



Enbridge Gas Inc.
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Chatham, Ontario, Canada
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July 26, 2024

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

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.
Application for Certificate of Public Convenience and Necessity
Town of Lincoln
Ontario Energy Board File No. EB-2024-0168**

Further to the questions submitted by Ontario Energy Board Staff related to certificates of public convenience and necessity, Enbridge Gas provides the following responses.

Staff Question-1

Reference: EB-2024-0168, Application, Schedule C, D1, D2 and F

Preamble:

The Town of Lincoln was formed through the amalgamation of the former Town of Beamsville, the former Township of Clinton, and approximately half of the former Township of Louth. Enbridge Gas holds several certificates that cover the former municipalities that formed the Town of Lincoln:

- E.B.C. 59 - dated July 25, 1967 - covers the former Township of Clinton and the former Village of Beamsville
- E.B.C. 58 - dated July 25, 1967 - covers multiple municipalities including the former Town of Beamsville and the former Township of Clinton
- Certificate - dated October 2, 1956 - covers the former Village of Beamsville
- Certificate - dated October 2, 1956 - covers the former Township of Clinton

Enbridge Gas has applied for orders cancelling those parts of E.B.C. 59 related to the former Town of Beamsville and the former Township of Clinton and cancelling those parts of E.B.C. 58 related to the former Township of Louth and replacing them with a new certificate for the Town of Lincoln.

Questions:

- a) Please provide the file number for the two certificates issued on October 2, 1956.
- b) Please clarify whether the two certificates issued on October 2, 1956 should be superseded and replaced if a new certificate is issued for the Town of Lincoln.

Responses:

- a) To correct the preamble, the E.B.C. 58 certificate issued on July 25, 1967 was issued to cover operations within eighteen municipalities including the former Township of Louth, but not the former Town of Beamsville nor the former Township of Clinton.

Based on information provided a few years ago by Archives Ontario for another proceeding, it appears that the Ontario Fuel Board proceeding numbers for the certificates issued in 1956 were F.B.C. 81 (Beamsville) and F.B.C. 82 (Clinton), although Enbridge Gas is not in possession of any records confirming these proceeding numbers.

- b) Enbridge Gas believes that the two certificates issued in 1956 by the Ontario Fuel Board for the former Village of Beamsville and the former Township of Clinton were effectively superceded by the E.B.C. 59 certificate issued in 1967 for these same municipalities. However, there is nothing on the record of the E.B.C. 59 proceeding that indicates that the 1956 certificates were formally superceded. To administratively clean the regulatory record, the parts of the E.B.C. 59 certificate associated with the former Village of Beamsville and the former Township of Clinton could be superseded and replaced by a new certificate issued for the Town of Lincoln.

This would effectively leave the E.B.C. 59 certificate only applicable to the former Town of Grimsby and the former Township of North Grimsby (which were amalgamated in 1970 to form the current Town of Grimsby) since the parts of the E.B.C. 59 certificate associated with the former Townships Caistor, Clinton, Gainsborough, and South Grimsby were superceded by the EB-2011-0238 certificate issued on July 29, 2011 for the Township of West Lincoln. Enbridge Gas intends to submit an application for a new certificate for the Town of Grimsby within the next month.

Staff Question-2

Reference: E.B.C. 58A
EB-2024-0168, Application, Schedule F
EB-2024-0121, Enbridge Gas's Response to OEB Staff Questions, April 25, 2024

Preamble:

Enbridge Gas holds a certificate dated July 25, 1967¹ that lists the following municipalities: the former City of St. Catharines, the former City of Niagara Falls, the former City of Welland, the former Town of Colborne, the former Town of Niagara-on-the-Lake, the former Town of Thorold, the former Village of Chippawa, the former Village of Crystal Beach, the former Village of Fonthill, the former Township of Crowland, the former Township of Willoughby, the former Township of Bertie, the former Township of Humberstone, the former Township of

¹ E.B.C. 58

Wainfleet, the former Township of Thorold, the former Town of Pelham, the former Township of Niagara, the former Township of Louth.

Enbridge Gas holds another certificate dated July 7, 1976² that lists the municipalities noted above with the addition of the Town of Fort Erie.

E.B.C. 58A is not listed in Enbridge Gas's application for the former Town of Lincoln and Enbridge Gas has not requested that the part of E.B.C. 58A that pertains to the former Township of Louth be superseded and replaced if a new certificate is issued for the Town of Lincoln.

