



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

February 8, 2024

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.  
Application for Certificate of Public Convenience and Necessity – City of Cornwall  
Ontario Energy Board File No. EB-2024-0061**

In accordance with instructions set out by the Ontario Energy Board's Letter of Direction dated February 6, 2024, 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 cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the City of Cornwall and replacing it with a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the current City of Cornwall.

**-: 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 February 7, 2024, a true copy of the Notice of Hearing issued by the Ontario Energy Board on February 6, 2024 and a true copy of the Application dated January 15, 2024 to the above preamble, along with a cover letter, was sent to the City of Cornwall, attached hereto as Exhibit "A".
3. Pursuant to the February 6, 2024 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 8<sup>th</sup> day of )  
 February, 2024. )

\_\_\_\_\_  
 Gary Collins

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


City of Cornwall  
360 Pitt Street  
Cornwall, ON K6J 3P9

613-930-2787


Attention: Manon L. Levesque, City Clerk

2/7/24, 10:36 AM

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FROM: DEL. UNION GAS 50 KILDEEN AVE / SUITE 1000A CHATHAM, ONTARIO N6L 3P9 519-436-4600 SIN: NET 74669140 PIN: NET 74669140 REF: LCMCATION WGT: 1.00 LBS DWT: 0.90 LBS DIM: 18x11x11 INCHES		TO: A: CITY OF CORNWALL 360 PITT STREET  CORNWALL, ON K6J3P9 613-930-2787  ATTN: MANON L. LEVESQUE		<b>V</b> STANDARD TERMS AND CONDITIONS APPLY  Loomis Express NET74669140
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NET74669140      LQK6J3P9AANET74669140      PIN: 111      DATE: 02/07/2024      LOOMIS-EXPRESS.COM

This is Exhibit "A" to the Affidavit  
of Gary Collins sworn before me  
this 8th day of February 2024.

A Commissioner, etc



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

February 7, 2024

Manon L. Levesque, City Clerk  
City of Cornwall  
360 Pitt Street  
Cornwall, ON K6J 3P9

Dear Ms. Levesque:

**Re: Enbridge Gas Inc.  
Application for Approval of New Certificate of Public Convenience and Necessity  
City of Cornwall  
Ontario Energy Board File No. EB-2024-0061**

In accordance with instructions set out by the Ontario Energy Board's Letter of Direction dated February 6, 2024, 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 Enbridge Gas' operations within the City of Cornwall.

The Ontario Energy Board has arranged for publication of the Notice of Hearing in the *Cornwall Seaway News* and the *Cornwall Express* newspapers on Wednesday, February 14, 2024.

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.

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

**Enbridge Gas Inc. (Enbridge Gas) is asking the OEB for:**

- **An order cancelling and superseding its existing certificate of public convenience and necessity (certificate) to construct works to supply natural gas in the City of Cornwall and replacing it with a new certificate. The new certificate is needed to address municipal boundary changes associated with past municipal amalgamations and annexations.**

### YOU SHOULD KNOW

#### THE ONTARIO ENERGY BOARD WILL HOLD A PUBLIC HEARING

There are three types of OEB Hearings: oral, electronic and written. If you have a preference for the type of hearing, you can write to us to explain why. During this hearing, we will question the applicant about its case. We will also hear questions and arguments from participants that have registered as Intervenor. After reviewing all the evidence, we will decide whether to approve this application.

#### HAVE YOUR SAY

You have the right to information about this application and to participate in the process. Visit [www.oeb.ca/participate](http://www.oeb.ca/participate) and use file number **EB-2024-0061** to:

- Review the application
- Apply to become an intervenor
- File a letter with your comments

#### IMPORTANT DATES

You must engage with the OEB on or before **February 26, 2024** to:

- Provide input on the hearing type (oral, electronic or written)
- Apply to be an intervenor

If you do not, the hearing will move forward without you, and you will not receive any further notice of the proceeding.

