

Elson Advocacy

October 1, 2024

Nancy Marconi

Registrar

Ontario Energy Board

2300 Yonge Street, 27th Floor

Toronto, Ontario M4P 1E4

registrar@oeb.ca

Dear Ms. Marconi

**Re: County of Lennox and Addington Franchise Agreement
EB-2024-0134**

I am writing on behalf of the Concerned Residents further to the letter from the OEB we received today to provide a budget and details for the proposed evidence in this matter. We are providing this before the evidence proposal deadline set out in the OEB's letter to ensure that we are able to meet the evidence submission deadline set out previously by the OEB.

Description

The proposed evidence is primarily relevant to the issue of fees for use of municipal highways by the utility. Although those fees are not currently permitted by the relevant regulation (O. Reg. 548/06) there is an ongoing campaign by municipalities to have that changed. There is significant concern that the proposed franchise agreement would lock the County into providing use of the municipal highways for free for the duration of the 20-year franchise agreement even if the regulation is changed to allow for such fees to be charged. To address that issue, the Concerned Residents are seeking a term that would trigger a negotiation or other process to determine the appropriate fees during the term of the agreement should the regulation change.

The proposed evidence would support the need for and importance of such a provision in the franchise agreement. The evidence would support the contention that a change in the regulation is a reasonable possibility (if not a likelihood) within the 20-year franchise agreement term. In specific, the consultant would be asked to do the following:

- Provide a jurisdictional review regarding fees charged by municipalities to gas distributors for use of highways (i.e. road allowances) for gas infrastructure;
- Describe efforts by municipalities in Ontario to secure fees for use of highways by gas distributors; and
- Describe whether and how municipalities can charge fees for third party infrastructure in municipal rights of way.

In its letter of September 26, 2024, the OEB asked for an explanation of how the proposed evidence relates to the County of Lennox and Addington. The evidence relates to the issue described above and whether the proposed franchise agreement for the County should be approved without addressing that issue. In other words, the evidence is relevant to the appropriate terms for the proposed franchise agreement for the County. Note, however, that this issue is not *unique* to the County as it is also relevant to other municipalities.

In its letter of September 26, 2024, the OEB asked for an explanation of how the proposed evidence relates natural gas customers residing in the County who would be impacted by the franchise renewal. The evidence relates to an issue that is important for all municipal electors in the County Lennox and Addington – namely fees for use of the municipal highways. Those municipal electors are impacted by that issue because fees for use of the municipal highway would benefit municipal electors. This includes gas ratepayers, but also other municipal electors who are not gas ratepayers.

The OEB’s mandate in this case is not restricted solely to the interests of gas customers. Enbridge is seeking an order under s. 9(4) of the *Municipal Franchises Act*, which reads as follows:

The Board, after holding a public hearing upon such notice as the Board may direct and if satisfied that the assent of the municipal electors can properly under all the circumstances be dispensed with, may in any order made under this section declare and direct that the assent of the electors is not necessary.

In determining whether the assent of municipal electors can be dispensed with, the OEB must have regard to the interests of municipal electors and fairness to those municipal electors. Focusing solely on gas ratepayers would not result in the balancing of competing interests required under the *Municipal Franchises Act*.

Proposed consultant

The Concerned Residents propose to retain the Sustainability Solutions Group (“SSG”) to complete this work. SSG has supported communities in Ontario and across Canada in analyzing low carbon pathways. SSG’s leadership in this field was recognized in 2022 when it received, jointly with its clients, the Environment, Climate, & Energy Award and the Policy, Law, or Tool Award from the American Planning Association.

SSG created the model that generated the City of Ottawa’s Energy Evolution strategy, which was key evidence in EB-2020-0293, a leave to construct application related to the replacement of a natural gas pipeline in St. Laurent Boulevard in Ottawa. SSG has created plans for energy and emissions for jurisdictions that comprise more than 40% of the Canadian population. It has worked with over 100 municipalities and organizations responding to the climate crisis through equitable community engagement and evidence-based energy, emissions, land-use, and financial modelling.

SSG’s municipal focus make it well placed to complete the requested work. We have attached CVs for the main consultants for the proposed work.

Budget

SSG estimates that the report will cost approximately \$6,000 (plus tax). It is difficult to estimate the cost of further steps as those costs would depend on factors outside of SSG's control. However, we estimate that the responses to any interrogatories could cost between \$750 and \$2,750. We anticipate incremental legal costs to be \$1,500.

We understand that proposed intervenors in the Guelph Eramosa Township seek to submit the same evidence in that proceeding. If that is approved, the cost could be split between the proceedings.

Process

To ensure that there is sufficient time to prepare evidence, we ask that the date for the delivery of intervenor evidence be set two weeks following any decision approving this evidence.

