



**Enbridge Gas Inc.**

**Application for the renewal of a Municipal Franchise  
Agreement with the County of Simcoe**

**PROCEDURAL ORDER NO. 1  
November 27, 2024**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on September 17, 2024, for orders under sections 9(4) and 10 of the *Municipal Franchises Act* granting a franchise renewal with the County of Simcoe based on the terms and conditions of the Model Franchise Agreement.

A Notice of Hearing was issued on October 18, 2024. Interventions closed on November 20, 2024. The County of Simcoe applied for intervenor status. No objection was received from Enbridge Gas.

The County of Simcoe is a signatory to the natural gas franchise agreement that Enbridge Gas seeks to renew in this proceeding. The OEB finds that the County has a substantial interest in the proceeding and is therefore approved as an intervenor. The County has not applied, and is not eligible, for cost awards under the OEB's Practice Direction on Cost Awards.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

**County of Simcoe's Intervention Request**

In its intervention request, the County of Simcoe states that it is owner of the property through which Enbridge Gas's utilities are located. The County of Simcoe submits that it represents the best interests of its residents. It proposes revisions to paragraphs 11, 12, 12a and 15b of the Model Franchise Agreement (in respect of pipeline relocations, time limitations for the completion of work, removal of decommissioned pipelines, and cost allocation provisions) in order to reduce municipal expenses and increase certainty in relation to the relocation of utilities.

Enbridge Gas filed a submission in response to the intervention request on November 19, 2024. While Enbridge Gas acknowledges that the County of Simcoe has a substantial interest in the hearing of the application, and therefore does not object to the

intervention, Enbridge Gas submits that this proceeding is not the appropriate forum for the OEB to consider changes to Model Franchise Agreement. Rather, Enbridge Gas submits that the scope of the proceeding should be limited to the renewal of the franchise agreement including circumstances specific to the County of Simcoe. Enbridge Gas submits that the subject of the County of Simcoe's intervention is to seek 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. Enbridge Gas states that it has franchise agreements with each of the sixteen lower-tier municipalities within the County of Simcoe and each one is in the form of the model franchise agreement without amendments. Enbridge Gas submits that if the OEB is inclined to consider any of the issues raised by the County of Simcoe, then the OEB should assess the issues raised in accordance with the OEB's [Generic Hearings Protocol](#) and determine whether to convene a generic hearing.

On November 25, 2024, the County of Simcoe filed a further submission, wherein it submitted that the amendments that it has requested fall squarely within the OEB's statutory power and that a generic hearing is not required. The County submits that "the scope of the issues raised in its request for intervention is within the jurisdiction of the Board within the context of this Application and a gener[ic] hearing is not required ... the County is not seeking an amendment to the Model Franchise Agreement at large, but rather an amendment to its specific agreement with Enbridge, which is currently based on the Model Franchise Agreement."

The OEB may make a determination on the need for a generic proceeding at a later date. The OEB agrees with Simcoe County that its request for intervenor status is relevant to section 10 of the Municipal Franchises Act.

### **Interrogatories**

At this time, provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories. For more information on applications for municipal franchise renewals, please refer to the [OEB's Natural Gas Facilities Handbook](#).

The OEB is making provision for the following related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. The County of Simcoe and OEB staff shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **December 18, 2024**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on the County of Simcoe by **January 16, 2025**.
3. Any written submissions from the County of Simcoe and OEB staff shall be filed with the OEB and served on all parties by **February 6, 2025**.
4. Any written reply submissions from Enbridge Gas shall be filed with the OEB and served on the County of Simcoe by **February 21, 2025**.

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-2024-0280** 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](mailto:registrar@oeb.ca) for assistance.

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](mailto:Natalya.Plummer@oeb.ca) and OEB Counsel, Richard Lanni at [Richard.Lanni@oeb.ca](mailto:Richard.Lanni@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **November 27, 2024**

**ONTARIO ENERGY BOARD**

**By delegation, before: Nancy Marconi**

Nancy Marconi  
Registrar

**SCHEDULE A**

**LIST OF APPLICANT AND INTERVENORS**

**ENBRIDGE GAS INC.**

**RENEWAL OF A MUNICIPAL FRANCHISE AGREEMENT  
WITH THE COUNTY OF SIMCOE**

**EB-2024-0280**

**PROCEDURAL ORDER NO. 1**

**DATED : NOVEMBER 27, 2024**

Enbridge Gas Inc.  
EB-2024-0280

**APPLICANT & LIST OF INTERVENORS**

November 27, 2024

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**APPLICANT**

**Rep. and Contact Information for Service**

**Enbridge Gas Inc.**

**Patrick McMahon**

Technical Manager

Enbridge Gas Inc.

Tel: 519-436-5325

[patrick.mcmahon@enbridge.com](mailto:patrick.mcmahon@enbridge.com)

**INTERVENORS**

**Rep. and Contact Information for Service**

**The Corporation of the  
County of Simcoe**

**Alex Freeman-Carter**

The Corporation of the County of Simcoe

Tel: 705-735-6901 Ext: 1657

[alex.freeman-carter@simcoe.ca](mailto:alex.freeman-carter@simcoe.ca)

**Zarah Walpole**

The Corporation of the County of Simcoe

Tel: 705-726-9300 Ext: 1627

[zarah.walpole@simcoe.ca](mailto:zarah.walpole@simcoe.ca)

**Christian Meile**

The Corporation of the County of Simcoe

Tel: 705-726-9300 Ext: 1178

[christian.meile@simcoe.ca](mailto:christian.meile@simcoe.ca)