



DECISION AND ORDER

EB-2024-0174

ENBRIDGE GAS INC.

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

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

August 22, 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 Pelham.

2 CONTEXT AND PROCESS

Enbridge Gas filed an application with the OEB on May 14, 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 Pelham.

The OEB held a written hearing. A notice of hearing was published in local newspapers between June 8, 2024, to June 13, 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 Pelham 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 Pelham 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 Pelham was formed in 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.

Enbridge Gas is authorized to serve the entire geographic area of the Township of Pelham through an existing certificate in the names of its legacy municipalities, and which covers different parts of the Town of Pelham as it is currently constituted.¹ As such, Enbridge Gas does not have a certificate in respect of the Town of Pelham 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 Pelham as it is currently constituted. Enbridge Gas requests that such order also cancel those parts of its existing certificate relating to the geographic area of the Town of Pelham as set out in the certificate issued in the names of the of the former Village of Fonthill, the former Township of Thorold and the former Township of Pelham.²

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 Pelham, given that Enbridge Gas currently holds certificate rights in the names of the former municipalities that have been amalgamated into the Town of Pelham. Enbridge Gas states that it is not aware of any other person holding a certificate for the Town of Pelham.

¹ E.B.C. 58, dated July 25, 1967, in respect of many municipalities including the former Village of Fonthill, the former Township of Thorold and the former Township of Pelham.

² 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 Town of Lincoln, the City of Niagara Falls, the City of St. Catharines, the City of Welland and the Town of Niagara-on-the-Lake but 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 Pelham. Enbridge Gas has been serving the Town of Pelham under a certificate that references the legacy municipalities that preceded the formation of the Town of Pelham. The issuance of a new certificate in the name of the Town of Pelham, 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.³ 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 Pelham. The new certificate supersedes Enbridge Gas's prior certificate authorizations for the former Village of Fonthill, the former Township of Thorold and the former Township of Pelham, which are hereby cancelled. I also note that there are no other natural gas distributors operating within the Town of Pelham.

³ 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 Town of Pelham. A current map of the Town of Pelham is attached as Schedule B.
2. This certificate of public convenience and necessity supersedes that part of E.B.C. 58 relating to the former Village of Fonthill, the former Township of Pelham and those parts annexed from the former Township of Thorold to the Town of Pelham, which is hereby cancelled.
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 22, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos

Vice President

Major Applications

SCHEDULE A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
ENBRIDGE GAS INC.
EB-2024-0174
AUGUST 22, 2024

EB-2024-0174

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 Pelham

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

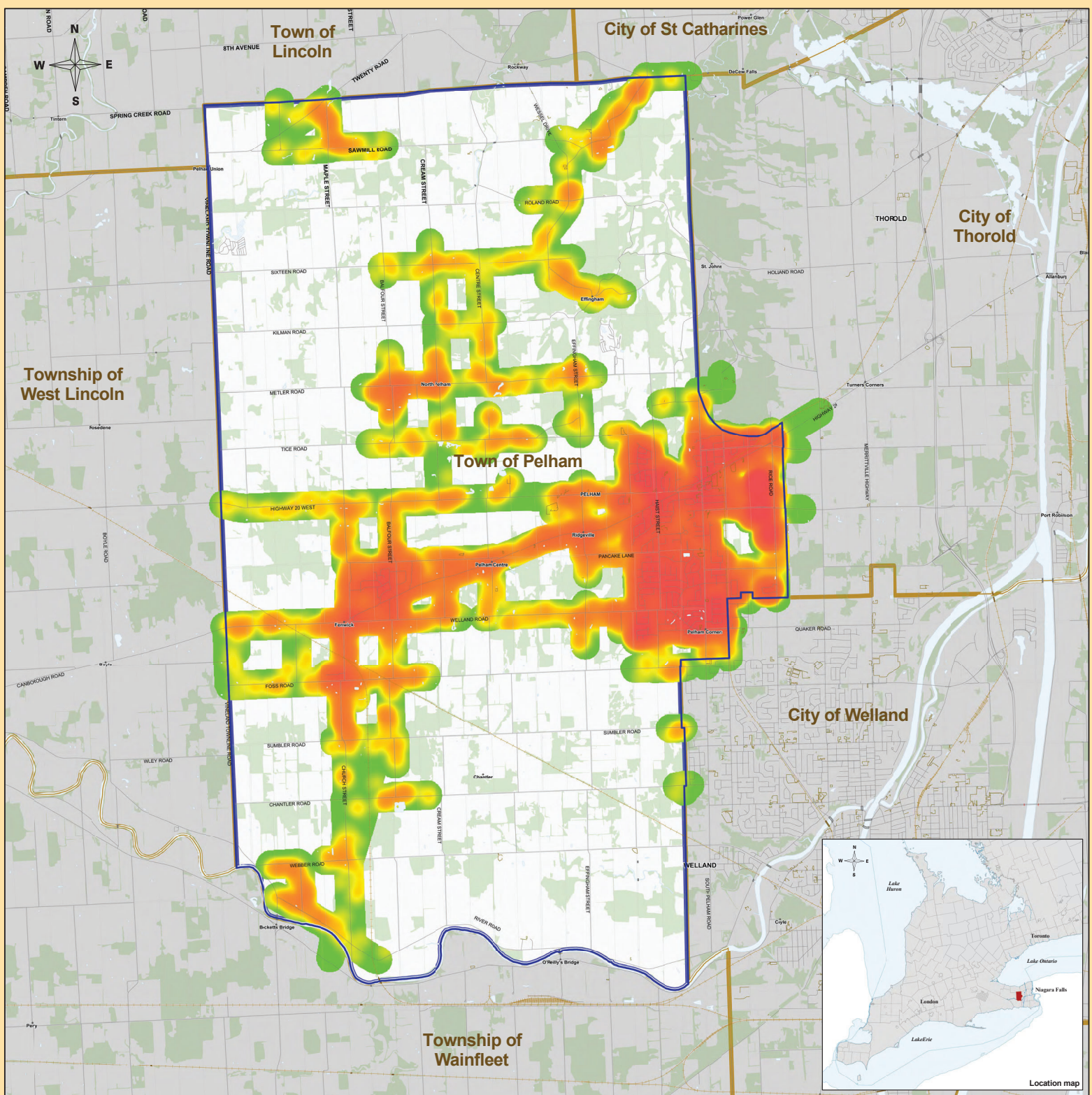
This certificate of public convenience and necessity cancels and supersedes that part of E.B.C. 58 relating to the former Village of Fonthill, the former Township of Pelham and those parts annexed from the former Township of Thorold to the Town of Pelham.

DATED at Toronto, August 22, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
Major Applications

SCHEDULE B
MAP OF THE TOWN OF PELHAM
ENBRIDGE GAS INC.
EB-2024-0174
AUGUST 22, 2024



Town of Pelham

0 0.25 0.5 1.0 1.5 2.0 Kilometers

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

ENBRIDGE®

