

September 24, 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 Renewal of Franchise Agreement
County of Lennox and Addington
Ontario Energy Board File No. EB-2024-0134**

Enbridge Gas submits the following comments with respect to the September 20, 2024 letter submitted by Mr. Elson, on behalf of the Concerned Residents (CR).

CR admits in its letter that the agreement wording CR seeks for the franchise agreement is not the result of circumstances that are unique to the County of Lennox and Addington and states, "If all issues have been removed from scope except those that are unique to County, please let us know as that would remove from scope all the issued that the Concerned Residents wish to raise."

There is no ambiguity in the OEB's Procedural Order No. 2, issued on September 6, 2024, about the scope of this proceeding. As the OEB states:

- 1) the issues within scope include any proposed amendments to the terms and conditions of the model franchise agreement that may be warranted **as a result of circumstances specific to the County** of Lennox and Addington (County); and
- 2) **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.

CR's admission that its concerns are out of scope for this proceeding is confirmed by the interrogatories it has filed that seek to canvas matters that are beyond the scope of this proceeding the OEB has set out in Procedural Order No. 2.¹ It would have been helpful to have this CR admission before now, to avoid the unnecessary time and effort spent by all parties preparing and considering out of scope interrogatories.

¹ Incidentally, the CR interrogatories are labelled as "ED" interrogatories, which is the acronym used by Environmental Defence in the many Enbridge Gas proceedings in which ED intervenes. There is explicit overlap between counsel for ED and CR and the concerns expressed by CR in its intervention form and interrogatories, obscuring any distinction between ED and CR.

Consistent with the second prong of the OEB scoping statement in Procedural Order No. 2, CR states it understands this proceeding cannot result in a different Model Franchise Agreement and that the model agreement can only be updated as a result of a generic hearing. Enbridge Gas agrees with this position.

The OEB adopted the model franchise agreement and its terms and conditions following significant input from the Association of Municipalities of Ontario (AMO) and the natural gas utilities of the day as a tool to efficiently administer the many franchise agreements across Ontario. Enbridge Gas has franchise agreements in place with 312 single/lower-tier municipalities and 27 upper-tier municipalities, all in the form of the current model franchise agreement as determined by the OEB in accordance with its longstanding policy and practice.² Enbridge Gas submits that it would be inappropriate for the OEB to consider changes to the model franchise agreement in an ad hoc and narrow manner for one upper-tier municipality which, in turn, could have cascading implications on and/or involve considerations applicable to other municipalities which are not involved in this proceeding.

In the result, Enbridge Gas seeks the OEB's confirmation that:

- 1) CR has no standing in this matter as an intervenor given its admission that its concerns are out of scope and it has not otherwise provided any information to indicate it meets the "substantial interest" requirement for this proceeding;
- 2) there is no need for Enbridge Gas to provide responses to the CR interrogatories; and
- 3) the procedural steps in this proceeding are reset to exclude CR's participation as an intervenor and to allow the OEB to process the application in an expeditious manner in light of the County's full support.

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

Yours truly,

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² This is confirmed at page 11 of the OEB's *Natural Gas Facilities Handbook* which directs that franchise agreements be based on the model franchise agreement unless there are compelling reasons to deviate from it.