#### 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. If you are a business or if you apply to become an intervenor, all the information you file will be on the OEB website.

### LEARN MORE

#### Ontario Energy Board

☎/TTY: 1 877-632-2727

🕒 Monday - Friday:

8:30 AM - 5:00 PM

🌐 [oeb.ca/participate](http://oeb.ca/participate)

#### Enbridge Gas Inc.

☎ 1 866-763-5427

🕒 Monday - Friday:

8:30 AM - 5:00 PM

🌐 [enbridgegas.com](http://enbridgegas.com)

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

Ce document est aussi disponible en français.



Ontario  
Energy  
Board



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

**Enbridge Gas Inc. (Enbridge Gas) demande à la Commission de l'énergie de l'Ontario (CEO) :**

- **Une ordonnance annulant son certificat de commodité et de nécessité publiques actuel, le remplaçant par un nouveau certificat, en vue d'effectuer des travaux pour fournir du gaz naturel dans la ville de Cornwall. Le nouveau certificat est nécessaire pour tenir compte des modifications des limites municipales liées aux fusions et aux annexions passées**

### À SAVOIR

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

Il existe trois types d'audiences à la CEO : les audiences orales, les audiences électroniques et les audiences écrites. Si vous avez une préférence en ce qui concerne le format de l'audience, vous pouvez nous écrire pour nous en expliquer les raisons. Au cours de cette audience, nous interrogerons le requérant sur son dossier. Nous entendrons également les questions et arguments des participants inscrits en tant qu'intervenants. Après avoir examiné tous les éléments de preuve, nous déciderons d'approuver ou non cette demande.

#### DONNEZ VOTRE AVIS

Vous avez le droit d'être informés au sujet de cette requête et de participer au processus. Visitez le site [www.oeb.ca/fr/participez](http://www.oeb.ca/fr/participez) et utilisez le numéro de dossier **EB-2024-0061** pour :

- examiner la requête;
- présenter une demande pour devenir un intervenant.
- envoyer une lettre comportant vos commentaires;

#### DATES IMPORTANTES

Vous devez communiquer avec la CEO au plus tard le **26 février 2024** pour :

- fournir des renseignements sur le type d'audience (orale, électronique ou écrite);
- présenter une demande en vue de devenir un intervenant.

À défaut de cela, l'audience se déroulera sans vous et vous ne recevrez plus d'avis dans le cadre de la présente procédure.

#### 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. Si vous êtes une entreprise ou si vous demandez à devenir un intervenant, tous les renseignements que vous déposez seront disponibles sur le site Web de la CEO.

### EN SAVOIR PLUS

#### Commission de l'énergie de l'Ontario

■ /ATS: 1 877-632-2727

☉ Du lundi au vendredi,  
de 8 h 30 à 17 h

🌐 [oeb.ca/fr/participez](http://oeb.ca/fr/participez)

#### Enbridge Gas Inc.

■ 1-866-763-5427

☉ Du lundi au vendredi,  
de 8 h 30 à 17 h

🌐 [enbridgegas.com](http://enbridgegas.com)

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

This document is also available in English.



Commission  
de l'énergie  
de l'Ontario



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

January 15, 2024

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.  
Application for Certificate of Public Convenience and Necessity - City of Cornwall  
Ontario Energy Board File No. EB-2024-0061**

Further to our letter dated January 4, 2024 notifying the Ontario Energy Board of a municipal boundary change, 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 Cornwall.

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: 2024.01.15  
15:18:11 -05'00'

Patrick McMahon  
Technical Manager  
Regulatory Research and Records  
[patrick.mcmahon@enbridge.com](mailto: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 cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the City of Cornwall and replacing it with a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the current City of Cornwall.