Thank you for considering this request.

Yours truly,



Kent Elson

cc: Parties in the above proceeding

YUILL HERBERT

PRINCIPAL

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PROFILE

Yuill Herbert has been working in the field of community energy planning since founding SSG in 2003. A Founder, Director, and Principal of Sustainability Solutions Group, Yuill has led many high-profile projects for dozens of cities of all sizes. His expertise spans all urban energy systems including climate change, transportation, buildings, waste, and energy, as well as the relevant policy and financing strategies. Yuill has led more than 50 energy and climate plans across North America.

SELECT PROJECT EXPERIENCE

- ▶ Capital Region Planning Commission (Baton Rouge) | [CLIMATE ACTION PLANS \(2024-\)](#) Project Lead
- ▶ National Resources Canada (NRCan) | [RESILIENCE LAND USE SOLUTIONS \(2024-\)](#) Project Lead
- ▶ Bank of Canada | [GHG EMISSIONS ADVISORY SERVICES \(2023-\)](#) Project Lead
- ▶ State of Oregon, Legislative Policy and Research Office | [RESILIENT EFFICIENT BUILDINGS \(2022-2023\)](#) Project Lead
- ▶ Simcoe County | [CORPORATE CLIMATE ACTION PLAN \(2022-2024\)](#) Project Lead
- ▶ Town of Caledon | [GREEN DEVELOPMENT STANDARDS \(2022-2024\)](#) Project Advisor
- ▶ Town of Whitby | [ZERO CARBON WHITBY COMMUNITY CLIMATE CHANGE MITIGATION PLAN \(2022-2023\)](#) Senior Analyst
- ▶ City of Calgary | [CARBON BUDGET AND FINANCING STRATEGY \(2022\)](#) Project Lead
- ▶ Oregon Department of Energy (ODOE) and Center for the New Energy Economy (CNEE) at Colorado State University | [TRANSFORMATIONAL INTEGRATED GREENHOUSE GAS EMISSIONS REDUCTION \(TIGHGER\) PLAN \(2022\)](#) Project Advisor
- ▶ City of Brampton | [SUSTAINABILITY PERFORMANCE THRESHOLDS \(GREEN DEVELOPMENT STANDARDS\) \(2022\)](#) Project Lead
- ▶ City of Orillia | [COMMUNITY AND CORPORATE CLIMATE ACTION PLANS \(2022\)](#) Project Lead
- ▶ City of Markham | [MARKHAM CENTRE COMMUNITY ENERGY PLAN \(2022\)](#) Project Lead
- ▶ Town of Whitby | [CORPORATE ENERGY AND GHG REDUCTION FRAMEWORK \(ZERO CARBON WHITBY\) \(2021\)](#) Project Lead
- ▶ City of Toronto | [TRANSFORMTO UPDATE \(2020-\)](#) Project Lead
- ▶ City of Edmonton | [ENERGY TRANSITION FUNDING STRATEGY \(2020\)](#) Project Lead
- ▶ Richmond Hill | [COMMUNITY ENERGY AND EMISSIONS PLAN \(2019-2021\)](#) Project Lead
- ▶ City of Caledon | [CLIMATE CHANGE MITIGATION AND ADAPTATION ACTION PLAN \(2019-2021\)](#) Project Lead

- ▶ Government of Canada (Public Services and Procurement Canada | [LOW-CARBON ROADMAP FOR THE NATIONAL CAPITAL REGION \(2018-2020\)](#) Project Lead
- ▶ City of Edmonton | [CARBON ACCOUNTING FRAMEWORK \(2019-2020\)](#) Project Lead
- ▶ Region of Durham | [FRAMEWORK FOR CORPORATE CLIMATE CHANGE MASTER PLAN \(2020\)](#) Project Lead
- ▶ City of Edmonton | [CITY PLAN SCENARIOS PROJECT \(GHG MODELLING\) \(2018-2020\)](#) Project Lead
- ▶ Region of Peel | [CLIMATE CHANGE MASTER PLAN \(2018-2019\)](#) Project Lead
- ▶ City of Ottawa | [ENERGY TRANSITION STRATEGY \(2018-2020\)](#) Project Lead
- ▶ City of Edmonton | [ENERGY TRANSITION PLAN \(2017-2021\)](#) Project Lead
- ▶ City of Toronto | [TRANSFORMTO: MODELLING TORONTO'S LOW-CARBON FUTURE \(2016-2018\)](#) Project Lead
- ▶ City of Guelph | [COMMUNITY ENERGY PLAN \(2017-2019\)](#) Project Lead
- ▶ Region of Durham | [COMMUNITY ENERGY PLAN \(2016-2018\)](#) Project Lead
- ▶ City of Markham | [MUNICIPAL ENERGY PLAN \(2015-2017\)](#) Project Lead
- ▶ Town of Bridgewater | [COMMUNITY ENERGY INVESTMENT PLAN \(2015-2017\)](#) Project Lead
- ▶ Waterfront Toronto, Villiers Island | [CLIMATE POSITIVE PLAN \(2016-2017\)](#) Technical Lead
- ▶ International Energy Agency | [PLAN FOR DISTRICT ENERGY MODEL \(2014-2016\)](#) Technical Manager
- ▶ BC Housing | [CARBON NEUTRAL AND LEED GOLD BUILDING GUIDELINES AND STRATEGY \(2008\)](#) Project Lead
- ▶ Islands Trust | [GHG IMPLICATIONS OF SETTLEMENT PATTERNS ON SALTSRING ISLAND \(2007-2008\)](#) Project Lead
- ▶ Concordia University | [CONCORDIA UNIVERSITY SUSTAINABILITY ASSESSMENT \(2003\)](#) Project Lead