OEB Staff notes that in a response to an OEB staff question in the proceeding for EB-2024-0121, Enbridge Gas stated that E.B.C. 58A only covers the Town of Fort Erie.³

E.B.C. 58A only being applicable to the Town of Fort Erie is not consistent with prior certificate applications such as:

- The proceeding for EB-2018-0207, where the application in paragraph 5 states “The Applicant possesses Certificates of Public Convenience and Necessity (“Certificate”) for the geographical area of the Corporation permitting it to distribute, store and transmit gas in the Municipality. Attached hereto and marked as Schedule “C” is the Certificate for the Town of Port Colborne, EBC 58 (July 25, 1967) and marked as Schedule “D” is the Certificate for the Town of Port Colborne, EBC 58A (July 7, 1976).
- The proceeding for EB-2016-0047, where the application in paragraph 2 states “On January 1, 1970, the Township of Niagara and the Town of Niagara were amalgamated to become the Town of Niagara-on-the-Lake. Please note there was an amendment to the Certificate of Public Convenience and Necessity (“PCN”), EBC. 58, where upon the Applicant negotiated a new franchise by-law with the Town of Fort Erie on May 8, 1975, which was finally passed on June 23, 1975, and resulted with the issuance of PCN EBC 58A. Attached hereto and marked as Schedule “A” is a map showing the geographical location of the Town of Niagara-On-The-Lake (“Municipality”).”

Paragraph 4 the application also states “The Applicant possesses one Certificate of Public Convenience and Necessity (“Certificate”) for the geographical area of the Town of Niagara-On-The-Lake. Attached hereto and marked as Schedule “C” is the Certificate of Public Convenience and Necessity for the Town of Niagara-On-The-Lake (E.B.C. 58A) dated July 5, 1976.”

- The proceeding for EB-2011-0378, where the application in paragraph 4 states “The Applicant possesses a certificate of public convenience and necessity (“Certificate”) for the geographical area of the Corporation permitting it to distribute, store and transmit gas in the Municipality. Attached hereto and marked as Schedule “C” is the Certificate for the City of Welland, E.B.C. 58A, July 5, 1976, and other nearby municipalities.”

² E.B.C. 58A

³ Enbridge Gas Response to OEB Staff Question 1a), April 25, 2024

Questions:

- a) Please discuss why Enbridge Gas has not requested that the part of E.B.C. 58A that pertains to the former Township of Louth be superseded and replaced if a new certificate is issued for the Town of Lincoln.
- b) Enbridge Gas has submitted applications for new certificates to supersede and replace all the municipalities listed in E.B.C 58A except for the Town of Fort Erie. Please discuss why an application has not been submitted for a new certificate for the Town of Fort Erie.

Responses:

- a) No part of the E.B.C. 58A certificate applies to the former Township of Louth so there is no reason to request that any part of E.B.C. 58A that pertains to the former Township of Louth be superseded and replaced if a new certificate is issued for the Town of Lincoln.

To clarify the preamble to this question, the Matter clauses on the front page of the E.B.C. 58 and E.B.C. 58A certificate orders simply refer to the list of municipalities to which the E.B.C. 58 application applied. To identify which municipalities the specific certificates apply to, the actual order clauses must be reviewed.

The order clause in the E.B.C. 58 certificate states that it applies to 18 municipalities that existed on July 25, 1967:

- 1. *THIS BOARD DOTH ORDER that a Certificate of Public Convenience and Necessity be and the same is hereby granted to The Consumers' Gas Company for the supply of natural gas to the inhabitants of the*

*City of St. Catharines
City of Niagara Falls
City of Welland
Town of Port Colborne
Town of Niagara-on-the-Lake
Town of Thorold
Village of Chippawa
Village of Crystal Beach
Village of Fonthill
Township of Crowland
Township of Willoughby
Township of Bettie
Township of Humberstone
Township of Wainfleet
Township of Thorold
Township of Pelham
Township of Niagara
Township of Louth*

The order clause in the E.B.C. 58A certificate states that it applies to 1 municipality that existed on July 7, 1976:

“IT IS ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to The Consumers' Gas Company for the supply of natural gas to the inhabitants of the Town of Fort Erie”.

There is also a specific reference in the E.B.C. 58A certificate to the E.B.C. 58 certificate being issued on July 25, 1967 in respect of all the municipalities listed in the Matter clause except the Town of Fort Erie. This reference confirms that the E.B.C. 58 certificate applies to all of the municipalities associated with the E.B.C. 58 application (including the former Township of Louth) except for the Town of Fort Erie.

Previous references to E.B.C. 58A being applicable to any municipality other than the Town of Fort Erie were in error.

- b) To the best of Enbridge Gas’ knowledge, the municipal boundaries of the Town of Fort Erie have not changed nor have there been any annexations or a name change for the municipality since the E.B.C. 58A certificate was issued on July 7, 1976. As a result, the E.B.C. 58A certificate is still applicable to the Town of Fort Erie.

To correct the preamble, Enbridge Gas has not applied to update the certificates for all of the municipalities listed in the Matter clause on the front page of the E.B.C. 58A certificate. The E.B.C. 58 certificate is still valid for the Township of Wainfleet given that there have not been any annexations or any name changes for the municipality since the E.B.C. 58 certificate was issued on July 25, 1967.

By contrast, all of the other municipalities listed in the Matter clause on the front page of the E.B.C. 58A certificate and addressed in the E.B.C. 58 proceeding have been directly impacted by annexations, mergers and municipal name changes since the E.B.C. 58 certificate was issued on July 25, 1967 which has driven the need for new certificates:

City of St. Catharines

- Half of the former Township of Louth was annexed into the City of St. Catharines in 1970. Application for updated CPCN for the City of St. Catharines (EB-2024-0182) is under review by the OEB.