**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 Cornwall is a municipal corporation incorporated under the laws of the Province of Ontario and is a single-tier municipality located within the municipal boundaries of the United Counties of Stormont, Dundas and Glengarry. While its administrative offices are located in the City of Cornwall, the United Counties of Stormont, Dundas and Glengarry excludes the City of Cornwall and the Mohawk Nation of Akwesasne from an administrative perspective.
3. Attached hereto and marked as Schedule A is a map showing the geographical location of the City of Cornwall and a customer density representation of Enbridge Gas' current service area. Enbridge Gas currently serves approximately 16,100 customers in the City of Cornwall.
4. The initial franchise agreement Bylaw 405-1956 allowing for the installation of gas distribution pipelines within the City of Cornwall was approved in 1957 (Lakeland Natural Gas). The Ontario Fuel Board issued an associated Certificate of Public Convenience and Necessity (CPCN) to Lakeland Natural Gas on July 16, 1957 (FBC 91 – see Schedule B attached).
5. Consumers' Gas had a franchise agreement with the City of Cornwall effective June 11, 1957 (per Bylaw 461-1957) in order to allow the installation of gas mains along Boundary Road to provide gas distribution service to the Township of Charlottenburgh (now the Township of South Glengarry). This franchise agreement was approved by the City of Cornwall as part of a competitive bidding process in 1957 between Consumers Gas, Cornwall Natural Gas Co. and Lakeland Natural Gas to supply the residents and businesses in the City of Cornwall with access to natural gas. The Ontario Fuel Board approved the franchise agreement in its FBA 141 Order dated May 22, 1957, but Consumers' Gas did not install any pipelines pursuant to this initial franchise agreement.



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6. Enbridge Gas (Lakeland Natural Gas) originally had CPCNs for the former Township of Cornwall (FBC 226) and the former Township of Osnabruck (FBC 215). The Township of South Stormont was established on January 1, 1998 with the amalgamation of the former Townships of Cornwall and Osnabruck. CPCNs FBC 226 and FBC 215 were cancelled when Union Gas was granted a new CPCN for the Township of South Stormont in 2013 (EB-2013-0259 – see Schedule C attached).
7. Enbridge Gas currently has franchise agreements with and CPCNs that cover all areas of the municipalities within the United Counties of Stormont, Dundas and Glengarry that are all around the City of Cornwall - the Township of North Dundas, the Township of North Glengarry, the Township of North Stormont, the Township of South Dundas, the Township of South Glengarry and the Township of South Stormont.
8. 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.*

9. Cornwall was originally incorporated as a town in 1834 and continued to expand with annexations of parts of the former Township of Cornwall until it was incorporated as a city on January 1, 1957.
10. Effective May 1, 1974, the City of Cornwall annexed additional lands (described as "Block B") from the former Township of Cornwall pursuant to the *City of Cornwall Annexation Act*, although the Act itself does not specifically describe the boundaries of those annexed lands.
11. Without the OEB issuing a new CPCN for the City of Cornwall sometime after 1974 to formally include the annexed lands, Enbridge Gas submits that since 1974, the annexed lands are assumed to have been covered under the CPCN for the City of Cornwall (FBC 91) since that CPCN does not make any reference to "as currently constituted" or something similar. FBC 91 was issued to construct works and to supply gas to the inhabitants of the City of Cornwall and Enbridge Gas assumes that, without the "as currently constituted" reference, the CPCN rights moved with the boundaries of the municipality. Enbridge Gas believes that this assumption held true for CPCN rights until the OEB issued its Natural Gas Facilities Handbook on March 31, 2022.

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12. The lands that were annexed in 1974 from the former Township of Cornwall were captured under the FBC 226 CPCN (dated July 16, 1958) which was associated with the former Township of Cornwall from July 16, 1958 until May 1, 1974. Starting in May 1974, FBC 226 was associated with a smaller Township of Cornwall until January 1, 1998 when the Township of South Stormont was created with the amalgamation of the former Townships of Cornwall and Osnabruck. It was at this point that FBC 226 became associated with the Township of South Stormont (i.e., 24 years after the lands were annexed).
13. The address for Enbridge Gas' regional operations office is:  
  
Enbridge Gas Inc.  
400 Coventry Road  
Ottawa, ON K1K 2C7  
Attention: Nicole Lehto, Director, Eastern and Northern Operations  
Email: [nicole.lehto@enbridge.com](mailto:nicole.lehto@enbridge.com)
14. Enbridge Gas now applies to the Ontario Energy Board for an Order pursuant to s.8 of the *Municipal Franchises Act* cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the City of Cornwall and replacing it with a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the current City of Cornwall.