ACADEMIC + PROFESSIONAL QUALIFICATIONS

Bachelor of Philosophy, Mount Allison University

Master of Adult Education (Phil.): St. Francis Xavier University

AWARDS

The Governor General's Academic Medal-Gold (2015)

MIKE FLETCHER

SENIOR ANALYST

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PROFILE

Mike (he/him) is a resourceful, results-oriented professional with 36 years of experience championing change in a wide variety of industries and projects. His effective leadership and managerial abilities are supported by strong communications, problem-solving, analytical, and decision-making skills.

In his time at the City of Ottawa, Mike most recently worked with City's Planning Department where he contributed to Ottawa's climate change and resiliency work, including serving as the Technical Leader in the development of the City's renewable energy and climate change mitigation strategy. Mike also has experience in electric vehicles, deep building retrofits, community heating, organics diversion from landfills, renewable natural gas, and regulatory hearings. In an earlier role with the City's Building Energy and Energy Management Department, Mike worked in building retrofits (including HVAC and lighting), and energy management (including billing management in electricity). Before this, Mike came from an industrial background working in technology development in biofuels, and industrial enzyme production. This experience gave Mike a strong background in energy, wastewater treatment, reliability modelling, and maintenance planning.

Mike is fluent in English and French.

SELECT PROJECT EXPERIENCE

- ▶ Québec City | **CLIMATE CHANGE SERVICES (2024-)**
Analyst
- ▶ City of St. John's | **BUILDING CODES ENERGY PERFORMANCE TIERS PATHWAY (2024-)**
Analyst
- ▶ City of Kitchener | **CLIMATE AND ENERGY TECHNICAL BACKGROUND STUDY (2024-)**
Analyst
- ▶ City of Ottawa, ON | **OTTAWA COMMUNITY ENERGY TRANSITION STRATEGY: ENERGY EVOLUTION (2019-2020)**
Technical Leader
- ▶ City of Ottawa, ON | **WASTEWATER BIOGAS OPTIMIZATION STUDY (2019-2020)**
Project Lead
- ▶ City of Ottawa, ON | **LIASON AND STAKEHOLDER REPRESENTATION WITH INDEPENDENT ELECTRICITY SYSTEM OPERATOR, ONTARIO ENERGY BOARD AND ENVIRONMENTAL REGISTRY OF ONTARIO (2019-2024)**
Lead
- ▶ City of Ottawa, ON | **CITY INTERVENOR, NATURAL GAS LEAVE TO CONSTRUCT APPLICATION (2021-2022)**
Lead
- ▶ City of Ottawa, ON | **BUILDING DEEP RETROFIT PILOT (2022-2024)**
Project Lead
- ▶ City of Ottawa, ON | **VARIOUS ENERGY RETROFIT PROJECTS & COMMISSIONING (2012-2019)**
Project Lead

POSITIONS HELD

Senior Analyst | SSC (2024-)

Project Manager, Climate Change and Resiliency | City of Ottawa (2012-2024)

Project Manager, Building Engineering and Energy Management | City of Ottawa (2012-2019)

Senior Manager, Utilities and Engineering | Iogen Corporation (2010-2012)

Manager, Operational Readiness | Iogen Corporation (2009-2010)

Enzyme Plant Manager | Iogen Corporation (2008-2009)

Assistant Plant Manager | Iogen Corporation (2007-2008)

Ethanol Operations Manager | Iogen Corporation (2006-2008)

Supervisor, Plant Process Engineering | Iogen Corporation (2003-2006)

Production Manager | Jungbunzlauer (2001-2003)

ACADEMIC QUALIFICATIONS

Bachelors of Science in Agriculture, Major in Microbiology, Minor in Food Science |
University of Guelph (1988)