



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

DECISION AND ORDER

EB-2024-0168

ENBRIDGE GAS INC.

**Application for a Certificate of Public Convenience and
Necessity for the Town of Lincoln**

By Delegation, before: Theodore Antonopoulos
Vice President
Major Applications

August 20, 2024

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 Town of Lincoln.

2 CONTEXT AND PROCESS

Enbridge Gas filed an application with the OEB on May 7, 2024, under section 8 of the *Municipal Franchises Act*, for an order approving a new certificate of public convenience and necessity to construct works to supply natural gas in the Town of Lincoln.

The OEB held a written hearing. A notice of hearing was published in local newspapers between June 1, 2024, to June 6, 2024. The notice of hearing was also posted on Enbridge Gas's website. No persons sought to become intervenors or otherwise participate in the proceeding.

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

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 Town of Lincoln is a municipal corporation incorporated under the laws of the Province of Ontario. It is a lower-tier municipality located in the Regional Municipality of Niagara. The Town of Lincoln was formed in 1970 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 is authorized to serve the entire geographic area of the Town of Lincoln through several existing certificates in the names of its legacy municipalities, each of which covers different parts of the Town of Lincoln as it is currently constituted.¹ As such, Enbridge Gas does not have a certificate in respect of the Town of Lincoln that is in the name of the Town, or that is aligned with its municipal boundaries.

Accordingly, Enbridge Gas requests an order of the OEB for a new certificate to construct works to supply natural gas in the Town of Lincoln as it is currently constituted.² Enbridge Gas requests that such order also cancel those parts of its existing certificates relating to the geographic area of the Town of Lincoln as set out in the certificates issued in the names of its legacy municipalities.³

Enbridge Gas notes that, if the application is granted, there will be no change to its overall certificate rights in the geographic area currently constituted as the Town of Lincoln, given that Enbridge Gas currently holds certificate rights in the names of the former municipalities that have been amalgamated into the Town of Lincoln. Enbridge Gas states that it is not aware of any other person holding a certificate for the Town of Lincoln.

¹ F.B.C. 81, dated October 2, 1956, for the former Village of Beamsville; F.B.C. 82, dated October 2, 1956, for the former Township of Clinton; E.B.C. 58, dated July 25, 1967, in respect of many municipalities including the former Township of Louth; and E.B.C. 59, dated July 25, 1967, for the former Village of Beamsville and the former Township of Clinton.

² Enbridge Gas's application did not include a request for orders cancelling and superseding F.B.C. 81 and F.B.C. 82. In its response to a staff question about whether F.B.C. 81 and F.B.C. 82 should be cancelled if a new certificate is issued for the Town of Lincoln, Enbridge Gas stated that it is unclear whether F.B.C. 81 and F.B.C. 82 were superseded by E.B.C. 59.

³ The OEB notes that Enbridge Gas has also filed applications for new certificates that will cancel and supersede its authorizations as set out in E.B.C. 58 for the City of Niagara Falls, the City of St. Catharines, the Town of Pelham, the City of Welland and the Town of Niagara-on-the-Lake but that E.B.C. 58 remains in effect for the Township of Wainfleet given that there have not been any annexations or any name changes to the Township of Wainfleet since the certificate was issued.

4 FINDINGS

I find that it is in the public interest to approve Enbridge Gas's application for a certificate for the Town of Lincoln. Enbridge Gas currently serves the Town of Lincoln through a combination of various certificates issued in the name of the various legacy municipalities that preceded the formation of the Town of Lincoln. The issuance of a new certificate in the name of the Town of Lincoln, and that is geographically aligned with its municipal borders is consistent with the intent of the OEB that certificate holders update service areas if boundaries of their existing certificate(s) are affected by municipal amalgamations, annexations, or name changes. 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.

A new certificate, attached as Schedule A to this Decision and Order, is granted to Enbridge Gas for the Town of Lincoln. The new certificate supersedes Enbridge Gas's prior certificate authorizations for the former Village of Beamsville, the former Township of Clinton and the part of the former Township of Louth that was amalgamated into the Town of Lincoln, which are hereby cancelled. I also note that there are no other natural gas distributors within the certificate area.

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 Town of Lincoln. A current map of the Town of Lincoln is attached as Schedule B.
2. This certificate of public convenience and necessity supersedes the following certificates, which are hereby cancelled:
 - That part of E.B.C. 58 relating to the part of the former Township of Louth that was amalgamated into the Town of Lincoln.
 - That part of E.B.C. 59 relating to the former Village of Beamsville and the former Township of Clinton.
3. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED at **Toronto**, August 20, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
Major Applications

SCHEDULE A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
ENBRIDGE GAS INC.
EB-2024-0168
AUGUST 20, 2024

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

Town of Lincoln

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

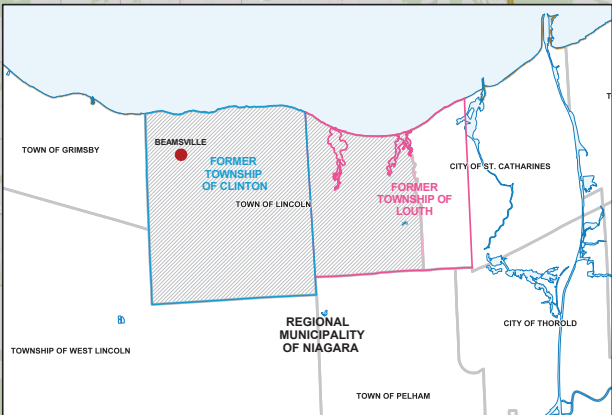
This certificate of public convenience and necessity cancels and supersedes those parts of E.B.C. 58 relating to half of the former Township of Louth and those parts of E.B.C. 59 relating to the former Village of Beamsville and the former Township of Clinton

DATED at Toronto, August 20, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
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SCHEDULE B
MAP OF THE TOWN OF LINCOLN
ENBRIDGE GAS INC.
EB-2024-0168
AUGUST 24, 2024



Town of Lincoln



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