**DATED** at the Municipality of Chatham-Kent, in the Province of Ontario this 15<sup>th</sup> day of January, 2024.

ENBRIDGE GAS INC.

Patrick  
McMahon

Digitally signed by  
Patrick McMahon

Date: 2024.01.15  
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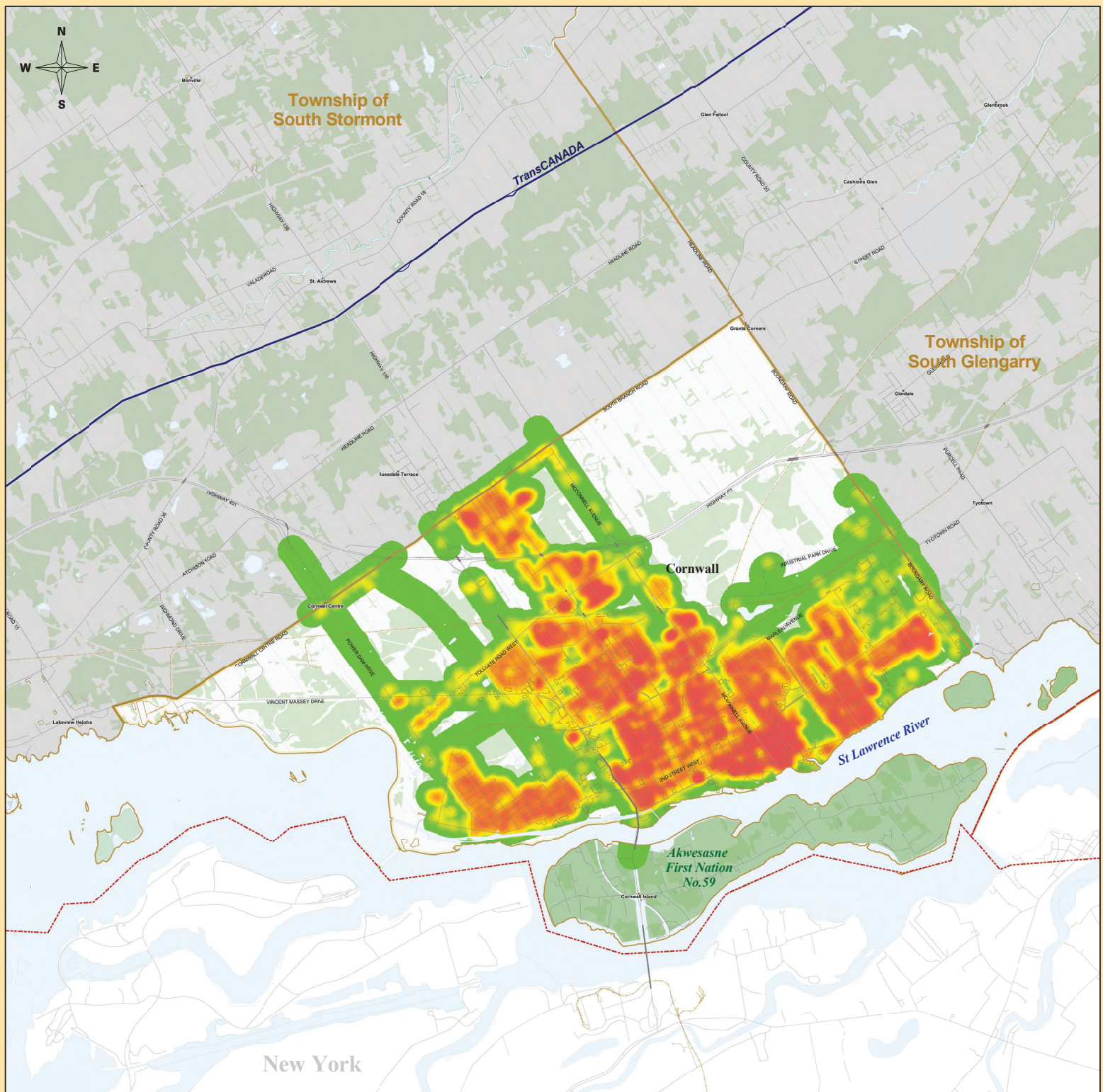
Patrick McMahon  
Technical Manager  
Regulatory Research and Records

