



**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 2  
September 6, 2024**

Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) on April 8, 2024, under section 9 of the *Municipal Franchises Act* for an order approving the terms and conditions of the renewal of Enbridge Gas's natural gas franchise (franchise) with the County of Lennox and Addington (County), based on the OEB's Model Franchise Agreement without amendment, 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. The County's Resolution CC-24-72 approves the form of the draft by-law and the renewal of the franchise based on the Model Franchise Agreement. The Resolution also 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.

A Notice of Hearing in respect of the application was issued on April 26, 2024.

Subsequent to the issuance of notice, a group named Concerned Residents, identifying themselves as local residents of the County, applied for intervenor status and cost eligibility, and requested an opportunity to file evidence in the proceeding.

Procedural Order No. 1 was issued July 22, 2024, and, among other things, granted intervenor status to Concerned Residents and confirmed that they would be eligible for an award of costs in respect of its participation in this proceeding on issues that are within scope of the proceeding.

Procedural Order No. 1 also required Concerned Residents to provide further information regarding the nature of its proposed evidence. This information filed by the group on August 2, 2024, confirmed their intention to file evidence, recommending that

the franchise agreement proposed by Enbridge Gas and the County be modified so that the agreement is “fairer for residents and taxpayers” in the County.

Concerned Residents cited two primary concerns with the franchise agreement:

- 1) The agreement appears to “lock the County into an arrangement where the County cannot charge any fees for use of its highways for pipelines for 20 years.”
- 2) The agreement “requires taxpayers to bear too large of a burden for relocating gas pipelines where they conflict with public works.”

Concerned Residents submits that modifications to the franchise agreement proposed by Enbridge Gas are warranted and that a settlement conference may lead to a resolution of this proceeding.

Alternatively, Concerned Residents submits that the OEB could decline to order that the assent of municipal electors be dispensed with under s. 9(4) of the *Municipal Franchises Act*, which it submits would permit “the issues regarding fairness to those municipal electors to be voted on by those municipal electors” and, in the further alternative, that the OEB could call a generic hearing into the Model Franchise Agreement.

In Procedural Order No. 1, the OEB did not make provision for Enbridge Gas to file a reply to Concerned Residents’ information response. However, on August 8, 2024 Enbridge Gas replied, submitting that “because of the manner and timing in which this intervention was brought to the attention of Enbridge Gas, it has not had an opportunity to make submissions on the request for intervenor status.” Enbridge Gas stated that not enough information had been provided to form an opinion about the suitability of Concerned Residents as an intervenor and noted the application was brought forward with the full agreement of the County.

Having considered the submission from Concerned Residents and the reply by Enbridge Gas, the OEB will allow for the filing of evidence by Concerned Residents that is within the scope of this proceeding.

The issues within the scope of this proceeding include any proposed amendment(s) to the terms and conditions of the franchise that may be warranted as a result of circumstances specific to the County.

The OEB agrees with Enbridge Gas that any detailed discussion of generic changes to the Model Franchise Agreement is not in scope given this application is for one specific franchise agreement renewal.

Concerned Residents is also encouraged to provide a more comprehensive description of its organization, members and objectives to assist the OEB with its consideration of the application.

Given its substantive interest as a counterparty to the municipal franchise agreement with Enbridge Gas, the OEB expects that the County of Lennox and Addington may wish to participate in this proceeding as an intervenor and has made provisions in the procedural order to that effect. The OEB asks that the County confirm their intentions as soon as it is able.

In accordance with the OEB's *Practice Direction On Cost Awards*, municipalities are not eligible for a cost award.

Parties should also consult sections 26 and 27 of the OEB's *Rules of Practice and Procedure* regarding required naming and numbering conventions and other matters related to interrogatories.

Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. OEB staff, Concerned Residents, and the County of Lennox and Addington (if they elect to intervene) may seek information from Enbridge Gas that is in addition to the evidence filed with the OEB and that is relevant to the hearing, by means of written interrogatories filed with the OEB, and delivered to all parties, by **September 16, 2024**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories, and deliver those responses to all parties, by **September 30, 2024**.
3. Concerned Residents may file written evidence with the OEB, and deliver it to all parties, by **October 15, 2024**.
4. OEB staff, the County of Lennox and Addington (if they elect to intervene), and Enbridge Gas may seek information from Concerned Residents that is in addition to the evidence filed with the OEB and that is relevant to the hearing, by means of written interrogatories filed with the OEB, and delivered to all parties, by **October 28, 2024**.
5. Concerned Residents shall file with the OEB complete written responses to all interrogatories, and deliver those responses to all parties, by **November 11, 2024**.

6. Any written submissions from OEB staff and intervenors shall be filed with the OEB, and delivered to all parties, by **November 25, 2024**.
7. Enbridge Gas may file a written reply submission with the OEB, and deliver it to the parties, by **December 6, 2024**.

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](mailto: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](mailto:Natalya.Plummer@oeb.ca) and OEB Counsel, Richard Lanni at [Richard.Lanni@oeb.ca](mailto:Richard.Lanni@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **September 6, 2024**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar