



Enbridge Gas Inc.

**Application for the renewal of a Municipal Franchise
Agreement with the Township of Guelph/Eramosa**

PROCEDURAL ORDER NO. 1

October 8, 2024

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on May 28, 2024, under section 9 of the *Municipal Franchises Act*, for an order approving the renewal of its natural gas franchise (franchise) with the Township of Guelph/Eramosa (Township) based on the terms and conditions of the OEB's Model Franchise Agreement, 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 also seeks an order granting a new certificate of public convenience (certificate) in respect of the Township that would replace its existing certificate.

Enbridge Gas applied to the OEB with the support of the Township. The Township's Resolution 5/21/2024-9.2-CL, a copy of which is attached at Schedule "D" of the application, approves the form of the draft by-law and the franchise agreement on the same terms and conditions as those set out in the Model Franchise Agreement, without amendment, and 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. The Township has provided first and second readings of its draft by-law.

In response to a Notice of Hearing issued in local newspapers from June 28 to July 5, 2024, Kate Rose Siemiatycki of Elson Advocacy filed a joint request for intervenor status and cost eligibility on behalf of eMERGE Guelph Sustainability (eMERGE) and Dr. Anne-Marie Zajdlik. Mr. Ferrari identifies himself as the executive director of eMERGE which is described as an environmental organization. Dr. Zajdlik identifies herself as a family physician living in the Township.

On September 6, 2024, Enbridge Gas filed a letter objecting to the intervention request. Enbridge Gas stated that it only became aware of the intervention request from a communication through OEB staff, despite Rule 22.01 of the OEB's Rules of Practice and Procedure which requires that an intervention application be served on the applicant.

In its objection letter, Enbridge Gas submits that the proposed intervenor has not shown that it has a substantial interest in the proceeding. Enbridge Gas submits that according to the information set out in the intervention form, neither Dr. Zajdlik nor eMERGE is an Enbridge Gas customer and that the Hope Health Centre (to which Dr. Zajdlik is a medical director) and the Guelph Family Health Team (to which Dr. Zajdlik belongs) are located in the City of Guelph. Enbridge Gas further submits that it is unclear who exactly constitutes eMERGE and that there appears to be no substantial interest connection between the work being done by eMERGE in the City of Guelph and the provision of gas distribution services within the Township of Guelph/Eramosa.

Enbridge Gas also submits that the proposed intervenor has no authority to speak for the Township of Guelph/Eramosa on matters raised within the intervention request form pertaining to municipal taxes and the use of public highways for utility services. Enbridge Gas notes that the Township is in full agreement with the proposed franchise agreement as attested to by resolution 5/21/2024-9.2-CL that was unanimously passed by the council in favor of the terms and conditions of the franchise agreement.

The OEB notes that no reply to Enbridge Gas's objection letter was filed by Mr. Ferrari, eMERGE or Dr. Zajdlik, even though the opportunity to file a reply is afforded by the OEB's Rules of Practice and Procedure.

To better assess the intervention request, the OEB seeks additional information from eMERGE and Dr. Zajdlik with respect to the following:

- i. The nature of the evidence that the proposed intervenor plans to submit for consideration by the OEB in this proceeding and the proposed timing for the filing of such evidence.
- ii. The proposed intervenor's position with respect to the OEB's authority, in a franchise renewal proceeding, to prescribe terms and conditions of a municipal franchise agreement that vary from those that the two contracting parties, one of which is the elected council of the citizens of the municipality, have agreed on for the continuation of the franchise and that are consistent with the Model Franchise Agreement.
- iii. Specific outcome(s) the proposed intervenor is seeking in this proceeding, including possible impact(s) on the Model Franchise Agreement.
- iv. The proposed intervenor's response to the issues raised in Enbridge Gas's intervention request objection letter, filed on September 6, 2024, including in respect of the matter of standing.

IT IS THEREFORE ORDERED THAT:

1. eMERGE and Dr. Zajdlik shall file a joint response to the information requests set out in this Procedural Order with the OEB by October 15, 2024, and shall also provide of copy of the response to the applicant.

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-2024-0188** 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 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 and OEB Counsel, Richard Lanni at Richard.Lanni@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **October 8, 2024**

ONTARIO ENERGY BOARD

By delegation, before: Nancy Marconi

Nancy Marconi
Registrar