City of Niagara Falls

- In 1970, the former Village of Chippawa and portions of the former Township of Willoughby, the former Township of Humberstone and the former Township of Crowland became part of the City of Niagara Falls. Application for updated CPCN for the City of Niagara Falls (EB-2024-0175) is under review by the OEB.

City of Welland

- The City of Welland expanded in 1970 when portions of the former Townships of Crowland, Humberstone and Thorold were annexed to the City of Welland. On July 1, 1975, another portion of the former Township of Thorold that was (as of 1975) in the City of Thorold was annexed to the City of Welland. Effective January 1, 1986, 6.5 acres of the Town of Pelham was annexed to the City of Welland. Application for updated CPCN for the City of Welland (EB-2024-0184) is under review by the OEB.

Town of Port Colborne

- Part of the former Township of Humberstone was annexed into the Town of Port Colborne in 1970. Updated CPCN was issued for the City of Port Colborne in August 2018 (EB-2018-0207).

Town of Niagara-on-the-Lake

- In 1970, the former Town of Niagara and the former Township of Niagara merged to officially become the Town of Niagara-on-the-Lake. Part of the former Township of Grantham and the community of Queenston (located within the former Township of Niagara) also became part of the Town of Niagara-on-the-Lake in 1970. Application for updated CPCN for the Town of Niagara-on-the-Lake (EB-2024-0185) is under review by the OEB.

Town of Thorold

- When the Regional Municipality of Niagara was formed in 1970, the Town of Thorold expanded to include the former Thorold Township as well as parts of the former Township of Crowland. In 1975, the town became incorporated as the City of Thorold. Updated CPCN was issued for the City of Thorold in May 2024 (EB-2024-0121).

Village of Chippawa

- Annexed into the City of Niagara Falls in 1970. Application for updated CPCN for the City of Niagara Falls (EB-2024-0175) is under review by the OEB.

Village of Crystal Beach

- In 1970, the village was absorbed by the Town of Fort Erie under the regional government scheme. Covered under E.B.C. 58A certificate.

Village of Fonthill

- Annexed into the Town of Pelham in 1970. Application for updated CPCN for the Town of Pelham (EB-2024-0174) is under review by the OEB.

Township of Crowland

- Annexed into the City of Niagara Falls, the City of Welland and the City of Thorold in 1970. Applications for updated CPCNs for the City of Niagara Falls (EB-2024-0175) and the City of Welland (EB-2024-0184) are under review by OEB. Updated CPCN was issued for the City of Thorold in May 2024 (EB-2024-0121).

Township of Willoughby

- Annexed into the City of Niagara Falls in 1970. Application for updated CPCN for the City of Niagara Falls (EB-2024-0175) is under review by the OEB.

Township of Bertie

- In 1970, the township was absorbed by the Town of Fort Erie under the regional government scheme. Covered under E.B.C. 58A certificate.

Township of Humberstone

- Annexed into the City of Niagara Falls, the City of Welland and the Town of Port Colborne in 1970. Applications for updated CPCNs for the City of Niagara Falls (EB-2024-0175) and the City of Welland (EB-2024-0184) are under review by the OEB. Updated CPCN issued for the City of Port Colborne (EB-2018-0207) in August 2018.

Township of Thorold

- Parts of the Township of Thorold were annexed into the City of Welland in 1970 and 1975. Application for updated CPCN for the City of Welland (EB-2024-0184) is under review by the OEB.

Township of Pelham

- The Town of Pelham came into existence on January 1, 1970 through the amalgamation of the former Township of Pelham and the former Village of Fonthill. A portion of the former Township of Thorold was also annexed to the Town of Pelham. Parts of the Township of Pelham were annexed into the City of Welland in 1975. Applications for updated CPCNs for the Town of Pelham (EB-2024-0174) and the City of Welland (EB-2024-00184) are under review by the OEB.

Township of Niagara

- Became part of the Town of Niagara-on-the-Lake in 1970. Application for updated CPCN for the Town of Niagara-on-the-Lake (EB-2024-0185) is under review by the OEB.

Township of Louth

- In 1970, the western half of the Township of Louth was amalgamated with the former Township of Clinton and the former Town of Beamsville and became the Township of Lincoln in the newly created Regional Municipality of Niagara. At the same time, the eastern half of the Township of Louth was amalgamated into the City of St. Catharines. Application for updated CPCN for the City of St. Catharines (EB-2024-0182) is under review by the OEB.

Staff Question-3

Reference: EB-2024-0168, Application, Schedule E

Preamble:

Paragraph 4 of the application states that the Grimsby Natural Gas Company Limited was a company operated by the Consumers Gas Company (now Enbridge Gas) beginning December 31, 1966, and that a declaration of business is included in Schedule D of the application.

Question:

- a) Please confirm that the reference in paragraph 4 of the application to schedule D should be schedule E.

Response:

- a) Confirmed.

Should you have any questions on this submission, please do not hesitate to contact me.

Yours truly,

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