

November 19, 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 Approval of Renewal of Franchise Agreement
County of Simcoe
Ontario Energy Board File No. EB-2024-0280**

Enbridge Gas submits the following comments on the request for intervenor status submitted by the County of Simcoe (County) on November 12, 2024.

While Enbridge Gas acknowledges that the County has a substantial interest in the renewal of the franchise agreement, we urge the OEB to carefully consider the scope of issues raised in the County's request for intervenor status (which expressly focus on amendments to the model franchise agreement) relative to the limited scope of this proceeding, as further explained below.

In its intervention form, the County identifies four revisions that it would like to make to the model franchise agreement related to changing the cost allocation provisions of the model franchise agreement related to pipeline relocations, adding in specific time limitations for the completion of work regardless of circumstances, and the removal of decommissioned pipelines.

With respect to the OEB's own policies respecting franchise agreement matters, the OEB adopted the model franchise agreement following significant input from the Association of Municipalities of Ontario and the natural gas utilities of the day as a tool to efficiently administer the many franchise agreements across Ontario. This includes terms and conditions such as the 20-year term of the agreement and the allocation of costs associated with pipeline relocation required at the request of the municipality. The OEB's *Natural Gas Facilities Handbook* directs that franchise agreements be based on the model franchise agreement unless there are compelling reasons to deviate from it.¹

In this case, the subject of the County's intervention is expressly to seek the above-noted amendments to the model franchise agreement, whereas the scope of this proceeding should be limited to the renewal of the franchise agreement at issue including any relevant circumstances specific to the County. As noted in the Application, Enbridge Gas has franchise agreements with each of the sixteen lower-tier municipalities within the County and each one is in the form of the model franchise agreement without amendments.

¹ *Natural Gas Facilities Handbook*, page 11

Across the province, Enbridge Gas has franchise agreements in place with 315 single/lower-tier municipalities and 27 upper-tier municipalities, all but two in the form of the current model franchise agreement without amendments, and all approved by the OEB in accordance with its longstanding policy and practice.

If the OEB is inclined to consider any of the issues raised by the County in the intervention form, Enbridge Gas submits that (i) this proceeding is certainly not the appropriate forum for the OEB to consider changes to the model franchise agreement and (ii) all affected parties ought to be given notice (including every other municipality currently served by Enbridge Gas pursuant to model franchise agreements). In that case, the OEB should assess the issues raised in accordance with its *Generic Hearings Protocol* to determine whether to convene a generic proceeding, with an opportunity for impacted stakeholders to participate (including other municipalities, gas ratepayers and gas distribution utilities at a minimum).

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

Yours truly,

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cc (by email only): Zarah Walpole, County of Simcoe
 Alex Freeman-Carter, County of Simcoe
 Christian Meile, County of Simcoe