



Enbridge Gas Inc.

**Application for the renewal of a Municipal Franchise
Agreement with the County of Lennox and Addington**

PROCEDURAL ORDER NO. 1

Monday, July 22, 2024

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on April 8, 2024, under section 9 of the *Municipal Franchises Act*, for an order approving the renewal of its natural gas franchise (franchise) with the County of Lennox and Addington (County) based on the OEB's Model Franchise Agreement (MFA), and for an order declaring and directing that the assent of the municipal electors to the by-law approving the renewal is not necessary.

Enbridge Gas applied to the OEB with the support of the County. Specifically, the County's Resolution CC-24-72, a copy of which is attached at Schedule "C" of the application, approves the form of the draft by-law and the franchise agreement on the same terms and conditions as those set out in the MFA,¹ without amendment, and authorizes Enbridge Gas's request for an order declaring and directing that the assent of the municipal electors to the by-law and franchise agreement is not necessary. The County has provided first and second readings of its draft by-law.

In response to the Notice of Hearing issued on May 2, 2024, a group named Concerned Residents, identifying themselves as local residents of the County, applied for intervenor status and cost eligibility. No objection was received from Enbridge Gas.

The OEB accepts Concerned Residents as an intervenor.

In so doing, the OEB is not making any determination at this time about the extent to which, if at all, the issues set out in the letter of intervention filed by Concerned Residents are appropriate for consideration in this proceeding. Concerned Residents is

¹ As noted in the OEB's *Natural Gas Franchise Handbook*, the MFA reflects terms and conditions which the OEB finds to be reasonable and which the OEB expects will be used as a basis for franchises unless there is a compelling reason for deviation.

eligible for an award of costs in respect of its participation in this proceeding on issues that are within scope of the proceeding.

Concerned Residents' intervention letter contains a request to file evidence. In order to further consider that request, the OEB requires Concerned Residents to provide responses to the following questions:

- i) What is the nature of the evidence that Concerned Residents plans to submit for consideration by the OEB in this proceeding and what is the proposed timing for the filing of such evidence?
- ii) What is Concerned Residents' position with respect to the OEB's authority, in a franchise renewal proceeding, to prescribe terms and conditions of a municipal franchise agreement that vary from those that the two contracting parties, one of which is the elected council of the citizens of the municipality, have agreed on for the continuation of the franchise and that are consistent with the MFA?
- iii) What specific outcome(s) is Concerned Residents seeking in this proceeding, including possible impact(s) on the MFA?

IT IS THEREFORE ORDERED THAT:

1. Concerned Residents shall file a response to the questions set out in this Procedural Order with the OEB by Friday, August 2, 2024.
2. Enbridge Gas Inc. shall forthwith provide a copy of this Procedural Order to the County of Lennox and Addington.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0134** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\)](#)

[Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.

- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Natalya Plummer at Natalya.Plummer@oeb.ca and OEB Counsel, Richard Lanni at Richard.Lanni@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **Monday, July 22, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar

Schedule A
Enbridge Gas Inc.
EB-2024-0134
Applicant and List of Intervenors

Enbridge Gas Inc.
EB-2024-0134

APPLICANT & LIST OF INTERVENORS

July 22, 2024

APPLICANT	Rep. and Contact Information for Service
Enbridge Gas Inc.	Patrick McMahon Technical Manager Enbridge Gas Inc. Tel: 519-436-5325 patrick.mcmahon@enbridge.com
INTERVENORS	Rep. and Contact Information for Service
Concerned Residents	Eric DePoe Concerned Residents Tel: 999-999-9999 ericdepoe@yahoo.ca
	Kent Elson Elson Advocacy Tel: 416-906-7305 kent@elsonadvocacy.ca
	Amanda Montgomery Elson Advocacy Tel: 416-906-7305 amanda@elsonadvocacy.ca