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**BY EMAIL**

February 25, 2025

Ms. Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
[Registrar@oeb.ca](mailto:Registrar@oeb.ca)

Dear Ms. Marconi:

**Re: Ontario Energy Board (OEB) Staff Submission  
Enbridge Natural Gas Inc.  
Request for a Certificate of Public Convenience and Necessity for the  
Township of Tay Valley  
OEB File Number: EB-2024-0342**

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Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 1.

Yours truly,

Natalya Plummer  
Advisor, Natural Gas

Encl.

cc: All parties in EB-2024-0342



# **ONTARIO ENERGY BOARD**

## **OEB Staff Submission**

**Enbridge Gas Inc.**

**Request for a Certificate of Public Convenience and Necessity for the  
Township of Tay Valley**

**EB-2024-0342**

**February 25, 2025**

## **OEB Staff Submission**

### **Overview**

On November 21, 2024, Enbridge Gas Inc. (Enbridge Gas) filed an application seeking an order from the OEB for a certificate of public convenience and necessity under section 8 of the *Municipal Franchises Act* to construct works to supply natural gas in the Township of Tay Valley, as it is currently constituted.

The OEB issued a notice of hearing on December 11, 2024. Interventions closed on January 9, 2025. The Township of Tay Valley applied for and was granted intervenor status.

Procedural Order No.1 was issued February 10, 2025. It instructed the Township of Tay Valley to file a letter by February 18, 2025, indicating whether it intends to file evidence with the OEB and, if evidence is to be filed, a detailed description of it. The Procedural Order also asked parties to file any submissions on the Township's response by February 25, 2025.

On February 11, 2025, a late intervention request was received from Environmental Defense (ED). In its intervention request, ED also made a request to file evidence. On February 14, 2025, Enbridge Gas filed a letter objecting to ED's intervenor status in this proceeding.

On February 18, 2025, the Township of Tay Valley filed its letter in accordance with the timelines established in Procedural Order No.1, in which it stated that it would like to file documents related to the Township's opposition to expansion of the gas grid such as the Climate Action Plan, the Climate Crisis Declaration and Council Resolutions. The Township of Tay Valley also requested the opportunity to file additional evidence related to the Township's opposition to the expansion of the gas grid in the Township if ED is not allowed to submit evidence on the financial and climate risks relating to gas grid expansion.

On February 20, 2025, ED filed a further submission in response to Enbridge Gas' objection dated February 14, 2025.

The OEB's determination on Environmental Defense's request to intervene and file evidence remains pending.

### **OEB Staff Submission**

The following is OEB staff's submission on the relevance of the evidence proposed to be filed by the Township of Tay Valley in this proceeding, as set out in its letter of February 18, 2025.

The Township of Tay Valley and Enbridge Gas are co-signatories to a municipal franchise agreement (EB-2006-0028), effective June 27, 2006 for a 20-year term.

Enbridge Gas also holds a certificate that covers approximately half of the current Township of Tay Valley. The certificate – F.B.C. 316 – was issued by the OEB's predecessor, the Ontario Fuel Board, to Enbridge Gas's predecessor, The Consumers' Gas Company, on August 25, 1960, in the name of the former Township of Bathurst.<sup>1</sup>

It is OEB staff's general view that, as a co-signatory to the municipal franchise agreement, the Township of Tay Valley should, as a matter of course, be granted intervenor status and, to this end, OEB staff notes that intervenor status has already been granted by the OEB.

OEB staff also submits that, given its status as a co-signatory to the municipal franchise agreement with Enbridge Gas, it would be reasonable for the OEB to also permit the Township of Tay Valley to file evidence in this proceeding on issues that are within scope.

In OEB staff's view, Enbridge Gas's application was properly submitted in accordance with the filing requirements set out at section 3.6.2 of the *Natural gas Facilities Handbook*. Moreover, OEB staff submits that the nature of this proceeding is primarily administrative. However, the Township's proposed evidence may hold probative value for the OEB by providing insights that are important in the OEB's evaluation of the facts in this case, particularly in the light of section 8 of the *Municipal Franchises Act* as to whether or not public convenience and necessity appear to require that Enbridge Gas be approved to construct gas works in a broader area within the Township as compared to its current certificate rights. OEB staff also reserves the opportunity to make submissions on the weight that the OEB should afford such evidence, should the OEB permit it to be filed.

~All of which is respectfully submitted~

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<sup>1</sup> Enbridge Gas states in its application that the Township of Tay Valley was incorporated in 1998 upon the amalgamation of the former townships of Bathurst, South Sherbrooke and North Burgess; that the municipality was originally known as the Township of Bathurst Burgess Sherbrooke and adopted the name of Tay Valley in 2002; and that, in 2010, the Town of Perth annexed parts of the Township of Tay Valley pursuant to an order under the *Municipal Act*.