

March 12, 2025

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.
Application for Renewal of Franchise Agreement - City of Guelph
Ontario Energy Board (OEB) File No. EB-2025-0058**

In response to Enbridge Gas' February 28, 2025 letter that, among other things, objected to eMERGE Guelph Sustainability's (eMERGE Guelph) request for intervenor status, eMERGE Guelph has initiated a letter writing campaign to the OEB to try to convince the OEB that they should participate in the review of the renewal of the franchise agreement between the City of Guelph and Enbridge Gas.¹

To date, 219 letters of comment have been submitted to the public record of the current proceeding. Pursuant to the OEB's Rules of Practice and Procedure, before the record of this proceeding is closed, Enbridge Gas must address the issues raised in letters of comment by way of a document filed in the proceeding. In light of the OEB's more immediate deliberations regarding intervenor standing, Enbridge Gas is submitting some preliminary comments on the letters of comment that have been submitted to date. In short, for the reasons set out below (and in Enbridge Gas' February 28th letter), the OEB should not allow eMERGE Guelph to intervene, and the letters of comments that have been submitted to date do little to remedy eMERGE Guelph's lack of substantial interest in issues in-scope of this review of a franchise agreement renewal application.

First, there are some peculiarities in the content and submissions of the letters of comment that have been filed to date that call into question the weight that can be assigned to them. Notably, it is not clear whether these letters of comment were actually submitted by the persons identified on the letters or were in effect submitted by eMERGE Guelph as part of its coordinated letter writing campaign. Besides all having the exact same wording in them, Enbridge Gas notes that nearly 200 letters were submitted within a 14-hour period and approximately 50 of these letters were submitted between 12 midnight and 2 am on March 4, 2025.

While two of the letters of comment specifically indicate that the submitters do not live in the City of Guelph² and four do not identify a residence,³ the exact duplication of wording in each letter of comment raises the question of whether more of the letters have been submitted in the names of individuals that live outside the City of Guelph.

¹ [Enbridge asks to shut out local environmental advocates from hearing - Guelph News](#)

² Joe Mancini, Sandra Manners

³ Guy Lazure, Johanne Fortier, Gudrun LeBlanc, Natalie Wennyk

Enbridge Gas does not have access to the the addresses of the submitters of the letters (which we assume have been redacted by OEB Staff from the public record) so we cannot verify their origin, whether more than one submitter is located at the same address, and how many of the submitters are customers of Enbridge Gas.

We also note that a few letters of comment filed to date do not include complete names (i.e., missing the first or last name of the individual).⁴

Since each of the 219 letters of comment includes a reference to eMERGE Guelph's request for intervenor status, the OEB may wish to undertake its own verification process for these letters of comment as it considers how much weight to assign to the letters (which Enbridge Gas submits should be little to no weight, given the peculiarities noted above and the further reasons below) in making a determination on eMERGE Guelph's request for intervenor status.

Secondly and more importantly, the latest letter writing campaign does not change the fundamental reason for Enbridge Gas' objection to eMERGE Guelph's request for intervenor status. As outlined in our February 28th letter, Enbridge Gas' objection is based on the fact that:

- eMERGE Guelph does not have any position or mandate to advance arguments related to the municipality's climate targets or the use of energy within the municipality since this group has no authority to speak for the municipality regarding its policies and positions.
- There is no indication that eMERGE Guelph or its constituents have a material interest that is directly impacted by the limited issues in-scope of this proceeding. While an organization's overarching interest in environmental protection and advocacy on related topics may justify a sufficient nexus to the issues within certain OEB proceedings, there is no default rule that this must be the case for all proceedings. In fact, on a specific franchise agreement renewal application, it is not at all clear how eMERGE Guelph's general interest in environmental protection and position on so-called "fossil fuel subsidies" have any material bearing on, or offer any probative value to, the question of whether circumstances unique to the municipality exist as compelling reasons to justify deviating from the Model Franchise Agreement.
- It is effectively an attempt to circumvent appropriate municipal governance processes for eMERGE Guelph to challenge the terms of an agreement for utility services that the municipality (which has requested to be an intervenor in this case), through its duly elected council, is addressing in the interests of its residents.
- eMERGE Guelph is looking to raise the issue of including terms within the franchise agreement to allow the agreement to be re-opened for negotiations in the event that the legislated prohibition on charging fees for use of the right-of-way is removed. The OEB has not historically made (and should not make) determinations on policy based on speculation that legislation may change, so there is no issue to debate in this regard. Further, this possibility is even less than mere speculation now that the private member bill proposing changes to O. Reg. 584/06 is no longer moving through the legislative process.

⁴ "Cora P", "D Skelly", "Danielle G"

Should you have any questions on this submission, please do not hesitate to contact me.

Yours truly,

Patrick McMahon
Technical Manager
Regulatory Research and Records
patrick.mcmahon@enbridge.com
(519) 436-5325