



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER

EB-2024-0230

ENBRIDGE GAS INC.

**Application for a Certificate of Public Convenience and
Necessity for the Township of Armour**

By Delegation, before: **Theodore Antonopoulos**
Vice President
Major Applications

October 29, 2024

1 OVERVIEW

This Decision and Order of the Ontario Energy Board (OEB) approves an application filed by Enbridge Gas Inc. (Enbridge Gas) for approval of a certificate of public convenience and necessity (certificate) for the Township of Armour. Enbridge Gas and its predecessor companies have been operating in the Township of Armour without a certificate since the 1980s. With the issuance of a certificate for the Township of Armour, this situation has now been remedied.

2 CONTEXT AND PROCESS

Enbridge Gas filed an application with the OEB on July 16, 2024, under section 8 of the *Municipal Franchises Act*. The application is for an order approving a certificate of public convenience and necessity to construct works to supply natural gas in the Township of Armour.

The OEB held a written hearing. A notice of hearing was published in local newspapers between August 9, 2024 and August 16, 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 Township of Armour or the Village of Burk's Falls 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. Enbridge Gas applied for a certificate for the entirety of the Township of Armour.

The Township of Armour is a municipal corporation incorporated under the laws of the province of Ontario and is a single-tier municipality located in the Parry Sound District.

Enbridge Gas submits that, following the issuance of the Ontario Energy Board's *Natural Gas Facilities Handbook*¹, it hired a consultant to review its existing certificates to see if there were any required updates due to municipal boundary changes. Enbridge Gas states further that it has undertaken more extensive reviews of municipal boundary changes for franchise agreement renewals and that procedural discussions are taking place within Enbridge Gas to ensure that certificates are included in annual reviews of plant in service and project planning.² As a result of these efforts, Enbridge Gas discovered that it, and its predecessor companies, has been serving customers in the Township of Armour without a certificate as is required by section 8 of the *Municipal Franchises Act*. Enbridge Gas states that there are currently 50 customers being served in the Township of Armour and that it has placed a hold on additional requests for service attachments within the Township pending the issuance of a certificate by the OEB.^{3,4} Enbridge Gas notes that it is not aware of any other areas in Ontario where it is operating without a certificate or franchise agreement in place.

Enbridge Gas indicates that it has come to serve customers in the Township of Armour without a certificate inadvertently. It states that one of its predecessor companies, the former Northern and Central Gas Corporation, first entered into a franchise agreement with the Township of Armour dated May 6, 1980.⁵ Over the years, customers living within the Township of Armour were tied into the existing distribution system within the Village of Burk's Falls (which is located within the Township of Armour) for which Enbridge Gas, through its predecessor companies, holds a certificate.

Another of Enbridge Gas's predecessor companies, the former Union Gas Ltd., had also been found by the OEB, in 2016, to be operating without a certificate. At that time, the OEB issued a letter directing the former Union Gas to review its service area to

¹ Report of the Ontario Energy Board, "Natural Gas Facilities Handbook", EB-2022-0081, March 31, 2022

² Enbridge Gas Response to OEB Staff Question 2-b), October 17, 2024

³ Enbridge Gas Response to OEB Staff Question 1-b), October 17, 2024

⁴ Application, page 1, para 4

⁵ By-Law No. 12-80

ensure that it was not operating in any other parts of Ontario without a certificate.⁶ The Township of Armour was part of the former Union Gas's service area.

Enbridge Gas submits that the proposed certificate for the Township of Armour does not overlap with any other person's certificate and that it is not aware of any other natural gas distributor in the area.

⁶ EB-2015-0296, OEB Letter, January 25, 2016

4 FINDINGS

I find that it is in the public interest to approve Enbridge Gas's application for approval for a certificate covering the entirety of the Township of Armour. I find in this instance that allowing the certificate to cover the entire municipality is an efficient means of facilitating connections where and when needed and does not preclude other potential natural gas distributors from seeking to serve the same municipality in future. The *Natural Gas Facilities Handbook* notes that that OEB may amend an existing certificate to remove authorization to serve a specific geographic area and grant that authorization to another person, if public convenience and necessity require that such authorization be given. In so doing, the OEB would seek to ensure that the two certificates would cover mutually exclusive areas.

Enbridge Gas filed a complete application, provided notice of the hearing in the manner instructed by the OEB, and responded to interrogatories from OEB staff. I note that no party intervened or otherwise objected to the application.

A certificate, attached as Schedule A to this Decision and Order, is granted to Enbridge Gas for the Township of Armour. I note that there are no other natural gas distributors within the certificate area.

Enbridge Gas, and its predecessor companies, have been operating in the Township of Armour without a certificate since the 1980s. With the issuance of a certificate for the Township of Armour, this situation has now been remedied.

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 Township of Armour. A current map of the Township of Armour is attached as Schedule B.
2. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED October 29, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
Major Applications

SCHEDULE A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
ENBRIDGE GAS INC.
EB-2024-0230
OCTOBER 29, 2024

EB-2024-0230

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

Township of Armour

as it is constituted on the date of this Decision and Order.

DATED at October 29, 2024

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
Major Applications

SCHEDULE B
MAP OF THE TOWNSHIP OF ARMOUR
ENBRIDGE GAS INC.
EB-2024-0230
OCTOBER 29, 2024

Township of Armour

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Enbridge Gas Inc.
The map is provided with no warranty express or implied and is subject to change at any time. Any Person using the Map shall do so at its own Risk and the Map is not intended in any way As a tool to locate underground infrastructure for the purposes of excavation.



LOCATION MAP

**DISTRICT OF
NIPISSING**

**DISTRICT OF
PARRY SOUND**

**DISTRICT MUNICIPALITY
OF MUSKOKA**

**COUNTY OF
HALIBURTON**

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