



DECISION AND ORDER

EB-2024-0285

ENBRIDGE GAS INC.

**Application for a Certificate of Public Convenience and Necessity
for the Town of Fort Erie**

By Delegation, before:

Theodore Antonopoulos
Vice President
Major Applications

January 28, 2025

1 OVERVIEW

This Decision and Order of the Ontario Energy Board (OEB) approves an application filed by Enbridge Gas Inc. (Enbridge Gas) for a certificate of public convenience and necessity (certificate) for the Town of Fort Erie.

2 CONTEXT AND PROCESS

Enbridge Gas filed an application with the OEB on October 2, 2024, under section 8 of the *Municipal Franchises Act*. The application is for an order approving a new certificate of public convenience and necessity to construct works to supply natural gas in the Town of Fort Erie.

The OEB held a written hearing. A notice of hearing was published in the local newspaper between November 7 to November 14, 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 Town of Fort Erie is a reference to the municipal corporation or its geographic 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.

The Town of Fort Erie is a municipal corporation incorporated under the laws of the Province of Ontario. It is a lower-tier municipality located in the Regional Municipality of Niagara.

The Town of Fort Erie was incorporated in 1932. In 1970, the boundaries of the Town of Fort Erie were expanded when it was merged with the former Township of Bertie and the former Village of Crystal Beach.

Enbridge Gas is authorized to serve the entire geographic area of the Town of Fort Erie through a certificate issued July 25, 1967 and a certificate issued July 7, 1976.¹ Through the application, Enbridge Gas requests a new certificate to construct works to supply natural gas in the Town of Fort Erie as it is currently constituted, and which would cancel the 1976 certificate entirely and cancel the parts of the 1967 certificate relating to the former Township of Bertie, the former Village of Crystal Beach and the former Town of Fort Erie.

Enbridge Gas notes that if the application is granted there will be no change to its overall certificate rights in the Town of Fort Erie. Enbridge Gas further states that it is not aware of any other natural gas distributor holding a certificate for any part of the Town of Fort Erie.

Enbridge Gas has a franchise agreement with the Town of Fort Erie effective July 18, 2022.² Enbridge Gas also has municipal franchise agreements with, and certificates for, the City of Niagara Falls and the City of Port Colborne, each of which is immediately adjacent to the Town of Fort Erie.

¹ Enbridge Gas's July 25, 1967 certificate (E.B.C. 58) relates to 18 municipalities including the former Township of Bertie, the former Village of Crystal Beach and former Town of Fort Erie, and the July 7, 1976 certificate (E.B.C. 58A) relates specifically to the Town of Fort Erie.

² EB-2022-0127

4 FINDINGS

I find that it is in the public interest to approve Enbridge Gas's application for a certificate for the Town of Fort Erie. Enbridge Gas currently serves the Town of Fort Erie through certificates issued in the name of its legacy municipalities. The issuance of a new certificate in the name of the Town of Fort Erie, and that is geographically aligned with its municipal borders, is consistent with the intent of the OEB that certificate holders update service areas if boundaries of their existing certificate(s) are affected by municipal amalgamations, annexations, or name changes. Enbridge Gas filed a complete application and provided notice of the hearing in the manner instructed by the OEB. I note that no party intervened or otherwise objected the application.

A new certificate, attached as Schedule A to this Decision and Order, is granted to Enbridge Gas for the Town of Fort Erie. The new certificate supersedes Enbridge Gas's prior certificate rights for the former Town of Fort Erie, the former Township of Bertie and the former Village of Crystal Beach. I also note that there is no other natural gas distributor within the certificate area.

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 Town of Fort Erie. A current map of the Town of Fort Erie is attached as Schedule B.
2. This certificate of public convenience and necessity cancels and supersedes E.B.C 58A and those parts of E.B.C. 58 related to the former Township of Bertie, the former Village of Crystal Beach and the former Town of Fort Erie.
3. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

DATED at Toronto January 28, 2025

ONTARIO ENERGY BOARD

Theodore Antonopoulos

Vice President

Major Applications

SCHEDULE A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
ENBRIDGE GAS INC.
EB-2024-0285
JANUARY 28, 2025

EB-2024-0285

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

Town of Fort Erie

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

This certificate of public convenience and necessity cancels and supersedes E.B.C 58A and those parts of E.B.C. 58 related to the former Township of Bertie, former Village of Crystal Beach and former Town of Fort Erie

