



**Enbridge Gas Inc.**

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

**PROCEDURAL ORDER NO. 2  
December 13, 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 and necessity (certificate) in respect of the Township that would replace its existing certificate.

On July 16, 2024, a joint request for intervenor status and cost eligibility was filed by eMERGE Guelph Sustainability and Dr. Anne-Marie Zajdlik (the "proposed intervenor").

Enbridge Gas filed an intervention objection letter with the OEB on September 6, 2024.

On October 8, 2024, the OEB issued Procedural Order No. 1 which requested additional information with respect to the intervention request. The OEB requested that the proposed intervenor describe the nature of its proposed evidence, its position on the OEB's authority to prescribe terms of a franchise agreement between consenting parties, the specific outcome sought by the proposed intervenor, and its response to Enbridge Gas's intervention objection letter.

On October 18, 2024, the proposed intervenor filed a response to the OEB's information request, which stated that, through its intervention, it seeks a franchise agreement that is fairer for residents and taxpayers in the Township of Guelph/Eramosa. To this end, the proposed intervenor expressed two primary concerns with the model agreement: (i) free use of highway lands and (ii) payment for relocation of gas pipelines. The proposed intervenor also explained that there are options the OEB may undertake and suggested that the OEB could deny approval of the terms and conditions of the agreement under section 9(1) of the *Municipal Franchises Act* or could impose terms of a franchise agreement under section 10(2) of the *Municipal Franchises Act*.

Regarding the evidence it intends to file, the proposed intervenor stated that the evidence will relate to fees for the use of highways, payment for relocation, and setting out changes that have occurred since 2000 that would justify a deviation from the terms of the model franchise agreement. The proposed intervenor explained that the extent of the evidence will depend on the interrogatory process.

The proposed intervenor made several submissions with respect to Enbridge Gas's objection letter. Among other things, the proposed intervenor rejected the assertion that it has no substantial interest in the proceeding. The proposed intervenor submitted that "a party will be eligible if they represent a relevant interest or policy perspective" and relied on section 3.03(b) of the OEB's [Practice Direction on Cost Awards](#) for this position.

The OEB notes section 3.03(b) is to determine cost awards eligibility, not intervention status. Intervenor status is addressed in Rule 22 of the OEB's Rules of Practice and Procedure

When determining whether to grant intervenor status to a person in a given proceeding, the OEB considers whether the person has a substantial interest in the matter being heard by the OEB. The OEB also considers whether the person's concern will be addressed within the scope of the proceeding.

In accordance with [Rule 22.02](#), a person has a substantial interest if they have a material interest that is within the scope of the proceeding; for example, a person that: (i) primarily represents the direct interests of consumers (e.g., ratepayers) in relation to services that are regulated by the OEB; (ii) primarily represents an interest or policy perspective relevant to the OEB's mandate and to the proceeding; or (iii) has an interest in land that is affected by the proceeding.

The OEB will grant the proposed intervenor a further opportunity to file the following additional information in support of its submission that it has a substantial interest in this proceeding:

- i. The substantial interest, if any, that the proposed intervenor maintains in this proceeding concerning the Township of Guelph/Eramosa, and how this interest is material within the scope of this proceeding;
- ii. The connection between the proposed intervenor and the Township of Guelph/Eramosa;
- iii. If, and how, the proposed intervenor represents the interests of natural gas customers in the Township of Guelph/Eramosa; and

- iv. Confirmation on whether or not the membership of eMERGE includes any representation from the Township of Guelph/Eramosa. If so, please elaborate on the nature and extent of such representation?

In filing the foregoing information, the proposed intervenor shall give regard to Rule 22 of the Rules of Practice and Procedure. The OEB will make its determination on the joint intervention request and request to file evidence following its receipt of the proposed intervenor's submission.

**IT IS THEREFORE ORDERED THAT:**

1. The proposed intervenor shall file a response to the information requests set out in this Procedural Order with the OEB by January 9, 2025 and shall also provide a 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](mailto: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](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, **December 13, 2024**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar