



DECISION AND ORDER

EB-2024-0182

ENBRIDGE GAS INC.

**Application for a Certificate of Public
Convenience and Necessity for the City of St.
Catharines**

By Delegation, before:

Theodore Antonopoulos
Vice President
Major Applications

September 3, 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 City of St. Catharines.

2 CONTEXT AND PROCESS

Enbridge Gas filed an application with the OEB on May 21, 2024, under section 8 of the *Municipal Franchises Act*. The application is for an order pursuant to section.8 approving a new certificate of public convenience and necessity to construct works to supply natural gas in the City of St. Catharines.

The OEB held a written hearing. A notice of hearing was published in the local newspaper on Jul 2, 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 City of St. Catharines 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 City of St. Catharines 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 City of St. Catharines was incorporated in 1876 and was expanded in the 1960s and 1970s through annexations and amalgamations of part of the former Township of Grantham, the former Town of Merritton, the former Town of Port Dalhousie¹, and the former Township of Louth.

Enbridge Gas is authorized to serve the entire geographic area of the City of St. Catharines through several existing certificates in the names of its legacy municipalities: the former City of St. Catharines, the former Township of Louth, the former Township of Grantham, and the former Town of Merritton.²

Enbridge Gas states that based on research of archived records, there is evidence that a certificate was issued by the Ontario Fuel Board (OFB) for the geographic area of the former Town of Port Dalhousie³ that was to be effective once a certified bylaw was filed with the OFB. Enbridge Gas also states that such a by-law was passed by the former Town of Port Dalhousie on July 22, 1958, but an actual certificate could not be found in accessible records.⁴ Enbridge Gas states that it has an extensive system of distribution pipe throughout all of the former Town of Port Dalhousie and that its existing certificates rights include all areas within the former Town of Port Dalhousie.⁵

Accordingly, Enbridge Gas requests an order of the OEB for a new certificate to construct works to supply natural gas in the City of St. Catharines as it is currently constituted. Enbridge Gas requests that such order also cancel those parts of its existing certificates relating to the geographic area of the City of St. Catharines as set

¹ The former Village of Port Dalhousie changed its name to Town of Port Dalhousie in 1948, which then was amalgamated into the City of St. Catharines in 1970; Enbridge Gas response to OEB Staff 1a), August 1, 2024

² E.B.C. 58, dated July 25, 1967 for the former City of St. Catharines and the former Township of Louth; F.B.C. 168, dated December 6, 1957 for the former Township of Grantham; F.B.C. 169, dated November 30, 1957 for the former Town of Merritton

³ F.B.C. 261

⁴ Application, para 5

⁵ EB-2024-0168, Enbridge Gas response to OEB Staff 1a), August 1, 2024

out in the certificates issued in the names of its legacy municipalities, including the former Town of Port Dalhousie.

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

4 FINDINGS

I find that it is in the public interest to approve Enbridge Gas's application for a certificate for the City of St. Catharines. Enbridge Gas currently serves the City of St. Catharines through a combination of various certificates issued in the name of the various legacy municipalities that preceded the formation of the City of St. Catharines. The issuance of a new certificate in the name of the City of St. Catharines, 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 the application.

A new certificate, attached as Schedule A to this Decision and Order, is granted to Enbridge Gas for the City of St. Catharines. This certificate supersedes Enbridge Gas's prior certificate rights for the former City of St. Catharines and the parts of the former Town of Merriton, the former Town of Port Dalhousie, the former Township of Grantham, and the former Township of Louth that became part of the City of St. Catharines. 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 City of St. Catharines. A current map of the City of St. Catharines is attached as Schedule B.
2. This certificate of public convenience and necessity supersedes the following certificates, which are hereby cancelled:
 - F.B.C. 168, F.B.C. 169, and that part of E.B.C. 58 relating to the former City of St. Catharines and the former Township of Louth
3. This certificate of public convenience and necessity supersedes Enbridge Gas's certificate rights under F.B.C. 261
4. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED on September 3, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos

Vice President

Major Applications

SCHEDULE A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

ENBRIDGE GAS INC.

EB-2024-0182

SEPTEMBER 3, 2024

EB-2024-0182

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

City of St. Catharines

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 the former City of St. Catharines and the former Township of Louth that became part of the City of St. Catharines, F.B.C. 168 for the former Township of Grantham, F.B.C. 169 for the former Town of Merritton and F.B.C. 261 for the former Town of Port Dalhousie

DATED at Toronto, September 3, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
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SCHEDULE B
MAP OF THE CITY OF ST. CATHARINES
ENBRIDGE GAS INC.
EB-2024-0182
SEPTEMBER 3, 2024

