



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
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Ritchie Murray

Ontario Energy Board

By Email to: Ritchie.Murray@oeb.ca

February 3, 2025

RE: EB-2024-0351

Dear Mr. Murray,

With regard to the above Ontario Energy Board File, The Corporation of the Town of Essex submits the following comments that it wishes the OEB panel deciding on the proposed Order to consider:

1. In May, 2024, the Town was notified by Enbridge Gas that the parties need to commence the process to renew a 20-year franchise agreement.
2. At the December 2, 2024, Town Council Meeting, the proposed agreement was supported by Council to deliver to Enbridge Gas for their consideration.
3. On December 18, 2024, the Director, Infrastructure, for the Town provided by email to Enbridge Gas the proposed agreement.
4. The Town expected there to be dialogue and negotiation between the parties.
5. On January 15, 2025, the Town received the Notice of Hearing related to this file number EB-2024-0351. The Town did not hear from Enbridge Gas between the provision by the Town of the proposed agreement on December 18, 2024, and the receipt by Town of the Notice of Hearing on January 15, 2025.
6. Most of the suggested amendments to the proposed agreement are for the purposes of clarification, updating wording to reflect the current titles of the representatives of the Town and other amendments required to update a twenty-year-old agreement.
7. Changes to paragraph 12 of the proposed agreement were suggested to require reasonable spending and pro-rated costing.
8. Changes to paragraph 15 of the proposed agreement were suggested to reflect that there is a disproportionate balance of power with regard to the control over abandoned mains within Town owned property and the costs of removal and disposal of such mains.
9. Changes to paragraph 18 of the proposed agreement were suggested to incorporate, from the Franchise Handbook, wording related to Pavement Cuts.



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10. Changes to paragraph 21 of the proposed agreement were suggested to confirm the terms of the *Drainage Act*, Ontario, over the terms of the proposed agreement, recognizing the supremacy of contract and the legal power to negotiate. As the residents of the Town and not the Town itself are responsible for such drainage relocation costs, as a matter of public policy and fairness on behalf of the residents of the Town, these proposed amendments to paragraph 21 ensure residents do not bear any more costs of drainage relocation than those set out in the *Drainage Act*, Ontario.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Malandrucolo".

Joseph A. Malandrucolo

Director, Legal & Legislative Services