-4-

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](mailto:patrick.mcmahon@enbridge.com)  
Telephone: (519) 436-5325





ONTARIO FUEL BOARD

IN THE MATTER OF The Municipal Franchises Act,  
R.S.O. 1950, Chapter 249, and amendments thereto;

AND IN THE MATTER OF an application by Lakeland  
Natural Gas Limited for a certificate of Public  
Convenience and Necessity to construct works and  
to supply gas to the inhabitants of the City of  
Cornwall.

B E F O R E:

A. R. CROZIER, Chairman	)	TUESDAY, the 18th day
L. R. MacTAVISH, Q.C., Commissioner	)	of June, 1957.
W. R. HOWARD, Commissioner	)	

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

UPON THE APPLICATION OF Lakeland Natural Gas Limited (hereinafter referred to as the "Applicant") for a certificate of Public Convenience and Necessity to construct works to supply and to supply gas to the inhabitants of the City of Cornwall pursuant to the provisions of The Municipal Franchises Act, R.S.O. 1950, Chapter 249, Section 8 and amendments thereto, and at a public hearing of such application by the Board at the City of Cornwall on the 18th day of June, 1957, after due notice of such hearing had been given as directed by the Board, in the presence of counsel for the Applicant, and counsel for The Consumers' Gas Company of Toronto, and upon consideration of the evidence and exhibits produced at the hearing and upon hearing what was alleged by counsel aforesaid:

1. THIS BOARD DOETH ORDER that a Certificate of Public Convenience and Necessity be and the same is hereby granted to Lakeland Natural Gas Limited for the supply of natural gas to the inhabitants of the City of Cornwall, and for the construction of the works necessary therefor.

2. AND THIS BOARD DOETH FURTHER ORDER that the costs of this hearing are fixed at \$300.00 and shall be paid forthwith by the Applicant to the Board.

DATED at Toronto this 16th day of July, 1957.

ONTARIO FUEL BOARD

*A. H. Hines*  
Chairman

*L. R. McIntosh*  
Commissioner

*W. R. Howard*  
Commissioner



**EB-2013-0259**

**Certificate of Public Convenience and Necessity**

The Ontario Energy Board hereby grants

**Union Gas Limited**

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

**Township of South Stormont**

This certificate replaces the existing certificates held by Union for the former Township of Osnabruck (F.B.C. 215), and the former Township of Cornwall (F.B.C. 226).

**DATED** at Toronto, August 29, 2013

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary



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Business & Industrial

Storage & Transportation

Sustainability

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# 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-2024-0065 - Township of Centre Wellington
- EB-2024-0062 - Township of Stirling-Rawdon
- EB-2024-0061 - City of Cornwall CPCN

Application

Notice of Hearing - English

Notice of Hearing - French

- EB-2023-0365 - Township of Cavan Monaghan
- EB-2023-0364 - Township of Papineau-Cameron
- EB-2023-0350 - City of Oshawa
- EB-2023-0332 - Township of Nairn and Hyman
- EB-2023-0331 - Town of Mattawa
- EB-2023-0324 - Municipality of Mattawan

This is Exhibit "B" to the Affidavit of Gary Collins sworn before me this 8th day of February 2024.

A Commissioner, etc