



**Enbridge Gas Inc.**

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

**DECISION ON INTERVENTION REQUEST  
March 20, 2025**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 21, 2024, for an order under section 8 of the *Municipal Franchises Act* granting it a new certificate of public convenience and necessity (certificate) to construct works to supply natural gas in the current Township of Tay Valley, and cancelling and superseding its existing certificate for the former Township of Bathurst.

A Notice of Hearing was issued on December 11, 2024. Interventions closed on January 9, 2025. The Township of Tay Valley applied for and was granted intervenor status.

On February 11, 2025, Elson Advocacy filed a late intervention request on behalf of Environmental Defence.

The OEB does not accept Environmental Defence as an intervenor.

In deciding on intervenor status, the OEB considers whether the party requesting such status has a substantial interest in the matter being heard, and whether the party's issues of concern will be addressed within the scope of the hearing.

The purpose of the application is to consider Enbridge Gas's request to extend its current certificate for the former Township of Bathurst to include the former Townships of South Sherbrooke and North Burgess, that, because of amalgamation and a name change are now all part of the Township of Tay Valley.

This is in line with the guidance provided by the OEB in its [\*Natural Gas Facilities Handbook\*](#), which advises certificate holders to notify the OEB of any changes to municipal boundaries, and provides for a certificate to be amended to reflect any modifications resulting from annexations, name changes and amalgamations. The certificate holder can also apply for a new certificate that would include any additional service area within the amalgamated territories.

The OEB has previously found that the issuance of a new certificate geographically aligned with 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 such municipal amalgamations.<sup>1</sup>

As such, the scope of this proceeding is to consider the public convenience and necessity in expanding the existing certificate to now include the entire geographic area of the Township of Tay Valley.

Rule 22.02 of OEB's [\*Rules of Practice and Procedure\*](#) provides that a person applying for intervenor status must satisfy the OEB that it has a "substantial interest" in the proceeding.

The rule outlines that a person has a substantial interest if they have a material interest that is within the scope of the proceeding, including a person that:

- i. Primarily represents the direct interest of consumers;
- 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 onus is on the party seeking intervenor status – in this case, Environmental Defence – to satisfy the OEB that it has a substantial interest in the proceeding.

The OEB assesses substantial interest on a case-by-case basis. The intervention request by Environmental Defence must be considered in the context of the application and the scope of the proceeding and, among other factors, the value that the party seeking intervention status will bring to the proceeding.

Environmental Defence has not met the onus of satisfying the OEB that it has a substantial interest in the determination of whether public convenience and necessity requires that a certificate be granted to Enbridge Gas in respect of the Township of Tay Valley.

The record of this proceeding does not support a conclusion that Environmental Defence will be directly impacted by the relief sought in this case, or that Environmental Defence represents or speaks for anyone who is directly impacted. There is nothing to

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<sup>1</sup> See the OEB's decision in EB-2024-0294, issued February 4, 2025

substantiate any direct link between Environmental Defence and the residents of the Township of Tay Valley who may be impacted by the outcome of the proceeding.

While the OEB notes the interest of Environmental Defence in the broad policy matters referred to in its intervention request, Environmental Defence seeks to explore issues that have implications for communities and natural gas consumers across Ontario. The broad issues of concern to Environmental Defence are not specific to the Township of Tay Valley.

Environmental Defence has raised generic issues, and it is certainly reasonable to expect that Environmental Defence is not the only party that would take an interest in a broader examination of these generic issues.

However, this is not a generic hearing into matters such as those raised by Environmental Defence.

This proceeding involves consideration of public convenience and necessity as it relates to the request for approval of a certificate that encompasses parts of the Township of Tay Valley not captured by the existing certificate.

For these reasons, the OEB finds that Environmental Defence does not have a substantial interest in the proceeding and is denied intervenor status on that basis.

The OEB will establish the next steps for the proceeding in a future procedural order.

**DATED** at Toronto, **March 20, 2025**

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar