**AUGUST 31, 2023**



## 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

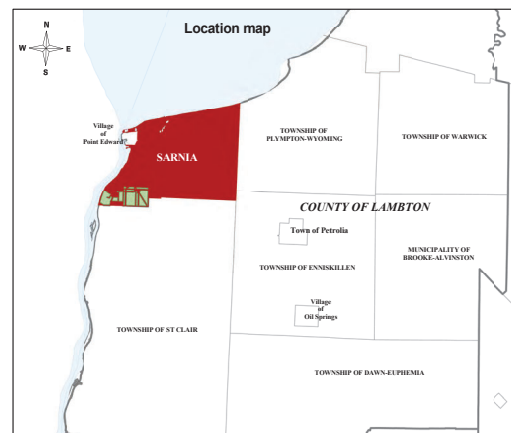


Exhibit B


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

(519) 332-0330

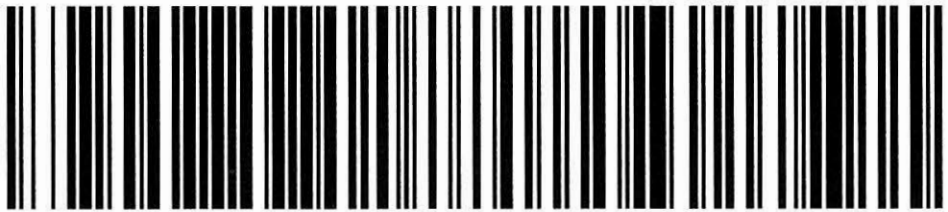
Attention: Amy Burkhart, City Clerk

This is Exhibit "B" to the Affidavit of  
Patrick McMahon sworn before me  
this 21st day of September, 2023.

A Commissioner, etc.

<b>FROM/DE:</b> UNION GAS 50 KEIL DR N APT/SUITE DOCK A CHATHAM, ONTARIO N7L3V9 519-436-4600  <b>SIN:</b> NET73317499 <b>PIN:</b> NET73317499 <b>REF:</b> P.MCMAHON <b>WGT:</b> 1.00 LBS <b>DWT:</b> 0.90 LBS <b>DIM:</b> 1X1X1 INCHES		<b>TO/A:</b> CITY OF SARNIA 255 CHRISTINA STREET NORTH  SARNIA, ON N7T7N2 519-332-0330  ATTN: AMY BURKHART		<b>V</b>  STANDARD TERMS AND CONDITIONS APPLY    Loomis Express NET73317499
<b>INSTRUCTIONS:</b>		<b>GRD</b>		
		<b>PREPAID</b>		

**N7T7N2**  
**LONDON**



NET73317499      LQN7T7N2AANET73317499      PIN: 1/1      DATE: 09/01/2023      LOOMIS-EXPRESS.COM