DATED at Toronto January 28, 2025

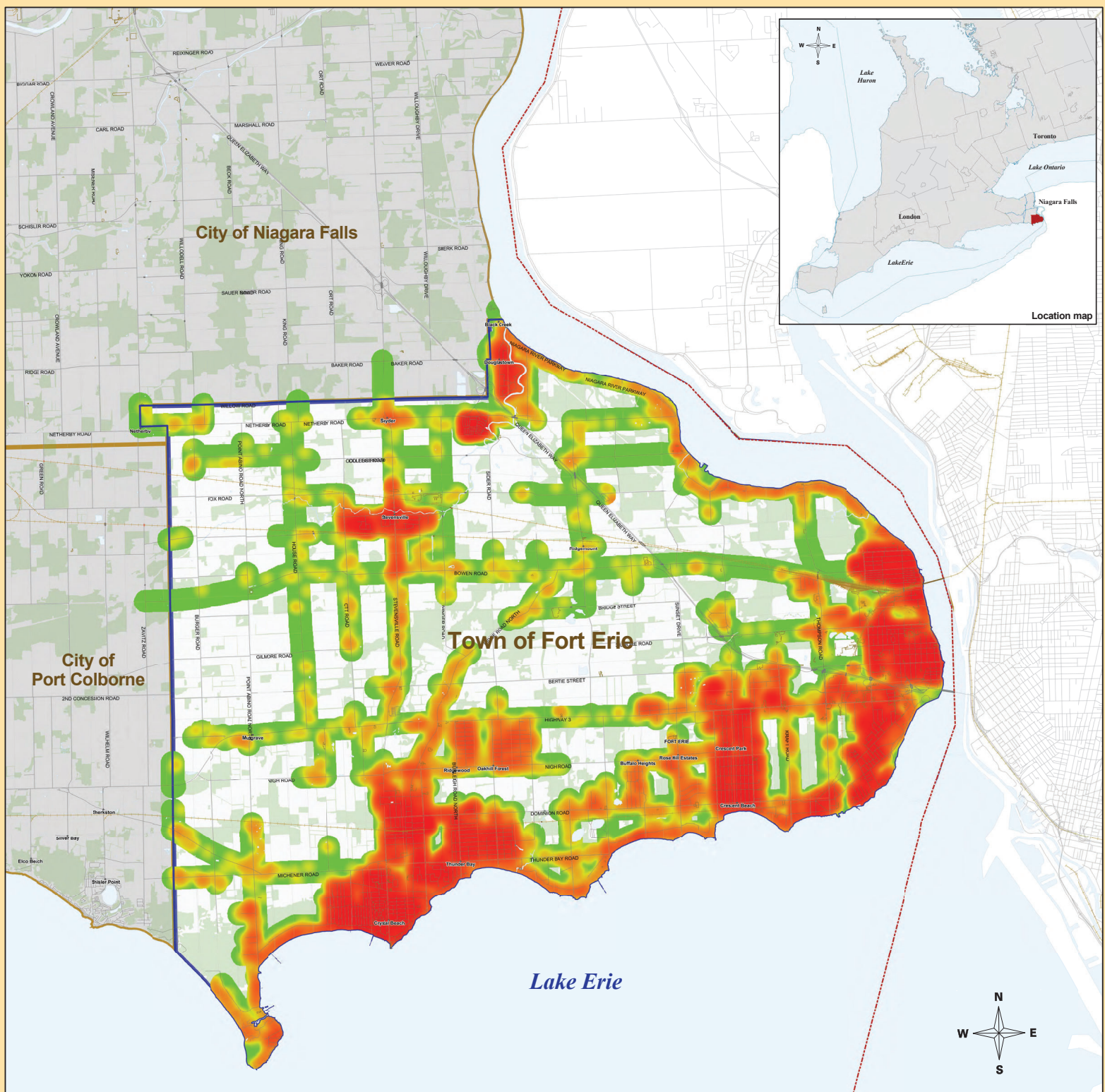
ONTARIO ENERGY BOARD

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Major Applications

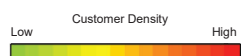
SCHEDULE B
MAP OF THE TOWN OF FORT ERIE
ENBRIDGE GAS INC.
EB-2024-0285
JANUARY 28, 2025



Town of Fort Erie

Legend

- Enbridge Gas Pipeline Coverage Area
- Town of Fort Erie
- Roads
- Railways
- Municipal and Township Boundaries
- First Nation Boundaries



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

